

Chapter V

The Plastic Reds and Whites Cue up to Pot the Black

(a) Naught but a Sham

Bis Weaver's situation was not uncommon for Black people in the workplace and it was all too apparent that Black members could expect little support, if any, from NATFHE. Despite its flowing rhetoric in *NATFHE Journal* and in its policy statements, when called upon to honour its stated obligations NATFHE clearly failed its Black members. NATFHE officialdom had initially tried to *Whitewash* Bis Weaver's complaint; subsequently tried to tie her down with an 'informal investigation' and then saddle her with a 'laborious and time consuming' procedure that was not applicable under NATFHE's rules and procedures. During her search for information about Day's bogus 'enquiry' and relevant information about procedures; NATFHE refused to assist her and employed a policy of closing down all union avenues to her.

The Bournville *kernels* had been relatively quiet until informed by head office that Bis Weaver was not playing the game in accordance with NATFHE's rules – whatever the rules happened to be. However, the *kernels* emerged from their shells now that it was obvious Bis Weaver had no intention of accepting the union's *Whitewash*. Over the next four weeks, the depths to which paid and unpaid bureaucrats would sink became all too apparent as Bis Weaver continued to seek right and justice. The objective of head office's new tactics appeared to be to isolate her so that she would either give up the struggle (Triesman's option three); or accept NATFHE's unsuitable and unconstitutional procedures (option two); or take her case elsewhere – to the employer. * The employer would be in a difficult situation as it was vicariously liable as it knew of the harassment taking place in the college and did not intervene to prevent it. The employer's culpability would be a disincentive for it to take any action against the perpetrator of the harassment and this would enable the local NATFHE liaison committee to influence the way the employer dealt with any complaint and its outcome. Whichever path she chose to follow, Day's handling of the complaint would disappear from view and NATFHE's prime objective would be achieved. NATFHE

* Within three weeks, Triesman would point to the local authority as an avenue to pursue her complaint.¹

officialdom was about to plunge to unfathomable depths in its attempt to show this woman who ruled the roost in the further education sector - NATFHE's fiefdom.

Triesman, who had closed down head office as a potential source of assistance, returned to the scene on the 24th March, ten days after instructing the Birmingham liaison secretary that local officers should not involve themselves in her complaints. His re-birth as Dawson's intermediary in NATFHE's dealings with Bis Weaver and the scarcely disguised content of his communication warranted a comprehensive response. The response consisted of fifteen letters sent to Triesman over the next couple of weeks. It began by reminding him of his message when he signed off on the 18th February. On that occasion, he said he "will not be able to help [her] further", and now, "after eleven letters sent to P Dawson," Triesman was back again to pick NATFHE's chestnuts out of the fire.

Bis Weaver acknowledged that some of her questions had asked for opinions and, therefore, not wishing "to risk compromising anyone," she proposed to rectify that. A promise was made to seek only "answers to those questions which concerned matters of fact and not opinion." A list of forty-four straightforward unambiguous questions, previously put to Dawson, organised into two appendices, was compiled to ease Triesman's task. Appendix 1 asked Triesman twenty nine questions that he should have been able to answer speedily. Reminding him of his comment that speed would be beneficial, the questions asked were within his scope of his knowledge and not expected to take up much of his time or provide any difficulty in answering them. Appendix 2 contained questions for others to answer; there were seven questions for Day; six for Mackney; and five for Ms Welch. These "may take longer" to obtain, "although again [she] was sure [he] will proceed speedily in collecting the information." To ensure that "there can be no possibility of misunderstanding," he was asked to "direct the answers to the questions in accordance with the numbering...given [to] them." This information was important in assisting her in pursuing "legitimate grievances" and the adequate processing of her grievances. The reason for asking these questions was to enable her to determine "the most appropriate...action to be taken."²

Did Bis Weaver expect the questions to be answered now? Hardly! Making it easier for officials to answer questions was not a feature expected to appeal to NATFHE officialdom. The purpose of the questionnaire was to put on record relevant questions that NATFHE should have supplied answers to but was unlikely to do so. If the unexpected happened and an opportunity arose for her to break out from the present *impasse*, this would illustrate, to any other party that became involved, NATFHE's reluctance to disclose relevant information. However, like a bat out of hell by NATFHE standards, Triesman despatched a

reply on the 2nd April - more rapid than on any previous occasion. Bis Weaver must have touched a raw nerve but there was nothing incautious in his reply – that would come later. As to be expected, only minimal information was provided with the majority of questions ignored. Not surprisingly, the most important questions failed to get a mention, although Triesman did express regret for NATFHE not having the resources to research and answer the questions - little consolation for any member requiring the union's assistance.

This missive, another representation of head office's obfuscation mounted above Triesman's signature, contained an illustration of Triesman's unusual sentence construction when dealing with questions he condescended to answer - one dealing with NATFHE head office's initial contact with Day about her complaint. Triesman's answer came out as "The first time I am aware that we knew of your allegations against Mr Gates was upon receipt of Mr Day's Report (25 November 1985)" and subsequently elaborated upon in her letters dated the 10th and 28th December 1985. This failed to address the question asked since it was not a question of whether or not Triesman was aware of the complaint but who at head office knew of it. Dawson definitely knew because a copy of her complaint went to him and, as everything sent to Dawson tended to finish up with Triesman, it might possibly have been passed on to him, who, as the official in charge of all case work, contacted Day as the 'appropriate official' in June 1985.

Triesman mentioned the regional official again and made the observation that her letters to the general secretary "contained what might be considered as allegations about Mr Day" and, therefore, head office did not send them on to Day in order "not to compromise any rights...[she had] in making a complaint about an official..." Triesman had 'overlooked' or was unaware that Bis Weaver's 14th December letter to Dawson had been copied by head office and sent to Day as well as Triesman. * Another 'Triesmanesque' gem entered the record when he claimed NATFHE had "certainly received allegations from [her] but, in terms of our Rules, no complaint has been received, hence [his] suggestions concerning Rule 8 made repeatedly to her." How easy floweth the term 'repeatedly' from Triesman's pen, when in reality he had tried to direct her away from Rule 8 and to encourage her to formally disclaim the rule while repeatedly ignoring her requests for details of NATFHE's legal obligations and other relevant information.

Triesman disclosed having been in contact with the Bournville branch secretary in

* NATFHE's copy of this letter, submitted to the Industrial Tribunal, had a note written on it after receipt at head office, which stated 'given to AD/DMT' (Alan Day/David Maxim Triesman) showing that this letter had been passed on to both these officials³

1986 – a wide ranging time span (over three months) that did not tie Triesman down to an exact date but it was most likely to be the telephone conversation with the branch secretary towards the end of February. * He revealed the content of this conversation, which contained the neat phrases of “I have made a proposition to progress matters but that it had not found favour with [Bis Weaver], and that [Bis Weaver was] wholly within [her] rights to so decide.” But he did not mention to Bis Weaver the misleading information the branch secretary alleged that he had passed on to her alleging that Bis Weaver wanted an all-Black investigating team. Apparently, the branch secretary was also told that Bis Weaver had been referred to “the provisions of Rule 8 and the means of making a complaint about Officials.” Triesman had not really provided information to Bis Weaver on registering a complaint against an official. In his 24th March letter, he said “the person to whom any complaints against a full-time official would be addressed” was the general secretary and “he [Dawson] could not become involved until [she] asked him to do so, in terms of arrangements for complaints about Officials.” This also suggests that Triesman was in contact with the branch secretary after the 24th March otherwise he would be in no position now (2nd April) to claim the branch secretary knew Bis Weaver had been informed about the “means of making complaints about Officials.”

Triesman also revealed that during his conversations with the branch secretary, he raised the possibility of allowing the Bournville branch to discuss Day’s ‘report’ as he believed “in principle that it could be helpful to air matters. However, [Triesman] wanted [Bis Weaver] to have time to consider...Rule 8 before [he] took a decision on a Branch discussion.” Triesman appeared to have the capacity to tack on functions to his own role at will, namely, to authorise the branch secretary to hold a discussion of a ‘report’ that had been produced not in accordance with NATFHE’s procedures. The authority possessed by Triesman appeared to be determined by what was in the interests of officialdom. On the one hand, his 13th January proposals were described as “ad hoc and derived from [his] responsibilities” to justify offering the ‘outside the rule’ option. On the other hand, significant restrictions were placed on his and the union’s authority by claiming the union could not “set up more formal bodies of different kinds outside the Rule” to deal with her proposals.

Triesman went on to dismiss her request for the documentation to be presented to the ARNP on the grounds that “no one else alleges that they experienced harassment and racism contained the neat phrases of “I have made a proposition to progress matters but that it had

* This was mentioned in separate letters sent by Bis Weaver to Triesman and Dawson⁴

not found favour with [Bis Weaver], and that [Bis Weaver was] wholly within [her] rights to so decide.” But he did not mention to Bis Weaver the misleading information the branch secretary alleged that he had passed on to her alleging that Bis Weaver wanted an all-Black investigating team. Apparently, the branch secretary was also told that Bis Weaver had been referred to “the provisions of Rule 8 and the means of making a complaint about Officials.” Triesman had not really provided information to Bis Weaver on registering a complaint against an official. In his 24th March letter, he said “the person to whom any complaints against a full-time official would be addressed” was the general secretary and “he [Dawson] could not become involved until [she] asked him to do so, in terms of arrangements for complaints about Officials.” This also suggests that Triesman was in contact with the branch secretary after the 24th March otherwise he would be in no position now (2nd April) to claim the branch secretary knew Bis Weaver had been informed about the “means of making complaints about Officials.”

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Triesman went on to dismiss her request for the documentation to be presented to the ARNP on the grounds that “no one else alleges that they experienced harassment and racism and no one else could reasonably make the complaint.” Nor did Triesman believe he “should go beyond these issues and comment upon or interpret the Rules [as] they are explicit in intention.” Was he unaware that he had been doing exactly that for some time; he was still doing it; and in the process placing Bis Weaver at a significant disadvantage? At the end of this mish-mash response to her questionnaire, Triesman made two categorical statements, namely, that he would: (a) “not be writing to other members...to elicit their comments or views as [he had] no role that would make such an approach appropriate”; and would (b) “not

respond to further letters [as she had] all the appropriate options...and it would be in the best interests of all members of the Association if a straightforward decision was made...as to whether [she was] making a complaint under Rule 8". 'Straightforward' was a novel word, unlikely to be found in the NATFHE dictionary, and it certainly was not in one member's interest – Bis Weaver's, to make a complaint under Rule 8. ⁵ In a union, increasingly seen as dominated by full-time officials able to conjure up ad hoc responsibilities as they liked, Triesman, on occasions, claimed to have an extremely limited range of authority. Triesman was finally pulling the shutters firmly down on head office as an avenue for obtaining information even though up until then the release of such information had been extremely limited.

In most of the letter, Triesman told her what was not, could not or would not be possible but it was what he disclosed he might possibly do that set the alarm bells ringing. This was the possibility of him allowing the branch to discuss Day's 'report.' He was only too well aware that Bis Weaver was seeking the complete withdrawal of Day's 'report' because it was a mockery of the facts and a slur on her competence and integrity. Triesman also knew of the serious difficulties she was experiencing with the *kernel*s yet he was contemplating advising the branch secretary to pursue this course of action. His proposed recommendation also contravened the conditions attached to the 'report' when Day released it. But, of course, Triesman was free to do anything that suited him except, of course, initiate a proper investigation into her complaint and his latest innovation put additional pressure on her. Triesman's proposal looked very much like an undisguised threat that if she did not take out a Rule 8 and stop asking awkward questions, he would authorise the release of the 'report' to branch members. There could be little doubt that if the 'report' was discussed in a branch meeting without the critique of it, Gates and his 'band of brothers and sisters' would have a field day and it could only make her position even more precarious than now. It would be impossible for her to orally address all the 'report's' discrepancies in a branch meeting when the conditions for a debate were dominated by the *kernel*s. Refusing to participate would give the 'band' a free hand to say anything and she was not in a realistic position to distribute the critique given there were some 130 members and the critique numbered 40-plus pages. Bis Weaver was confronted with a daunting prospect, putting her very much on the defensive; pushed from the position of wanting the report exposed, through a properly conducted enquiry, to now wanting to prevent it from being unilaterally released to the branch. Triesman, who claimed to have only limited authority, appeared to have considerable authority and was prepared to use it when it suited his and the union's interests.

Was Triesman telling her to take out a Rule 8 and shut up or the issue would be thrown open to the branch committee to do as it liked? If this was so, and it seemed to be so, it was hardly in the spirit laid down in guidelines on sexual and racial harassment, including NATFHE's own guidelines. Day's 'report' had been converted into a sword of Damocles to be held over her head and this time it really did seem as if she was about to be thrown to the dogs. She was between an abyss and the raging dogs with NATFHE head office in control of their leashes.

The situation Bis Weaver was placed in provided an alternative insight into Triesman's attitude towards problems faced by Black people when surrounded by hostile groups and he could not hide behind lack of competence or ignorance of their situation. In 1984, prior to his appointment as a NATFHE full-time official, the dangers facing Black members were eloquently voiced by him. During those days when he was a radical activist, he stated "there is no room for anyone to believe that individuals surrounded by hostile groups will make any headway. Racism is deeply entrenched, and it is a White problem, not a problem of Black people."⁶ This rhetorical commitment to what Triesman described as a White problem appeared to have been shelved as inopportune, best forgotten; perhaps to be resurrected after the Weaver case had been laid to rest in a shallow grave as shallow as NATFHE's commitment. Just as the union had interred the Fernandes case and when the dust had settled it introduced the now inadequate and defunct Anti-racism Pack, perhaps, the union might seek to bring in a new anti-racism policy if it ever got to grips with understanding what anti-racism entailed.

Triesman's letter went through the usual critical analysis to place on record further examples of the union's elusiveness. Bis Weaver was witnessing another example of the union's dismissive and menacing posture so amply demonstrated in Day's 'report'; and Triesman's renewed intervention showed continuity with Day's deplorable involvement. The objective of the officials was undoubtedly to protect the interests of the union and its officials, albeit a result of Day's ineptitude. * The union at various levels had many a mean trick to play on her but none of the double-talk echoing along NATFHE's corridors of power was going to distract her from her search for justice. She was in no mood to throw in the towel and she continued her 'paper bombardment' on head office. This was the way she continued to tread water in the hope that a life jacket would be thrown to her from anyone,

* Day's performance in the 'enquiry' into the Weaver complaint was considered deplorable by an Industrial Tribunal in June 1987⁷

maybe one of the ‘radicals’, who also received a collection of ‘paper missiles.’ Would the ‘radicals’ be inspired enough to follow the path to a destination that their own rhetoric pointed to? Even so, the ‘paper bombardment’ was little more than a gesture of defiance; a touch of bravado on Bis Weaver’s part. By now it seemed things could not get any worse, which was an underestimation of future prospects because things were to get considerably worse in less than a month’s time.

As part of the process of treading water, she wrote to head office pursuing a line raised in one of the letters to Dawson. She wanted to know which union bodies were permitted to submit complaints under Rule 8.1. Also required were details of members, who served on the Finance and General Purposes Committee - the committee to which Rule 8 complaints were submitted. The request covered their names and status; the regions they represented; how many were lawyers or have appropriate qualifications for determining matters of law; and if the committee contained any women or Black or ethnic minority members. She also asked for standing orders for a Rule 8 hearing and details of the appeals procedure. Picking up a point from Triesman’s 24th March letter, she requested “details of the procedures for a complaint against full-time officials...from the initial submission of a complaint right through to the Appeals stage.” Details were sought in advance just in case this was an option to take on board.⁸

Bis Weaver had not addressed all Triesman’s points made in his 24th March and 2nd April letters, so the outstanding points in those missives, or what might more appropriately be described as missiles aimed at torpedoing her interests, were dealt with in several letters over the next two weeks. Plenty of ammunition was still available and Triesman’s correspondence, limited though it was, continued to replenish her armoury.

NATFHE was determined not to investigate possible racism in Gates’ behaviour, therefore, Bis Weaver picked up on: (i) Triesman’s assertion that NATFHE “takes the most serious view of any allegation of racism and harassment made by one member against another”; and (ii) Triesman’s explanation for excluding a role for the ARNP on the grounds there was no provision in the rules to involve the Panel. She pointed out that Triesman initially introduced himself as the secretary of the ARNP and together with the chair of the ARNP offered to investigate her complaint against Gates. If the ARNP had no part to play, the introduction employed by Triesman might lead any reasonable person to “readily conclude that [her] complaint...had been passed on to the Anti-Racism National Panel” to investigate. This assessment was linked to another ‘misunderstanding’ on Triesman’s part as he was reminded that she never “asked for the Anti-Racism National Panel to act in

judgement...”; all she wanted was for Panel members “to examine the material and determine whether or not they [would] take up this case...in accordance with Rules 13.2 of the Standing Orders of the National Council and Rule 8.1 of the Rules of the Association.”

After consulting NATFHE’s Rule book to examine Triesman’s explanations, it was found that if the rule book was read for both literal content and intention it was clear that any NATFHE body could submit a complaint under Rule 8 according to the provisions of Rule 13.2. This rule stated it was “competent for any member of a body constituted by these rules to submit a complaint that the conduct of any member has been detrimental to the interests of the Association.”

Bis Weaver concurred with Triesman’s observation that “the Rules are explicit in intention and in words” and drew his attention to Rules 13.2 and 8.1. These rules “confirm that the Anti-Racism National Panel is a body which should be approached with regard to the legitimate grievances of a Black woman...[and] As [Triesman was] involved in the implementation of policy,” he was again asked to “submit all the correspondence...to the appropriate body, i.e, the Anti-Racism National Panel, as soon as possible.” A suggestion was made that “if [Triesman] dispute[d] the intention and wording of the Rules would [he] involve the appropriate body concerned with policy making from whom he can obtain a legitimate interpretation of the Rules.” It was pointed out that “As a member of NATFHE, [she had] a right to know exactly what the Rules mean...[as] Ignorance of the Rules may lead [her] into making an incorrect judgement.” The previous “failure of officials to advise [her] of...the correct Rules and procedures in June 1985 [had] created great difficulties and distress for [her].” In conclusion and for the third time, she requested the names of ARNP members in order to have access to “the membership of a Panel...set up to defend and promote the interests of Black people...in the Association.”⁹

The next day, the 7th April, another letter went off to head office. Triesman’s decision not to respond to further letters from her because she was supposed to have “all the appropriate options” was questioned on grounds of the union having failed to reply to her repeated requests for information on NATFHE’s legal obligations to members. Therefore, she was “in no position to decide which option [was] appropriate for the pursuit of [her] legitimate grievance.” Furthermore, Triesman’s declaration not to answer her requests for information “might be considered by the reasonable person as undermining [her] attempt to determine” the most appropriate course of action for her to take. She criticised NATFHE’s reluctance to provide information as “extremely unhelpful and regrettable [and] A less generous person might conclude that NATFHE Head Office officials [were] being

deliberately evasive.” Further regret was expressed at “having to spend so much time and effort in an attempt to obtain straight answers to straight questions...[that were] essential to aid [her] in making a decision with regard to [her] best interests and the interests of Blacks, both men and women, and other women in NATFHE.”¹⁰

The following day, three letters went off. Bis Weaver mentioned reading with interest that Triesman’s option two “was ad hoc and derived from [his] responsibilities” and that he “could not ‘set up more formal bodies of different kinds outside the Rule.’” Triesman should have realised this claim would not bear scrutiny because if his ‘proposal was ad hoc and outside the Rules’ and the most appropriate step for her to take, why could not “this ad hoc arrangement...have included a Black man and a Black woman” as requested. Considering that he “express(ed) regret that no Black person has been elected to the NEC”, her modified ad hoc arrangement provided “an opportunity to include Blacks in an investigation concerned with the abuse of a Black woman by a member of the National Council.” However, as far as she was concerned, that opportunity was beyond redemption because “the situation [had] gone much further now and require[d] more than ad hoc arrangements.” There was no doubt in her mind that “NATFHE [was] not serious...[about] seeking greater Black participation in the Association’s activities” and she forecast that “Black members and progressive Whites” would take note of NATFHE’s failure “to include Black people on an investigation...” NATFHE would be wise “to bear in mind the findings of the TUC West Midlands regional council, which noted Black workers see unions as ‘white organisations’ either indifferent or hostile to the concerns of Black people.”¹¹

Triesman’s misleading interpretation of Bis Weaver’s questionnaire of the 31st March when he stated she was expecting NATFHE to “elicit...comments and views [from]...other members of the Association” was rejected. Triesman was invited to re-read her letter because other members were not asked “to provide comments or views but merely to provide facts regarding their involvement in matters relating to [her] complaint...” Triesman had excused himself from action by claiming he had “no role to play with regard to collecting this information.” However, as she pointed out, Triesman had been able to “adopt a role outside of established rules,” that is, “to set up an ad hoc investigation...not covered by the Rules but in this case [he] cannot.” There was apparently “a great deal of ambiguity about what full-time officials can and cannot do [as] Even A Day unilaterally add(ed) conditions to...Rule 24.” As for Triesman, “If it [was] beyond [his] function to” obtain such information, he could refer her to someone “who has the role that [he said he] did not have.”¹²

Another day and three more letters went off. In one of them, she eventually addressed what she saw as Triesman's implied threat to authorise the branch to discuss Day's 'report'. Putting the implied threat into context, she reminded him that she had "rejected the 'Report' because of: (a) its inadequacies, omissions and distortions;" (b) its defamatory comments; and (c) its highly critical comments about other people, who might wish to respond to those comments. Therefore, if Triesman decided to authorise a discussion he should "instruct the Branch to invite all those who have been criticised" in the 'report' otherwise "Branch members might be participating in the further distribution of defamatory material."¹³

The next thing on the agenda was to tackle Triesman's unusual phrasing of his 'answer' as to when head office became aware of her complaint. * She referred to: (i) a copy of the complaint sent to Dawson on the 11th June 1985, which was (ii) passed on to Day by the appropriate head office official,¹⁴ therefore, (iii), it was obvious that the general secretary, and the 'appropriate head office official' were aware of the complaint in early June 1985. Having drawn his attention to this time frame, Triesman was asked to identify the 'appropriate official' to whom Day had referred. It was suggested that as Triesman's information did not correspond with the facts, he should revisit the issue and provide answers to six questions relevant to this issue requested in the 31st March letter.¹⁵ The prospect of Triesman 'identifying' the 'appropriate official' was thought to be nil.

In the midst of this 'bombardment', Triesman emerged temporarily to dole out answers to a few questions but, needless to say, none throwing any light on the hatchet job performed by Day or the involvement of lay officers. Triesman chose the safe haven of Rule 8 tribunals in his highly selective response. He focussed on the role of the Finance and General Purposes Committee whose members were elected by the NEC - there were no full-time officials on the committee. Apparently, only the regional secretary or regional chair would be consulted but the final decision rested with the committee. Triesman assured her that "no one against whom [she made] a complaint would be consulted." That was reassuring and Day's action in speaking to Gates (the accused) before agreeing to carry out an enquiry could be seen as highly inappropriate. Furthermore, Day had no grounds for involving himself in her complaint against Gates because officials had no adjudicating role in the complaints procedure; their role was to assist, advise or represent members. The general secretary's function was to receive the complaint before passing it on to the relevant

* Triesman had stated that "The first time I am aware that we knew of your allegations against Mr Gates was upon receipt of Mr Day's Report (25 November 1985)"

committee. Having received a copy of the complaint, it was incumbent on the general secretary to advise the complainant of the formal procedures for dealing with the complaint and not pass it on to a regional official to deal with. Day had no role to play in making a preliminary or final enquiry and his intervention looked murky, and head office's reluctance to deal with her complaints other than by another ad hoc arrangement looked even murkier.

Triesman described "The Tribunal [as] not a legal but a trade union apparatus...with a set procedure but it is not a court." The tribunal members "bring to bear their best judgement and common sense [but]...are not asked, ever, to adjudicate matters of law." This last point contradicted Triesman's statement two months before when he rejected her suggested amendments for dealing with the complaint.¹⁶ In that particular letter, he placed the onus on the tribunal to provide the union's legal obligations but now he was saying tribunals never deal with matters of law. Was Triesman's February statement a deliberate attempt to lull Bis Weaver into a false sense of security by getting her to believe that NATFHE's legal obligations would be eventually dealt with whereas NATFHE had no intention of revealing its obligations? Or was it an example of ineptitude or incompetence by another of NATFHE's officials? These officials never seemed to listen to themselves or to read their own previous statements.

Triesman also provided information on Appeals Tribunals, which were appointed by the National Council, but NATFHE kept no records of "whether appointments [were] men or women or black or members of ethnic minorities...or whether they have been lawyers." This shortcoming was excused on the grounds that "trade unions try to conduct their affairs without the intervention of lawyers..." The failure of the union to keep statistics monitoring the role played by women, and ethnic minorities in its organisation when even the least progressive institutions had moved in the direction of monitoring seemed to be flying in the face of equal opportunities policy.

Triesman had two more pieces of information to provide before shutting up shop. One of them showed the 'pick and mix' character of the questions he was prepared to answer. He duly conformed to our assessment of 'pick and mix' guiding NATFHE's hand when choosing which questions to deal with by answering a question that was included to show NATFHE was likely to answer irrelevant questions but not relevant ones. The particular question chosen concerned the Bridlington Agreements - an arrangement between trade unions not to poach each other's members, and this was duly answered.

The second piece of information he supplied dealt with procedures against officials; or more specifically 'non-procedures'. What it boiled down to was that any complaint must

be “submitted to the General Secretary, who either investigates the matter himself or designates a senior colleague to do so. There [were] no specific procedures.” The official had “the right to be represented by his/her trade union since the complaint could have [an] impact on her/his contract of employment.” Of course, the general secretary “could not engage in correspondence on any complaint because of his neutrality under the Rules.”¹⁷ The veracity of the claim of neutrality exercised by the general secretary in dealing with complaints against officials was, not surprisingly, shown to be a complete sham sixteen months later. It was reassuring, however, to see NATFHE showing concern for a full-time official’s contract of employment when one official, Day, had tried to sabotage a NATFHE member’s contract, Bis Weaver’s. NATFHE was also showing the appropriate attitude in recognising that Day, an ASTMS member, had the right to representation, which Day had overlooked for Bis Weaver when dealing with her complaint and which head office officials would emphatically deny to Bis Weaver in just less than three months’ time.

Triesman still avoided the bulk of Bis Weaver’s questions – the most significant ones; and as there was little chance of NATFHE’s wall of silence being breached, she honed in on one of the items Triesman had mentioned – prospective complaints against officials. Triesman was asked to “explain what actually takes place in an investigation” of an official as she understood there were precedents to which he could refer. She supported “the right of a...full-time official to have trade union representation” and having experienced NATFHE’s version of justice, she wondered if she, as a union member, was entitled to “trade union representation...to protect [her] trade union rights.” She then posed the possibility of a “legal difficulty regarding the validity of Rule 8 as [being] applicable in [her] case” * and would like NATFHE “to provide legal advice and assistance regarding this difficulty...” However, she recognised there was little point in assuming that information would be provided to her bearing in mind NATFHE’s previous “refusal to provide [her] with a service (legal advice) it is obliged to provide according to its Rules.” Triesman was then acquainted with what she had done after previous requests were ignored, namely, to search for the information herself. Taking a leaf out of Triesman’s book, she said “it may take some time as [her] resources [were] much more limited than NATFHE’s.” The possible legal difficulty, which was tenuous at the least, was not disclosed but it was another way of treading water, by keeping

* The legal difficulty that was put to Triesman, two weeks later,¹⁸ was the possibility of the likelihood of bias arising from a tribunal chosen from NEC members who were themselves elected by members of the national council of which Gates was a member. A couple of cases were quoted in support of this.¹⁹

the issue open and the union in the dark, in the hope of something turning up for her.²⁰

Three days later, Bis Weaver despatched another letter to Triesman dealing with his claim of repeatedly offering Rule 8 to her. She went through the sequence of events before Triesman eventually arrived at the offer of Rule 8. The sequence consisted of Triesman asking her to formally agree to the ad hoc enquiry in preference to Rule 8 (13th January); then, after Triesman refused to alter the format of the informal procedure, he said “the method open to [her was] Rule 8 (18th February); and then on the 24th March, Triesman “commend[ed her] to consider urgently [to] use Rule 8.” She questioned why, when head office and the regional official knew of her complaint in June 1985, Rule 8 was not offered then and all she received was “advice to take an unusual form of Rule 24, which in itself [was] not a Rule for taking out complaints.” * It was suggested that perhaps the reason for not offering her Rule 8 was because she was “supposed not to have submitted a complaint in June 1985” – a NATFHE claim that was clearly erroneous.

Bis Weaver detected what appeared to be a ruse that Triesman was surreptitiously trying to play but without success because it had been spotted. It was pointed out that “In all the correspondence...received from [him, he]...never used the word complaint with regard to [her] complaint against D Gates.” Triesman’s apparent aversion to the use of the word ‘complaint’ had resulted in the words ‘differences’, ‘disagreements’, ‘allegations’, ‘allegations from you’, and ‘allegations made by you’. ** He had belatedly mentioned ‘complaint’ but only to say “in terms of our Rules, no complaint has been received.”²¹ However, she was not prepared to buy Triesman’s shop-soiled interpretation.

Triesman’s attention was directed to the word ‘complaint’ made on ten occasions by different people when referring to her complaint, therefore, no one, not even Triesman, could possibly be in any doubt that a complaint was made against Gates. *** She had shown unequivocally that a complaint had been made when making her submission, therefore, why was Rule 8 not offered as she was “sure that full-time officials realised that a complaint of abuse and harassment made by a Black woman, if upheld, would...bring the Association into disrepute, especially as it could involve contravention of the law.”²²

NATFHE’s revisionist version of history in erasing events of the previous ten months

* The requirements for accepting Rule 24 had been passed on to her via Paul Mackney and the Bournville branch chair on the 18th June 1985

** In Triesman’s letters of the 13th January, 24th March and 2nd April 1986

*** Bis Weaver’s complaint of 10th June 1985; Day’s letter to her 2nd July 1985; Twice in Mackney’s letter to her 5th July 1985; Day again to her on the 8th July 1985; Bournville chair’s letter to her 10th October 1985; Five times in Day’s ‘Report, points 2, 2(ii), 2(iv), 3 (iii) and 3(iv)

appeared to have been made in order to recreate a pre-June 1985 situation, therefore, excluding: (i) Day's *kangaroo court* 'enquiry'; and (ii) NATFHE head office's attempt to rail-road her with another phoney informal enquiry.

Within the space of two days, two letters arrived from Triesman. The first gave the impression that Triesman, or was it the union, wanted to get rid of her and her complaints. Triesman appeared to be hinting as to where he or the union would like to see her go. Perhaps not to Hades but down to Birmingham city centre where the local education authority was located. Triesman acknowledged eight other letters sent to him, which he refused to comment on but he did choose to address an issue raised in another of her letters. His response was to say, "I am not in a position to interfere in matters, in which you allege there are attacks on [your] professional and personal integrity. In respect of [these attacks] I imagine the local authority...have a grievance (sic) procedure in which you would have the opportunity to substantiate your allegations..." That seemed a plain enough hint to go elsewhere!

He also mentioned she could use Rule 8 if the remarks were made in a union meeting,²³ which he must have known they had been because that was made clear to him. *²⁴ He would also know the local authority had no jurisdiction over matters occurring in a union meeting, so why mention local authority procedures? Was Triesman playing mind games by drawing her attention to offences and jurisdiction, expecting her to put two and two together and link her initial complaints against Gates, which took place in the context of employment, not in union meetings, and, as such, were in the domain of college management and the local authority? Could it be that Triesman wanted her to leave the union's kitchen door and take her complaint against Gates to the local authority? This would have the benefit of getting rid of her requests for an investigation into Day's performance.

Notwithstanding Triesman's reason for suggesting the local authority, she had little confidence in the LEA's grievance procedures, because: (i) management, in seeking to exonerate itself for its failings, might find common ground with Gates to oppose her claims; (ii) the union would be able to ditch her completely and openly rally to Gates' cause; and the Birmingham liaison committee, with a number of influential officers having cross membership in the Labour Party, could exercise that influence in their dealings with the Labour Party-controlled local authority, and (iii) witnesses from within the branch might offer spurious alternative accounts. Bis Weaver was still in a cleft stick, still nowhere to go,

* The remarks they were referring to were those made by Gates in a BLCARC meeting and not those in her initial complaint

still no one to turn to and with little alternative than to plod on regardless in the hope that something positive might turn up. On the 21st April, a reply was sent expressing surprise at Triesman “direct[ing] her to management structures as [she] understood that NATFHE preferred members to deal with the Association, [which was] what [she was] doing.”²⁵

In Triesman’s second letter, he gave the impression of taking her correspondence into account. He penned a few more snippets of information on procedures while continuing to ignore the irregularities arising from the way her complaint was dealt with. Triesman conceded that he did “believe that any body constituted by the Rules may submit a complaint in respect of a matter in which it is directly a party. However, that is an opinion and the issue has seldom been tested.” He then tried to duck the issue by saying “The intention of the Rule was to allow Branches and Liaison Committees to pursue action against, for example, members who disregarded an instruction of the NEC to take industrial action.” He seemed unable to extend his ‘belief’ into another field, for instance, taking action against members who violated NATFHE’s own rules by acting in a discriminatory manner. Triesman had been given an opportunity to test his belief as to whom the rule applied or to ask NATFHE for the views of NATFHE members learned in law, of which there must have been a considerable number teaching the subject.

Triesman returned to the theme of a week earlier by claiming “Rule 8 Tribunals do not hear or assess contraventions of the law and, therefore, have no need of lawyers. Contraventions of law are matters for the courts.” Triesman also rejected the possibility of “any legal difficulty in using Rule 8...or...in respect of the validity of the Rule [and added that] The Association cannot provide legal advice on this matter.” This was an interesting response from Triesman because the nature of the possible legal impediment had not been revealed to him so how could he reject any possible impediment. On the issue of complaints against officials, Triesman avoided giving an answer by responding in terms based solely on his own ‘knowledge’ or lack of it. He said “I am unaware of any precedent in respect of complaints about full-time officials and cannot, therefore, advise.” Triesman was not asked to provide advice nor was he expected to reproduce details out of his own knowledge or experience; if he did not know of any precedents he could ask someone at head office or a law lecturer who might. Triesman was coming over as if he was playing the role of a De Gaulle and *L’etat est moi*, He rounded off this exercise in NATFHE ‘transparency’ by stating that NATFHE’s “resources [were] not as great as [she] assume[d]” but NATFHE had “rendered all the assistance which [it] practically can.” *²⁶ Not quite; all the important

questions were avoided and Triesman had already told her in a previous letter that he had no intention of dealing with those issues.

NATFHE officialdom, with its lay officer allies in the main corridors of power at Hamilton House, appeared to be trying to break her spirit by making it clear that she was to be left on her own to ponder her situation while union avenues were closed down. The ‘barking dogs’ of Bournville were soon to be let off their leashes to sink their teeth into her until she came to her ‘senses’. Triesman needed no further illustration of Bis Weaver’s extremely difficult situation as he was well aware of what she was facing or he should have done by now. Did Triesman not state during those days when he was a radical activist a few years before, that racism was, and is, a ‘White problem’?²⁷ Did Triesman not also say “The ability to come to the assistance of those colleagues who are under the worst attack, and who are at their weakest is one of the hallmarks of trade unionism, and is one of the most prestigious processes in which we can engage...It is the quality of selflessness.”²⁸ It was on his ‘radical’ CV but, apparently, filed away for the duration.

The way NATFHE officials and members of the Broad Left coalition were treating Bis Weaver gave the impression they thought racism was something new and unfamiliar to her, as if it was something she had just stumbled upon and did not know what she was talking about. They seemed to have no conception that she had been involved in the fight against racism since the early nineteen sixties when few people in the trade union movement or elsewhere listened to Black people or concerned themselves with how they were treated. Triesman’s particular reaction to her evaluation of the situation showed that little had changed in the past twenty-five years except for the rhetoric.²⁹

Towards the tail end of Bis Weaver’s bout of correspondence, I made a brief appearance in a cameo role to see how Triesman responded to a request for the contact addresses of ARNP members. Given that Triesman paid no heed to Bis Weaver’s requests, I doubted he would put himself out by conceding to my request but if he did bother to reply what excuse would he conjure up this time to refuse disclosing that information? Using a ploy that had no possible chance of fooling Triesman, I wrote as a member of the BLCARC, concerned with the rise of the National Front in Birmingham, which had “declared [its] intention of leafleting schools and colleges [in the area] in an attempt to infiltrate their ideas

* This was the last time Triesman wrote to Bis Weaver for almost two months and his silence coincided with the lamentable actions of the Bournville branch committee to exert considerable pressure on her at the time

into the classroom” - an activity that would spell out a difficult time for Black people, ethnic minorities and other anti-racists. I thought it was “of the utmost importance” for contact addresses of ARNP members to be made available to enable members of the ARNP to be kept in touch with racist activity “without the delays of constantly having to contact...individual Liaison and Regional Anti-racism sub-Committee secretaries every time information or contact [was] required.” In other words anti-racism activity should not be constrained by structural impediments.³⁰

Triesman honoured me with a prompt reply to say he would put my proposal to the panel and “if they respond affirmatively [it] will be considered by the NEC’s sub-committee and the NEC itself.” * Yet another laborious and time consuming set of procedures – NATFHE’s structural inertia not only applied to complaints of racist harassment it also applied when combating organised racism. Triesman suggested I contacted Paul Mackney, whom he described as “a leading figure in the Birmingham Trades Council” who “may be able to advise.” **

Triesman ended by relating incidents involving fascist aggression directed at him personally. He mentioned that when he was Trades Council secretary and organiser of the Westminster Anti-racist committee, National Front members, on several occasions, attacked his home and family and, “on one occasion, they tried to break through [his] front door with axes.” *** When this had happened, he recalled “The speed of local contacts was most valuable.”³¹ Triesman was fortunate when the National Front attacked him to be in possession of the details of local activists, whom he could contact for assistance. The same did not apply for those not holding office – that is, rank and file members confronted with aggressive and intimidating behaviour from a ‘Left wing’ NATFHE officer.

There were no doubts in our minds that an activist with a Jewish background, as Triesman had, would be vulnerable to attack from fascist organisations but it was difficult to understand why, having suffered such an experience, he was so determined to close all doors to Bis Weaver and display a lack of empathy with her particular experiences at the hands of

* Triesman never did put this proposal to the ARNP

** Providing advice of this kind may be more up Mackney’s street because opposing organised racism appeared preferable to tackling NATFHE members harassing Black women members in the workplace, especially when the perpetrators were Broad Left Coalition members and had stood on the same platform as Mackney in elections to the national council and would do so in the future.³² Bis Weaver had just received a copy of Mackney’s letter to D Evans that raised more questions than it answered.³³ See Sect (c)(ii) below

*** Paul Mackney related a similar story of being threatened with arson by the National Front when occupying the post of a Trades Council officer³⁴

Gates and the regional official. If only Triesman had shown as much understanding to Bis Weaver's plight as he had shown to my tale of fascist activity in Birmingham, she would have avoided many months of sustained pressure. However, Triesman's personal experience of fascist activity fell short of giving me the names of panel members, which, according to Triesman, were restricted to regional representatives. Did Triesman's experiences with the National Front offer Bis Weaver any hope that NATFHE would act on her concerns? After three months of dealing with Triesman, the answer was obviously not.

(b) NATFHE's 'Radical Anti-racists' Show their Colours

Contemporaneously with the 'bombardment' launched against NATFHE head office; a similar tactic was used in an attempt to breach officialdom's fortified trenches. This consisted of an information-gathering exercise to combat officialdom's silence combined with a whistle-blowing exercise. The recipients of this 'bombardment' were the regional and liaison secretaries.

In the first letter, Gates' false allegations made to the regional official and recorded in Day's 'report' were raised but the main purpose was to draw attention to the regional official's actions. Bis Weaver wanted Day's activities brought to the attention of the regional council for: (a) advice on "the procedures for making an official complaint against a member of another union, in this case the ASTMS," which was Day's union; and (b) "support [for] a Black woman member in the pursuit of a legitimate grievance against a full-time Official." In an attempt to prevent local officers from abiding by Day's *ultra vires* instructions not to involve themselves, she made it clear this would be a new complaint and had nothing to do with her outstanding complaints against Gates.³⁵

The regional secretary was quick off the mark in explaining that the regional council was not a forum "for individual grievances, unless those grievances have received the support of a Branch or sub-committee" and been presented to the REC "in the form of motions or reports." However, this procedure was unlikely to cover "complaints against salaried officials [as it] would most probably be ruled out of order as being beyond the remit of Regional Council." Officials were "employed by the National Executive Committee and [were] responsible to the General Secretary, [and] As members of a separate Trade Union [with]... rights and conditions which [were] not within the control of Regional Council or Regional officers." Any "complaint against an official" had to be sent "to the General Secretary or his designated representative," which offered little consolation to her as it would

probably finish up with the designated representative – Triesman. The regional secretary sent a copy of his letter to Triesman.³⁶

The ‘democratically’ elected regional council was unable to act on behalf of a member against a local official, who was unelected and not even a member of NATFHE. Rank and file members fell foul of the union’s centralised bureaucratic machinery, which apparently was unaccountable for anything its officials chose to do; contrary to the reassurance given by President Whitbread, who had said that officials were always accountable to the membership.³⁷ Yet another nail in the coffin of democratic accountability in the union and another avenue closed off by the sanctuary offered to full-time officials.

In her reply, Bis Weaver expressed surprise that “the Regional Council has no jurisdiction...over the actions of...Regional Officials even though these actions affect the rights of NATFHE members.” Surely, “Regional Officials would have been accountable to the appropriate Regional Council with the officials’ protection arising from membership of the appropriate union...” Attention was also drawn to a member’s reasonable expectation of support from the Regional Council “whether the grievance is against Management, the Education Authority or a member of another union.” As she had done with Triesman, rules were quoted to support the request for assistance, this time regional Rule 2 was to be read with National Rule 2.1 and 2.9: “The function of the Region...shall be to further the general aims and object of the Association within its area...[in order] To protect and promote the professional interests of members INDIVIDUALLY and collectively...[and] To promote and maintain standards of professional conduct.” The action requested by her appeared to be “well within the mandate of the Regional Council.”³⁸

If only lay officers had taken the trouble to read the rules or taken heed of them when pointed out to them, officials would not have been a law unto themselves and in control of important areas of union work dealing with the rights of NATFHE members. The reluctance of lay officer’s to take on officials merely validated the stranglehold full-time officials had in the union.

The regional secretary’s explanation of the ‘procedures’ for gaining access to the regional council stirred Bis Weaver into contacting the secretary of WMARC. After explaining the requirement for a motion to be raised initially in a sub-committee, she asked him to raise the issue of a complaint against the regional official at the next meeting of the West Midlands Anti-racist sub-committee as she was “a Black member...looking for support from a body set up to promote and defend the interests of Black people in NATFHE.” This

action would pave the way for the complaint to be submitted “to the Regional Executive in the form of a motion or report.”³⁹

The WMARC secretary, in his role as the West Midlands regional representative on the ARNP, was also contacted to familiarise him with her correspondence with Dawson over the role of the ARNP. Also covered were doubts about Triesman’s description of the ARNP’s remit as being “essentially...developing and recommending policy”, which did “not accord with [its] role as defined within the Standing Orders of the National Council.” Her request was simple; for him to raise this at the ARNP’s next meeting, alongside Baker, the panel’s chair, whom she had also asked “to raise the issue of [her] case.” She referred him to four rules – 13.2, 2.1, 2.9 and 8.1, to assist him in comprehending the role the ARNP was able to perform within the Rules of the Association.⁴⁰ The chance for these requests to bear fruit was not considered to be high but it might provide another example of the extent to which lay officers subordinated themselves to officials in a range of NATFHE bodies.

Complementing the questionnaire sent to Triesman on the 31st March, the regional secretary was sent similar requests for information to be sought from Ms Welch and Mackney about their involvement in the case. She continued to use union structures to deal with union matters. NATFHE was to be given no grounds to accuse her of operating outside the union and, thereby, giving it grounds to cut her adrift formally. That she was out on a limb informally was not in any doubt. Bis Weaver continued to follow this particular path until the ‘vanguard of trade union principle and practice’, that is, the so-called prominence of branch members to deal with branch issues administered by the Bournville branch executive and committee, took a course of action at the end of April that delivered her difficulties to an audience outside the union and, consequently, provided the breakthrough that she needed.

Through the office of the regional secretary, Penny Welch was asked to explain her attempted involvement in July 1985:

- (a) why she offered to intervene?
- (b) was her offer determined:
 - (i) solely by herself?
 - (ii) after consultation with others?
- (c) if her intervention was a result of consultation with others, who were these others?
- (d) what role was she occupying in NATFHE, such that it was consistent with her intervention?⁴¹

Paul Mackney, as a regional officer, was also asked via the regional secretary about his part in the June 1985 events. The questions were:

- a) When he advised the Bournville Branch Committee to recommend to D Gates and myself that A Day act as investigator and that Rule 24 should apply, was his advice determined:
- i) solely by himself?
 - ii) In consultation with others?
 - iii) If in consultation with others, who were these 'others'?
- b) Why did he not recommend Rule 8 to the Branch Committee which would seem the most appropriate rule for pursuing the type of complaint that I had against D Gates?
- c) Which members of the Bournville Branch Committee, besides S Nedjat and C Deeson did he speak to about:
- i) recommending Rule 24 and A Day as investigator?
 - ii) any other issue relating to my complaint against D Gates?
- d) When he advised the Branch Committee to recommend A Day and Rule 24 to D Gates and myself did he know that A Day and D Gates had already discussed my complaint with D Gates?
- e) When he discussed the matter of my complaint with A Day was this discussion conducted with:
- i) A Day alone?
 - ii) A Day and others?
 - iii) If item (ii) who were the others?
- f) Was he acting on behalf of the Region when he approached A Day?
- g) Did he report to the Regional Executive:
- i) the approach from Bournville Branch officers regarding my complaint against D Gates?
 - ii) His discussion with A Day regarding my complaint?
 - iii) His advice to the Bournville Branch Committee regarding my complaint?
- h) Did he have any contact with Head Office or the National Executive about my complaint against D Gates at any time?
- i) Did he discuss my complaint with D Gates at any time before advising the Branch Committee to recommend Rule 24 and A Day as investigator?⁴²

The same letter went to the liaison secretary a week later asking him to approach Mackney in Mackney's capacity as a liaison officer.⁴³

The 'Welch involvement' was approached from another angle with a note to Shuk Nedjat, now on study leave, explaining why she was contacting him and asking for information on when, where and in the company of whom did Penny Welch discuss her offer to act as investigator of Bis Weaver's complaint. She also slipped in a request for details of his trip to management after Gates claimed she "was not honouring [her] statement to place the complaint in the hands of NATFHE alone." Nedjat was also asked to reply to her letter of the 10th March 1986 sent to all members of the June 1985 branch committee.⁴⁴ Nedjat never responded despite three further attempts on her part to contact him. However, the *kernels* and Nedjat must have maintained contact because he put himself forward as a candidate for a

branch delegates post at liaison committee in February 1986. * Nor did she, despite several attempts, ever elicit a response from Ms Welch. This spoke volumes for Ms Welch's attitude to this particular Black woman, who was not deemed worthy of an explanation or even deserving the courtesy of an acknowledgement of her letters.

Apart from these requests, a round of correspondence from Bis Weaver swept through the local union in a period of a few days directed to the regional council and liaison committee via their respective secretaries. A range of interconnected strands were drawn together - the dishonesty of Day's enquiry; the license his 'report' had given Gates to make unfounded allegations against her in union committees; the intransigence of head office; and the support both the council and committee should be offering in her struggle for justice and to end the continued harassment and the attacks on her integrity.

In the correspondence with the regional secretary, she began with the letters between Gates and Day showing the latter to have complied with Gates' request to link the outcome of the enquiry with the purported interests of the Bournville branch. The regional council was requested to investigate whether "Gates was making a personal statement without the Branch Committee's knowledge" or was the branch committee being complicit in Gates' suggestion that "positive benefits would accrue to the Branch Committee as a result of a particular outcome of an investigation into a complaint against D Gates." Was it "normal practice for a Regional Official to link the Branch Committee's interests to [Gates'] own, when accused of abuse and harassment by a Black woman." She also referred to the "serious implications regarding [her] rights to a fair and impartial hearing"⁴⁵ – quoting from Mackney's comments of what she was entitled to expect from the union.⁴⁶

Bis Weaver highlighted Day's comments and recommendations about what should happen to her post should the regional secretary have missed this when reading the copy of the 'report' sent to him by Day. This concerned her "competence to hold the position...[as] Access Course Co-ordinator" and Day's observation-cum-recommendation that "Management should have integrated the functions of [her post] for which [she] had a contracted job description with the functions of...the person who has abused and harassed"

* The *kernels* had, undoubtedly, done more than speak to Nedjat on his candidature because of a marked change in his attitude to Bis Weaver when he returned to Bournville College in September 1986. Contrary to his more sympathetic attitude to her in June/July 1985, he held a very jaundiced view of events that had occurred in the college during his absence and displayed a belligerent and uncompromising attitude to her; going as far as refusing to provide her with any information. (See Chapters VII Sect (b) & Chap IX Sect (a))

her. Using the observation of her London contact, she informed the secretary of not being aware of any “case in trade union history” where an investigating official into a complaint of harassment concluded that the complainant was “not considered competent to hold [her] position of responsibility” and the post should be integrated “with another person who does not have any brief or job description for that particular post.” In other words, Day’s recommendation was to dismember her post for the benefit of the harasser, whose motive for the harassment was to do just that. She asked if “women and Blacks who make complaints against lay officers...[were] going to be penalised” in this way. She urged the regional council to take “up this issue as a matter of urgency.”⁴⁷

She then expressed concern about: (i) false allegations being made against her in formal NATFHE meetings (Birmingham Liaison Committee) * and (ii) the “implications of A Day’s remarks” in his ‘report’. The regional council was asked to take up the issue of Day’s comments in the ‘report’ to “establish the validity or lack of validity of his remarks.” What it boiled down to was that she was alerting the regional council to the licence Day had given to Gates. Day’s own attacks on her professional competence and personal integrity in his ‘report’ had created a framework for Gates to operate within and continually attack her.⁴⁸

In the next letter, she revealed the failure of head office officials to provide advice on NATFHE’s legal obligations to members and, quoting Rule 2.8, she asked the regional council “to take up the issue in order that...officials...carry out [their] functions according to NATFHE’s Rules of Association.” NATFHE officialdom’s sleight of hand in trying to claim that she had never made a complaint was also disclosed as was Triesman’s refusal to “respond to further letters” from her, which she pointed out was “undermining [her] attempt to determine the most appropriate course of action.” She expressed prospective gratitude should those issues be placed before the regional council so that she can get support against a NATFHE officer and a full-time official. She concluded by “asking the Regional Council to act in accordance with the...recent much heralded policy towards the promotion of the rights of Blacks within the Union.”⁴⁹

The secretary of the Birmingham liaison committee received letters with the same content except for slightly different observations and in a different order. Day’s framework for facilitating Gates’ attacks on her went out on the 31st March 1986,⁵⁰ followed by details

* The Birmingham liaison committee came within the authority of the West Midlands region – Rule 25 of the regional rules 1985

of Gates' attacks on her in the Birmingham liaison committee and the BLCARC, for which the liaison committee was asked to get a retraction from Gates.⁵¹ The next letter was a variation of the letter about Day's attempt to dismember her post. The punch line was slightly different as she rhetorically asked if it meant that "women and Blacks who made complaints against lay officers...[were] going to be subject to recommendations from the Association's 'investigating' officer that undermine their right to hold their existing and legally contracted posts." This was described as "hardly [likely] to encourage women and Blacks to take up and pursue cases of abuse and harassment" and such a "recommendation by a trade union official [was] against one of the fundamental objectives of trade unionism, that is, the protection of members' jobs." The liaison committee was urged to take "up this issue as a matter of urgency."⁵² Bis Weaver was to find out by the end of June that 'protection of members' jobs' was a prime objective of NATFHE but it favoured harassers at the expense of the harassed.

A reply came from the liaison committee secretary explaining "the general role of the Committee." He described "the main function of Liaison Officers [as] negotiations...and taking up casework with the LEA." He informed her that "The normal procedure for raising issues at Liaison Committee" was through a Branch resolution but those were "normally about points of policy", whereas complaints between members were "normally dealt with by the full-time regional officer or by national officers. Therefore much of the correspondence directed to [him] is...directed at the wrong person."⁵³ The secretary was another officer prepared to stand back on grounds of protocol and leave it to officials even though he was aware of the criticism levelled at the regional official for his role in the Brooklyn College case, which was in the Birmingham liaison committee's area. The illusion that officials had a key role in dealing with complaints between members appeared to be deeply entrenched in the psyche of lay officers reinforcing their reluctance to act in support of rank and file members against 'their own'. The responsibility of local officers appeared to be reserved for casework taken up on behalf of members against employers. However, this was another pipedream as they did not provide this service when this Black member was victimised by her employer as was clearly shown five months later over what became known as the monitoring issue.

The impotence of NATFHE committees, controlled by the unconstitutional dictat of officials was firmly embedded in NATFHE's operating procedures and was recognised as such by both Bis and I, which would have been difficult not to do so, and her letters were now less about securing assistance but more to do with exposing: (i) the deficiencies within NATFHE's procedures and (ii) Gates continued harassing behaviour.

(c) “Denying What is Fact; and ‘Explaining’ What is Not.”⁵⁴

(i) Showing their Hands

Bis Weaver had drawn graphic attention to the irregularities enveloping Day’s enquiry either by notifying officials and officers when she sought assistance or by asking questions of people involved in the procedures. When the officials diverted her into a no-go area she decided to communicate, either directly or indirectly, with four leading lights amongst NATFHE’s unpaid lay officers.

One of the quartet of beneficiaries during her ‘paper barrage’ had the privilege of receiving all the documentation providing her with a comprehensive account of the case. As a leading feminist urging women to take a full participatory role in the union and to take their rightful place in the employment arena, this officer should have been biting at the bit at the prospect of turning words into actions by assisting a woman seeking to achieve what the officer had been urging on women.

Would Bis Weaver’s letter and documents sent to the first woman President of NATFHE, Nan Whitbread, herald a dramatic turning point; be the breakthrough in NATFHE’s wall of resistance that she was waiting for? Would Ms Whitbread enter the battle zone on a White charger wielding a lance and acting as a magnet rallying NATFHE’s progressive elements in defence of the disadvantaged? Her previous proclamations suggested she would but what actually appeared on the scene was a rider holding a standard applauding the efforts of officials while speedily removing herself from the field of battle.

Fine words butter no parsnips goes the old English adage voiced by the disadvantaged when those in positions of influence try to hoodwink them into expectations of greater things to come but Ms Whitbread’s response did not even adopt that posture. The President’s contribution was as barren, uninspiring and dismissive as anything Triesman had conjured up. Her message was curt and patronising, exuding admiration for Triesman and his efforts to resolve the situation, while displaying none of the gender awareness attributed to her as a leading feminist. Could this be the activist, who spoke with such an appetite for women to revolutionise their attitudes by involving themselves in union activities? Or, perhaps, this revolution did not extend as far as to include Black women. Or was this the face of a more dismissive spokesperson than the one who thought activists were a different breed to ordinary members due to their “greater commitment to anti-racism”?⁵⁵ The President’s sterile response cast serious doubts on her commitment to what she previously pronounced upon and it said

little for the consciousness of rank and file members if, as an ‘activist’, the President represented the cream of NATFHE.

From the wealth of material stretching back to the 10th June 1985 provided to her, the President ignored the possible collusion and conspiracy to cover up the harassment, which might have been difficult for her to acknowledge, but she went to considerable lengths to try to justify both Day’s actual and Triesman’s offered informal investigations. She rationalised her attempt at justification by focussing on three of Triesman’s letters. In this highly selective exercise, reminiscent of Triesman at his most dismissive, Ms Whitbread was apparently able to acquaint herself, from the contents of those three letters, with the essence of the situation. The President had noticed, or someone had noticed it for her, that: (i) Bis Weaver “eventually declined David Triesman’s offer to conduct an informal investigation”; (ii) Triesman had “clearly explained...the course of action open to [her] under Rule 8.1”; and (iii) Triesman had “also explained...that the remit of the national Anti-Racism Standing Panel [did] not cover individual complaints or grievances.” This left the President with no other conclusion than that Bis Weaver had “been apprised of the formal NATFHE procedure available...as a member” and it was up to her “to decide whether or not to invoke Rule 8.”

The President did refer to the ten letters sent to Dawson but failed to see any relevance for the questions about a “decision that only [she could] take.” Nor did she understand why the documentation had been sent to her. This placed into context the special role of ‘activist’ the President had assigned to herself in her misguided presumption of her own superior ‘consciousness.’ Nan Whitbread gave the impression of living in a vacuum by disregarding the relevance of questions used by Bis Weaver as a means to find out: (i) why Day carried out an informal, unconstitutional enquiry; (ii) about the extraordinary interventions in the early stages by Broad Left Coalition ‘activists’ in the West Midlands; (iii) the ground rules for a tribunal hearing; and (iv) NATFHE’s obligations under the Race Relations Act and the CRE’s Code of Practice. The documentation provided to Nan Whitbread was evidence of the need for these questions to be addressed. The President did not live in a vacuum and the object of the President’s letter appeared to be to ignore Bis Weaver’s problems in order to support NATFHE officials after they had treated a complaint of racial harassment informally and contrary to the CRE’s Code of Practice. This was what patriotic unionism was all about!

Faithfully following Triesman’s line, the President, after commenting on Bis Weaver’s “dissatisfaction with the adequacy of NATFHE’s procedures for registering complaints,” came up with the ill-conceived *Triesmanism* that she had “not in fact formulated

a complaint under Rule 8.1,” avoiding completely the reason for her not formulating such a complaint under the rule as it was never offered to her as an option by Day or his advisers; and ignoring Triesman’s attempt to get her to sign away her rights to Rule 8. If Nan Whitbread had read the documentation less selectively, she might have become apprised of those facts. Nonetheless, the President gave the impression of having fully acquainted herself with the correspondence, by saying she “interpret[ed] the substance of [the] numerous letters” and had drawn the conclusion Bis Weaver had “not invoked Rule 8 because [she] probably consider[ed] that the terms of Rule 8.1 [were] not really applicable.”

The President’s mind-reading performance continued with a claim of Bis Weaver “wishing to explain that the conduct of a member or members was ‘detrimental’ to [her] rather than to ‘the interests of the Association.’” Putting it more simply, no doubt to make sure this less conscious rank and file member – Bis Weaver, understood the situation, the President said “In other words [she was] seeking a non-existent Rule or Code of Conduct that [she] believe[d had] been infringed.” A further trip into the President’s mind revealed that she appeared to understand what was in Triesman’s mind at the time. The President “imagine[d] that it was an attempt to help [her] with this situation that Mr Triesman offered to conduct an informal investigation for which there is no provision in the Association’s rules.” There it was in a nutshell – the ever-helpful Mr Triesman was the one on the White charger, who had rode in to assist Bis Weaver to overcome her confused state of mind. Clairvoyance to the rescue! Or was there a much simpler explanation, such as Ms Whitbread discussing Bis Weaver’s letter with Triesman and accepting wholeheartedly his concocted brew.

An incontrovertible revelation came next, namely, that “new rules cannot be invented ad hoc.” However, this revelation appeared to be for the purpose of justifying Day’s and Triesman’s disregard of Bis Weaver’s plight because with this revelation came the punch line that “Branches and Regional Officials sometimes conduct informal investigations to try to resolve disputes amongst and between members.” The overused word ‘informal’ was accompanied with the magical NATFHE word to describe harassment – none other than ‘dispute’ but without the prefix ‘interpersonal’. All that was needed now was ‘informal racist harassment’ or ‘informal abuse’ or ‘informal intimidation’ and the NATFHE lexicon would be further enhanced.

A brief excursion was made by the President into the realm of NATFHE’s regional councils and the attempt of the East Midlands Region to establish a Code of Professional Conduct for the union. However, this attempt had been “voted down by National Council [and] the fact remains that there is at present no such code or relevant formal procedures.”

This showed how little the council was concerned with protecting members and hardly inspired members to use NATFHE's procedures, which Ms Whitbread was now recognising did not exist. Having produced this little aside it was back to business and for Ms Whitbread to conclude with the inevitable 'brush off' to be expected from the tone of the letter. Bis Weaver was told that "having exhausted or been dissatisfied with the various attempts...made locally and by a National Official (Triesman again) to deal informally with the matter...[she] still [had] available...the formal complaint procedure under Rule 8.1."⁵⁶ The emphasis on 'informally' was dragged into the final paragraph – full marks for persistence; *nil point* for 'radical feminist and anti-racist commitment.'

The President had paid scant attention to Bis Weaver's letter, let alone the extensive documentation sent with it, as shown on three occasions when she referred to Bis Weaver as Mr Weaver! There was an underlying similarity between Ms Whitbread's and Triesman's letters. Arising from the otherwise arid prose, Ms Whitbread displayed an overwhelming admiration for Triesman's sterling efforts, which gave the impression that he might have hijacked the postman on his way to deliver Bis Weaver's letter to Nan Whitbread and had written up the reply himself.

Nor did she, as a lay officer 'activist', seem to notice conference decisions affecting the rights of Black people. The President, an 'activist', according to her own description, was apparently unaware that Rule 8 did not cover racist harassment yet had pointed Bis Weaver in that direction as the 'remedy' for her so-called 'dissatisfaction'. The President's arrogance was betrayed by her interpretation of Bis Weaver seeking a procedure for the conduct of a member being detrimental to her as an individual rather than as detrimental to the Association. This was inane! If Ms Whitbread had read the documentation she would have realised that Bis Weaver saw it as detrimental to groups of members (Black members and women); detrimental to the Association because it violated the CRE's Code of Conduct; and that it would reflect on the union as a whole. The President was caught in the problem of operating a 'pick and mix' approach to the documents and trying to fit her argument into a framework diverting attention away from officialdom's gross deficiencies or was she another activist with an overwhelming desire not to get involved in any action against fellow 'activists'?

NATFHE seemed to be a union dominated by a form of custom and practice - informality in procedures and action, in order to adapt any situation to serve the interests of officials and lay officers. NATFHE had no formal code of professional conduct but, surely, the President should recognise a code of practice existed, whether formal or informal, to

which NATFHE members were expected to abide – for example, thou shalt not harass fellow members; thou shalt not conspire and collude to cover up gross professional misconduct; thou shalt not bear false witness; and, at a later date, thou shalt not physically assault women union members. *

Could any reasonable person, even a reasonable ‘Whitbread activist’, if one could be found, argue that harassment - racist, sexist or non-specific varieties, was not a breach of professional conduct as well as contrary to the CRE’s Code of Practice and the Race Relations and Sex Discrimination Acts? The President was right about one thing, that is, Bis Weaver did hold the view that a code of conduct had been infringed even if NATFHE had no formal rule to cover professional misconduct. Bis Weaver harboured the view that racist and sexist harassment were detrimental to individuals, as well as groups, and even organisations, although the latter category would not include NATFHE judging by its track record during the ‘Fernandes affair’ and her own struggles. NATFHE ‘activists’ were extremely slow learners. What kind of an admission was it for a trade union, proclaiming itself to be anti-racist, to admit to having no rule to deal with racist harassment?

On the 14th March, the day prior to Bis Weaver sending her letter to Ms Whitbread, which brought this wretched reply, the President addressed a conference on equal opportunities. To this audience Ms Whitbread displayed a different *persona* referring to women being used as “guinea pigs in individual cases” by the Equal Opportunities Commission because the EOC “has no powers to take up collective cases.” She called for extra powers for the EOC,⁵⁷ no doubt with the noble aim of taking the pressure off women forced to struggle individually.⁵⁸

A few weeks after her reply to Bis Weaver, Ms Whitbread opposed the appointment of an Equal Opportunities officer in NATFHE on the grounds that it was “‘ghettoising’ responsibilities.” The President apparently wanted the situation to remain as it was and leave this important area of equal opportunities in the hands of people like the West Midlands regional official, who: (i) later described a woman making a complaint of harassment against a union officer as insensitive;⁵⁹ (ii) proposed dismembering a woman’s job (Bis Weaver’s) for the benefit of a harasser; and (iii) had a non-existent understanding of gender and race issues as the West Midlands women’s panel and the Birmingham liaison committee knew only too well. After reading the President’s letter and the additional contributions, Bis

* For the physical assault on a woman delegate at NATFHE’s Annual Conference in May 1987. (See Chap XII Sect j)

Weaver and I were convinced that this type of ‘radical activist’ never listen to themselves.

The UN’s Decade for Women was just over half way through and this was the best that the ‘First Lady’ of NATFHE, who had appealed to the TUC to encourage women to take part in trade union activities,⁶⁰ could offer to a woman colleague facing severe difficulties in the workplace. The President’s response mocked her previous assertion that activists had a higher level of understanding of race issues than ‘many lecturers’,⁶¹ assuming of course the President included herself as an ‘activist’. What kind of ‘real world’ strategy did these ‘activists’ intend to employ in the fight against racism?

The President’s response reinforced our standpoint that NATFHE’s anti-racism and anti-sexism policies offered nothing to victims in the way of redress and, despite the hullabaloo surrounding the launching of its anti-racism pack, NATFHE lacked both the will and procedures to bring racists to book. All NATFHE could offer, or was prepared to offer, victims of racism was an *ad hoc* ‘investigation’ by someone not competent to deal with racist motives. What would the TUC Race Relations Committee make of all this? In two years’ time the members of that committee would make known their feelings about NATFHE’s approach to racist discrimination when hearing of the Weaver case.

Another letter was sent to another ‘radical feminist’ to confront this ‘radical’ with her own ‘progressive’ statements and her less than progressive actions. On this occasion, the beneficiary of the communication was Penny Welch. Bis Weaver had not expected to receive any response from Ms Welch following her request for information asked via the regional secretary, so, after a two week wait, she wrote to her. She repeated the questions seeking factual answers about her intervention in the procedures. This request was followed by a quote from Ms Welch’s election address when standing for the National Council, in which she proclaimed her "commit[ment] to NATFHE as a union that campaigns for the interests of its members...and that acts on the basis of collective decisions and democratic accountability." * Tongue in cheek, Bis Weaver expressed her own positive expectations that Ms Welch, based on this political testament, was as committed, as was she, “to the right of the individual to have access to information that affect[ed] that individual and that individual’s rights.” To make sure the letter arrived safely at its destination it was sent by recorded delivery. **⁶²

* This quote was taken from the document in which all candidates were given the opportunity to present their views to the electorate

** Two subsequent requests, also sent by recorded delivery, went off to Penny Welsh but no replies ever came back.⁶³

Bis Weaver realised there were few, if any, places to go. But one place she was going to, figuratively speaking, was once more to the President of NATFHE. President Whitbread's dismissive and patronising response for an avowed 'feminist and anti-racist' was deserving of a reply and Bis Weaver did not intend disappointing such a 'vanguard' figure. This was an opportunity to show the real face of NATFHE to the President or, more accurately, show the President that Bis Weaver had seen for herself the real face of NATFHE. This was the face of hostile resistance to a Black rank and file complainant shown by head office officials, the regional official, local lay officers and the President herself. Bis Weaver's opening thrust was, in part, sardonic by admitting to not being surprised at Ms Whitbread's inability to see "the significance of [Bis Weaver] writing to [her] since...[Ms Whitbread] failed to notice that [Bis Weaver was] a woman [as] in three instances...[the President] address[ed her] as Mr Weaver." Perhaps, it might be "the strangeness of [her] Asian forename that confused" the President.

The President, judging from her response had, apparently, found some difficulty in understanding why the documentation was sent to her, so Bis Weaver set out to explain why the material had been sent, although it should not have caused Ms Whitbread a moment's deliberation as the intention seemed all too obvious - Bis Weaver wanted help and assistance. Nonetheless, Ms Whitbread was soon put in the picture.

Was the President unable to recognise that attention was being drawn "to the fact that it took...several months and many letters and lengthy research and questioning to arrive at the offer of a Rule which should have been offered" at the outset? Furthermore, "the Union's investigating official in a so-called 'Report'" sought to change Bis' Weaver's contract of employment "to accommodate to the demands of the offending party." Was "this how NATFHE protect[ed] the jobs of Black people and women"; and, if so, it was "an exceptionally novel trade union practice?" This was a reminder to the President of the constant attempts of NATFHE's women's movement to bring into the open the difficulties women faced in getting jobs and promotion. * Yet it seemed that the President thought it of little importance for a union official to propose the downgrading or demotion of a competent woman to be conducted in union/management meetings by the union officer responsible for the harassment.

Bis Weaver acknowledged: her own mistake "in expecting [the President] to understand the plight of a rank and file Black woman in her attempt to get a just redress of

* NATFHE's response to the Newcastle 4 would be considerably different. (see Chap XVIII Sect e)

wrongs”;...and (ii) that she “was also wrong to expect [her] to understand the importance of the need for safeguards to ensure that Black people,...and...women can carry out their contractual obligations without abuse, harassment or any other actions against them – actions that bring the union into disrepute.” She had also “hoped to draw attention to the inadequacy of the procedures...especially when...offered an informal procedure, namely, Rule 24 with additional conditions.” Bis Weaver also recognised wasting her [own] time in contacting the President in the first place.

If the President thought this was the bleating of an unreasonable Black woman, as NATFHE officials in its submission to the Industrial Tribunal in October 1986 unsuccessfully tried to claim, the President was reminded of the treatment of “one other woman at Bournville CFE with strong connections to the Black community.” This particular woman “had to give up her attempt to bring a complaint...because of lack of support from those who would claim to be supporters of the rights of women and Black people, and...the failure of a full-time Official to offer [her] assistance.” The President was pointed in the direction of head office to find out the connection between this additional issue and the Bis Weaver case.

Why Ms Whitbread felt it necessary to question the reason for sending the correspondence was not really understood by Bis Weaver because she asked the President “surely a trade unionist can expect...support to obtain information for the protection of her rights...[and] to carry out their chosen career without abuse and harassment.”

The President’s patronising assumption that she was “incapable of understanding...Rule 8” was resented by Bis Weaver and she made it perfectly clear that the Rules “are quite easy to understand if *ad hoc* additions and unwritten custom and practice were not introduced.” It was only after discovering the Union’s “manner of operation” that Bis Weaver had began to “ask questions about her rights under the Law.” Surprise was also expressed that the President supported “Triesman’s offer of procedures not within the Rules when the CRE’s Code of Practice for Trade Unions...recommends that unions ensure in cases where members of particular racial groups believe...they [were] suffering racial discrimination serious attention [was] paid to the reasons for this belief and that any discrimination which may be occurring [was stopped].” Bis Weaver also divulged that both the Bournville branch secretary (June 1985) and Day (August 1985) were fully informed that she thought the behaviour directed towards her was “related to [her] race and sex.”

NATFHE had clearly neglected to observe this Code and she attributed this to NATFHE’s “reluctance...to adequately process [her] grievance [as it] was to do with [her] race. Otherwise [why did she] have to write so many letters to get a Rule that...should have

[been offered] at the beginning.” Instead, “Triesman attempt[ed] to direct [her] into an informal investigation...with no intention of seeking motivations for D Gates’ behaviour.”

The President was queried on her belief that “Triesman was trying to help [her] when he offered an informal investigation” by asking if that was the reason: (i) why did he ask her to sign away her right to a Rule 8; (ii) why did he say “he did not want a road into the complaint but one out of it, whilst offering...an informal investigation”; (iii) why did he not intend to investigate “A Day’s unusual *‘investigative technique’*”, including Day’s pre-enquiry discussion with the accused “before accepting the brief to investigate” and “without telling [her] that such a discussion took place”; (iv) and why ignore Day’s failure to investigate “the complaint itself and then blaming the victim?” Putting it all into context, she thought, “the reasonable person might consider that there has been an attempt to cover up what [had] been going on, otherwise why the resistance to questions relating to [her] legal rights?” The President might also ask “why a Branch Official [Officer], who witnessed D Gates’ abusive behaviour...without offering [her] any support and who has an extremely close friendship with D Gates, was the person responsible for organising the witnesses [to see] A Day.”

Bis Weaver asked the President why she could not “empathise with a Black woman who in a ...meeting...in the presence of 13 White people, including 3 College Management Executives, was referred to in her presence...by a tutor on the course (a National Council member) by the statement, would ‘someone tell her to get her fucking finger out’” She wondered if these were “everyday occurrences between NATFHE members when pursuing the educational objectives of Black people...” She added, “What an example for...white colleagues...when [a] Black person...is treated like a piece of garbage.” Did the President “still wonder why [Bis Weaver] sent the documentation to [her]?” Furthermore, “the fact that [the President] cannot see the relevance of the...letters...sent to the General Secretary [was] very revealing, bearing in mind they deal with legal rights, rights of trade union members, rights of Black people; plus questions regarding some rather unusual ‘coincidences’ and irregularities.”

Relating the allegations made by Gates in union meetings after Day released the “report’; the President was asked if she still wondered why Bis Weaver was “extremely careful now about rushing into anything offered...by officials of NATFHE.”

Rounding off her letter, she explained she had joined NATFHE in 1978; * “supported

* The year Bis Weaver joined NATFHE was in fact 1976

NATFHE policies; and followed NATFHE directives.” Many a Saturday morning had been spent collecting for the striking miners – a branch-sponsored activity yet “within the space of several months the action of most...NATFHE Officials, lay and full-time,...has been such that...every letter to Hamilton House” (NATFHE Head Office) was sent by recorded delivery. The President might not have noticed that she was also given the benefit of a recorded delivery.

An extract was quoted from the President's speech delivered at the TUC Conference in Blackpool, September 1985, launching a broadside at trades unions, saying, "The Trade Union Movement had already adopted sound policies of equal opportunities. It has the slogans, but the TUC still has a lot of work to do to implement action and monitor progress. This includes setting its own house in order."⁶⁴ The quote, reproduced to illustrate the President's own awareness of the divergence between rhetoric and practice, gave Bis Weaver the opportunity to ask the President if she thought it possible to put NATFHE's house in order. Answering her own question, she referred to her Black colleagues, who would not think it possible when hearing “of the ‘difficulties’ [she] had [in] seeking to obtain [her] rights.”⁶⁵

Bis Weaver had replied in the only possible way to Ms Whitbread's response and now the President could return to her cosy nook in the bosom of NATFHE officialdom, in which she seemed so comfortable, and turn her back on the real NATFHE.

A copy of Ms Whitbread's letter and her response was sent to the West Midlands women's panel member who had failed to turn up to meet Bis Weaver in January and had remained out of sight since then. It was a gesture to inform the recipient that she – the panel member was not alone as there were many others like her in the NATFHE women's movement prepared to turn their backs on a Black woman being harassed.⁶⁶

A couple of days later, a reply came from Baker, the ARNP chair, to say he had “made arrangements to read the material at Head Office today.” He hoped to be excused “for not responding more fully to [her] letter until [he had] read the material.”⁶⁷ Bis Weaver seemed to have a predisposition to come up against tokenism among NATFHE officials and officers, which was consistently shown, as Baker demonstrated his commitment to anti-racism by a swiftly disappearing pair of heels as he never contacted her again.

Triesman may have pulled down the shutters but the lay President did not put her pen away behind those blinds; instead she reacted to the rebuff delivered to her eminent personage. Her reply had an air of the devotee about it, defending NATFHE's noble knights; avoiding anything of significance; and concentrating on the mundane. Ms Whitbread

apologised for the ‘clerical error’ whereby Bis Weaver was addressed as ‘Mr’, which were three ‘clerical errors’ in fact, overlooked by her when signing the letter. Perhaps, she failed to notice it when attaching her signature because it was probably written by someone else and presented for her to sign as, yet again, it looked as if another of Bis Weaver’s letters to the President had been hi-jacked in NATFHE’s corridors of power by Triesman. The format and style of the President’s two letters bore a remarkable similarity to David Triesman's style of writing and both Bis and I were of the opinion that head office officials and senior lay officers displayed a common writing style. Perhaps, Triesman and the President attended the same creative writing skills classes that NATFHE may have provided for its leading lights. The President had also recognised Bis Weaver to be a Black woman as she (Bis) had “drawn attention to this in many of the papers [she] sent [her].” At least Ms Whitbread noticed something in the documentation but there was little else to show that any of the other significant information had penetrated into the President’s consciousness.

Bis Weaver was to receive what might be described as a lecture from this erstwhile lecturer – the lesson delivered was on how Bis Weaver had “misinterpreted the motives of NATFHE lay persons and officials who have genuinely tried to help” and the President regretted “that this should happen.” The impression portrayed by the tone of the President’s letter was of a university lecturer thinking she was addressing someone attending a kindergarten. Ms Whitbread’s declaration of sincerity might have been acceptable if it had been expressed for the suffering meted out to Bis Weaver by those very same ‘helpful’ lay persons and officials, who had impressed Ms Whitbread so much. Any assistance provided for Bis Weaver, as rumour might have it, was something that passed by Bis Weaver unnoticed. Was Ms Whitbread being serious because this ‘assistance’ included Triesman doing his best to channel her grievances into a dead end in the same way the official, Day, had done with the acquiescence of lay officers.

The President generously conceded NATFHE was not perfect but, in speaking up for NATFHE, she claimed “we are certainly trying to tackle racist and sexist discrimination.” This implausible assumption of NATFHE’s professed intention carried no weight whatsoever because the NATFHE term designed to smother complaints of racist harassment – interpersonal dispute, had found its way into Ms Whitbread’s letter. While Ms Whitbread was serving up another offering of patronising self-deluding creativity about Rule 8 and the rule making process, she claimed NATFHE had tried “to ensure that [she was] fully aware of what rules exist and what do not.” Furthermore, “Branch Officers, Regional and National Officials and lay officers sometimes try, often successfully, to sort out interpersonal problems

between members...David Triesman's attempts was just such an attempt." In conclusion, she informed Bis Weaver that "It would not be proper for [her] to comment on the details of [her] circumstances or [her] allegations"⁶⁸ – no comment to be made on the grounds of propriety; a rare commodity only available in NATFHE's showroom of intended future services.

The 'interpersonal problem' angle was slipped in very neatly and it confirmed that the President did not have a clue as to what constituted harassment, whether or not sexist, racist or both. It was also highly unlikely Ms Whitbread had contacted any of the officials - other than Triesman, or any lay officers, whom Ms Whitbread, instinctively, defended without a moment's hesitation. * Feminists, understandably, take offence if told by men what constituted sexist harassment and how victims should feel about the experience, yet too many feminists, like the President and the West Midlands ex-regional secretary, did not extend that 'gender experiential understanding' to Black people and their understanding of what constituted racist harassment. Perhaps Ms Whitbread was merely demonstrating that instinctive consciousness that sets the 'activist', like herself, above the ordinary member, as she made clear at National Council in 1984.⁶⁹

This was a letter we thought would be a waste of time replying to and not worth the cost of the postage – not even second class like the President's contribution but as it was our policy to respond to everything directly written to Bis Weaver, a reply was eventually sent, much later than intended; the delay being caused by what the branch committee would spring on Bis Weaver within a couple of days.

Ms Whitbread's letter was an example of the way so-called 'anti-racists' substituted the mediocre concept of 'interpersonal problem/dispute' for racist harassment. 'Interpersonal dispute' (IPDism) had become the new 'buzz word' regulating the consciousness of those 'doyens of anti-racism' to such an extent that racist harassment in NATFHE was to succumb to the embrace of a concept laden with the image of neutrality and equality? 'IPDism' became essential to NATFHE officers and officials dealing with damaging allegations threatening their own interests or, as Day put it, 'the image of the union', and was to become the official line when NATFHE officials had to defend their actions publicly. Interpersonal problem, like interpersonal dispute and personality conflict, was to be used to flush racism out of sight and into NATFHE's waste disposal unit, in which NATFHE officials and lay

* Ms Whitbread might not have known at the time, as Bis Weaver did not, that Triesman was on the verge of exonerating Gates completely, although Triesman failed to bring his recently found basis for Gates' innocence to the attention of the complainant-victim. This judgement, which Triesman claimed to be not in his domain, was revealed at an Industrial Tribunal hearing in June 1987

officers seemed to be swimming. For those doyens of the Left in NATFHE, with their allusions of superiority, the new concept also enabled its adherents to separate organised racism, as in racist and fascist groups like the National Front, from the racism found within its own ranks in NATFHE.

Catch 22 sprung to mind, in which Joseph Heller wrote: “They think they’re smart and the rest of us are dumb. And the thought occurred to [us], for the first time, maybe they were right.”⁷⁰ For us to have expected NATFHE to do anything about racism, after the ‘Fernandes affair’, by opening up the hornet’s nest represented by Bis Weaver’s case was dumb on our part and Bis and I were to look even dumber by the end of April.

(c)(ii) Playing a Dummy Hand

The officer, to whom Triesman had directed me about matters concerning the National Front, re-entered the fray. According to Paul Mackney, his re-emergence came after several months inactivity and his intention was to return to that situation upon completion of the letter he sent to the regional secretary, who was the recipient of Mackney’s 8th April response to Bis Weaver’s questions. Copies of Mackney’s letter were then sent on by the regional secretary, with a covering letter on the 16th April to Bis Weaver, Gates, Heather Stretton, Day, and “anyone at Head Office [Triesman] dealing with the matter formally.”⁷¹ Mackney, used this method of delivery, appreciating “that Bis Weaver would like all communications to be through NATFHE.” After reading the letter, time was allotted to giving it the ferret-treatment.

Bis Weaver had sought responses for nine questions with various options for answers. Mackney produced a preamble to the ‘questionnaire’, almost as an alternative, covering the period from the 11th June until the 18th June 1985. This period lasted from the day after the complaint was submitted up until the branch committee agreed to allow Day to carry out an initial enquiry. The account contained information previously unknown to Bis Weaver and her representative.

The letter showed Mackney’s direct involvement in dealing with the complaint in the early stages, although he made a considerable effort to claim he had no involvement in deciding the appropriate way of dealing with it or to having any formal role to play when it was obvious he had played a significant role in events at that stage. Why he sought to distance himself from the manner in which the procedures were established is difficult to determine unless Mackney subsequently recognised Day’s ‘enquiry’ was not conducted with

impartiality and fairness and did not conform to the procedures outlined to Bis Weaver and on which she had agreed? In that situation, Mackney, as a senior officer in the region, might wish to distance himself from any suggestion of having any formal involvement or significant role in what turned out to be a *Whitewash*.

The account shed some light on the early dealings Mackney had with a number of people mostly NATFHE officers or officials - the Bournville branch vice-chair, Shuk Nedjat; the regional official, Day; the just-about ex-regional secretary, Ms Welch; and Gates. The only non-NATFHE person with whom he discussed the complaint was Phillip Murphy, a Birmingham city councillor and CRE Officer. All of these discussions took place between the 11th and 15th June 1985. What they did confirm was how seriously lay officers and the regional official viewed the complaint and its implications to the union and the union's Broad Left Coalition.

Mackney began with a caveat that went "before answering the specific questions in Bismillah Weaver's letter I think I should recount my recollections of my involvement in the case". He introduced this caveat to his account as "The events described happened some months ago and may not therefore be either complete or accurate in every detail."

Mackney wrote of Shuk Nedjat, Bournville vice chair approaching him, on the 11th June 1985, about a complaint put hypothetically to Mackney concerning two members at Bournville College. Mackney was unresponsive, not wishing to be involved as he was "no longer secretary of the Birmingham Liaison Cttee," however, Nedjat "prevailed upon [him] to give [his] opinion informally on the grounds that [he] had held NATFHE office for some years." Mackney "reluctantly agreed" to his request. (point 2.1) Apparently, "in what was still a hypothetical question," Nedjat "outlined in general terms allegations made about one hypothetical member about the behaviour of another." Nedjat's view was that "this was a problem for management...and...NATFHE had no role to play." Mackney then "ascertained that both (still unnamed) members were on the same grade," and, still unaware of the parties involved, told Nedjat he "disagreed...and felt...it was a good thing for a member to bring complaints...to the union rather than...management...[as] the latter course always causes problems over which members to represent and how." Mackney added that "there should be no sweeping under the carpet; the matter should be dealt with formally and quickly; the procedures for investigating the complaint should be agreed upon by all relevant parties...[and]...also suggested certain procedures that might be acceptable, in particular...a Branch tribunal...(possibly with one Liaison Cttee representative on it)..." (2.2) Mackney included a bracketed aside stating that his "advice might have differed had one person been in

a management position over the other.” Mackney’s “emphasis - rightly or wrongly,...in a case which was still hypothetical, was to persuade Shuk Nedjat that; in [his] informal opinion, the union had an important role to play, if that was what the complainant desired; and that the matter should not be left to management, which was [Nedjat’s] inclination.”(2.3) Why was it necessary for Mackney in a hypothetical situation to go into such detail and stress factors, such as “no sweeping under the carpet”, which suggests that a person might be involved in the complaint for whom ‘sweeping it away’ might be thought to be a possible way of dealing with the complaint?

When discussing “the appropriate arrangements for a Tribunal” and seeking further details, Mackney “deduced that” Bismillah Weaver had made a complaint against David Gates, thereupon, Mackney told Nedjat that he (Mackney) “should not be...involved since...he might be viewed as far from impartial by David Gates in terms of giving procedural advice” as a result of ill-feeling between Mackney and Gates. How did Mackney deduce that the case involved Bis Weaver and David Gates because having to deduce who was involved suggests that their identities were not disclosed to Mackney? Nedjat must have referred to a Black woman or racist harassment and, as Bis Weaver was the only Black woman at Bournville College, Mackney could have made the connection. But how did he come to the conclusion Gates was involved? Nedjat must have mentioned his name, otherwise Mackney would not be able to deduce his identity in a college with a considerable number of White men, and, therefore, would require a name, unless there was some other means to identify Gates without using his name! Nonetheless, Mackney arrived at the identity of the two parties to the complaint without apparently being specifically told.

To Mackney, “the knowledge of who the parties were did not change the substance of [his] advice” (2.2) but it made “giving any advice at all problematic because [he] was ill-disposed towards one of the parties.” Furthermore, “the suggestion [he] made of a Branch tribunal also seemed problematic since...many of the...B’ville [Bournville] Branch Committee were either academically or personally involved.” (2.6) Mackney, therefore, “suggested that Shuk Nedjat should ask Alan Day for his advice since he as a full time official for the Region deals with casework which branch or Liaison Committee Officers cannot handle.” He thought it inappropriate to involve the liaison committee as the new secretary, Robin Doughty, “was extremely busy...picking up the reins” of office, and “the Chair of Liaison Cttee was Richard Downey who was on the B’ville Branch Cttee.” Mackney thought he “told Shuk [he] would speak to Alan at Region.” (2.7)

In the course of his account, Mackney provided three grounds for not involving himself: (i) recent clashes with Gates; (ii) possible ill-feeling with Bis Weaver; and (iii) study commitments. The first ground stemmed from “recent and very public disagree[ments] with David Gates on two occasions”, which had left him not on the best of terms with Gates. The first occasion was “at the Liaison Committee on 14th May [1985] where [Mackney] had accused [Gates] of lying in a debate; the second occasion was “at National Conference (25th - 27th May) where [Gates] had publicly questioned [Mackney’s] chairing and judgement at one of the meetings of the West Midlands delegation.” In Mackney’s own words, “it would be an understatement to say that I was still simmering over both of these clashes at the time.” (2.5)

Two days later, Mackney was “approached by Councillor Phil Murphy, whom he knew from his work as a CRE officer,...concerned about the treatment of Bismillah Weaver – a black woman – at B’ville by a NATFHE officer...[and] he asked [Mackney] to expedite matters.” Mackney “told him that the Branch Officers were considering the matter and that [he] had no formal role to play,...as it was not possible for both procedural reasons and...[his] involvement with both parties.” (3)

Murphy’s intervention opened up the likelihood of a serious controversy embroiling NATFHE with Black politicians in Birmingham. Mackney would know enough about Murphy to forecast his likely reaction to a Black woman being harassed by a union officer, if prompt and effective action was not taken by the union.

During this conversation with Murphy, Mackney provided the second ground for not involving himself - an unusual reason in that it involved Mackney’s partner. Apparently, Mackney “suggested [to Murphy] that there was just a possibility that Bismillah Weaver might possibly feel [he] had something against her because his partner (Cherry Sewell) had failed to get [a] job in Bismillah Weaver’s area of work after an interview the previous October” at Bournville College. Mackney stressed that [he does] not and did not feel in any way aggrieved about that; but it could have appeared that way.” (3) (Mackney’s underlining)

This case was producing some amazing revelations about how people in important union offices perceive other people’s attitudes. Why would Mackney think his partner’s failure to get the Bournville College job would affect Bis Weaver’s perception of him? Was Mackney’s view of Bis Weaver such that he thought she might consider he would feel antagonistic as a result of this? On what criterion did Mackney conclude that she might have such a petty-minded view of the world and the people within it? Was this how senior officers of the union with membership of the Broad Left Coalition actually perceive the attitudes of fellow

professionals? This was to be only the tip of the iceberg of the attitudes of many people in the Broad Left Coalition.

Mackney may have found involvement problematic for the above two reasons but, nonetheless, he did involve himself as “this conversation convinced [Mackney] further of the need to speak to Alan Day since the matter was extending beyond the union and it was important for an investigation of the complaint to be held as soon as possible.” (3) The possibility of the complaint extending into a wider arena – a significant political one, appeared to be a significant factor in Mackney’s actions and not the effect that the behaviour might be having on the complainant.

On the 15th June, at regional council, Mackney spoke to Day “in the corridor outside the lecture theatre where Regional Council meetings [were] usually held.” He did “not remember anyone else being present, though it was possible Penny Welch (NEC member) was present for part of [the] conversation” but he was adamant “David Gates was...not present.” (4.7) * (Mackney’s emphasis)

Mackney told Day (i) “what he knew of the situation” and was “most keen to impress upon [him] this was not a ‘typical end-of-Summer-term tiff,’ which would blow over by September...”; (ii) of the interest in the complaint shown by Murphy, a Birmingham Councillor and CRE officer; and (iii) that Day “should talk to [Bournville] Branch Officers as soon as possible.” (4.1 & 4.2); Mackney made no reference to racist harassment in this account but would he have overlooked bringing it to Day’s attention when he revealed the interest shown by a CRE officer.

He “expressed [his] opinion” to Day that: (i) “the complaint should receive full and impartial consideration in accordance with natural justice;” (ii) “all other complaints to other parties (e.g. to college management) should be withdrawn if the union was to handle it;” (iii) “both parties should agree to abide by any resolution of the matter;” and (iv) “the procedure for investigating the complaint should be agreed by both parties before any investigation took place” (4.1) Mackney appeared to be making a very significant case for what Day should do, and how the complaint should be dealt with.

In the next paragraph, he “expressed again [his] preference for some kind of Tribunal to look into the matter; but felt that...joint agreement on the procedure – was the crucial

* Day claimed, when giving evidence at the Industrial Tribunal hearing in June 1987 that Mackney was present when Gates spoke to Day.⁷² But given that Day’s evidence was proven to have little substance, as he was trying to avoid a finding of direct racial discrimination against him, Day’s version may well fall into the category of dubious

point.” (4.2) It seemed somewhat unusual to stress, as the crucial point in determining the appropriate procedures for dealing with complaints, that the procedures were to be decided by agreement between the parties to the complaint. This was a recipe for an influential party to gain ascendancy as one party to the complaint could be unfamiliar with the procedures and was not offered guidance and representation, while the other is a union officer; a close collaborator of the person taking over responsibility for the complaint; and, as Mackney revealed shortly, was intending to seek advice from the regional official before the official confirmed his decision to investigate the complaint. The disadvantage is further increased, as Bis Weaver made clear at NATFHE’s Anti-racism Conference in December 1985, when a dissatisfied complainant is tied to any interpretation of those procedures that the union chooses to make; and the ‘investigating’ official decides to tack on a ‘judgement’ as part of the procedures. It might be expected that a senior union officer might see the pitfalls in this process, especially in the particular circumstances of this case and the identity of the accused.*

At the conclusion of the Mackney-Day discussion, Day agreed to “speak to Branch officers,” (4.3) and he told Mackney “Rule 24 would apply to any investigation and that would normally cover [Mackney’s] points (ii) and (iii)...”. (4.4) These were part of the four conditions Mackney described as constituting his ‘opinion’ of what should apply to any investigation. (4.1) Bis Weaver was not having an opportunity to receive fair and impartial treatment as Rule 24 was not appropriate for internal union complaints, although passed off as applicable, since its purpose in this instance could only be to stifle any dissatisfaction with any conclusions that Day arrived at.

Mackney “went back into the Council Chamber and formally told David Gates what [he] had done” and Gates in turn informed Mackney “he was...going to speak with Alan Day about whether he should reply to a list of questions he had received.” ** Mackney claimed to have “declined to discuss the matter with him and told him that [he – Mackney] wanted nothing further to do with the case.” (4.5)

After dealing with Day, Ms Welch and Gates, Mackney spoke “to Cynthia Deeson on the phone and/or at B’ville [College] on the 18th (when [he] was at B’ville Governors

* When Bis Weaver protested about Day’s ‘report’, Day pointed out that she had accepted Rule 24,⁷³ which meant she was expected to accept the union’s decision as final and take no further action without the union’s approval

** This was the questionnaire given to him by Ms Deeson, the Bournville branch chair – a copy of which ended up in NATFHE’s submission to the Industrial Tribunal ⁷⁴

meeting or at the Liaison Cttee Executive on the 19th.” * (5.1) Mackney did “not remember precisely what [he] said to either Cynthia Deeson or Shuk Nedjat since [he] felt by now that [he] was no longer involved (and never had been formally involved. However, [he] would have restated” the four points discussed with Day for dealing with the complaint. (Mackney’s emphasis) (5.2) ** He admitted that he “certainly told Cynthia Deeson that Alan Day would be in touch...to discuss the matter and to arrange to meet the members concerned.” He also “would certainly have said that [he] felt many members of the Branch Committee appeared to be too closely involved with the case to be impartial,...[and] would have explained why [he] could not be involved. He “would have stressed the need for a serious investigation by a procedure agreed by both parties [with] some kind of Tribunal if that was what the parties wanted.” (5.2) It certainly seemed by this time that the person taking on the role of ‘investigator’ was settled on as Day was intending to meet the members concerned. Yet, the ‘appointment’ of Day had not been put to the branch committee for approval. Nonetheless, securing Day’s role as ‘investigator’ would not be difficult since the *kernels* had considerable influence in the committee.

Mackney clarified as to why he had decided on the type of procedures that he suggested to Day and which Day adopted. The reason being that he was not disposed to the use of Rule 8, pointing out that there was no appropriate rule for this particular type of complaint. In his opinion, Rule 8 refers to complaints that “the conduct of any member has been detrimental to the interests of the Association” and from what Mackney “knew of the complaint at the time this was not being suggested.” *** (6) Mackney’s explanation seemed rather inadequate since ‘detriment to the Association’ would almost certainly be a consequence of racist harassment committed by a member of the union, especially an officer. Did a victim have to specifically state any complaint was detrimental to the union when it was plainly obvious that it was? More significantly, Mackney’s unfavourable view of Rule 8 was due to its “extremely cumbersome machinery,...grossly overloaded with strike-breaking

* Mackney definitely spoke to the branch chair on the 18th June at Bournville College because shortly afterwards the chair discussed the proposals delivered by Mackney with Bis Weaver⁷⁵

** Mackney was carrying out a function for Day by telling the branch chair of Day’s intention to contact her about dealing with the complaint. This can only be interpreted as involvement and only after performing this task could he claim to have ended his involvement. Involvement to Mackney appeared to be a subjective activity based on what he perceived to be his role and not an objective activity based on his actions. Dealing with NATFHE threw up some interesting material about people’s self-perceptions

*** In this letter, Mackney never disclosed how the complaint was described to him. This was a significant omission given how serious he considered the complaint to be.

cases...[and] generally only used after a Branch and Liaison Cttee or Region has carried a motion to activate it...[and]...There [was] a distinct tendency for Head Office to try to forget about the complaint”. He mentioned one Rule 8 complaint against “a member...objecting via the press about alleged lack of qualifications of staff,...[which] went on for months and the member...resigned before [the complaint] was dealt with.” * (6) NATFHE was prepared to use a formal rule against a member for expressing concern over academic standards while it used informal procedures for a member’s complaint of racial harassment. NATFHE - its officials and lay-officers, certainly had a strange way of adhering to the CRE’s Code of Practice.

Any previous doubts Bis Weaver had about Rule 8 crystallised after this contribution from Mackney as she realised Rule 8 was a totally unacceptable option. Triesman originally implied it was unsuitable,⁷⁶ and now Paul Mackney was ruling out its suitability. The option of Rule 8 had the red pencil struck right through it. The only other option for Bis Weaver was the courts but that was not a credible option as the time limit had long since gone for an Industrial Tribunal case against Gates or Day under the Race Relations Act. ** Was head office aware of this restriction on this course of action, despite its constant claim of having no one to answer questions on legal matters?

There is no doubt that union procedures for protecting members from harassment or virtually anything requiring union action against members violating the rights of other members were non-existent. It was that absence of procedures that Mackney relied upon to explain the role he played. His argument was that he had “no authority to instruct the Regional Official” who had “substantially more experience than [him].”(4.2) Therefore, “In the absence of any specific rule [and the] matter looks too involved for a Branch...[to deal with] the Regional Official is the person to discuss appropriate procedures with the Branch and individual members concerned. Moreover, if he/she recommends that he/she do (sic) the investigation and this is agreeable to both parties, that seems to be entirely appropriate.” (6.2) There was nothing in the union rules assigning responsibility to regional officials to determine the outcome of a complaint between members. If there had been then it would not have been necessary for Mackney to discuss procedures with Day or for the branch

* Mackney, like Ms Whitbread, another senior lay officer, was apparently unaware of the 1976 annual conference decision to exclude complaints of racism from Rule 8 procedures.⁷⁷

** An application for an industrial tribunal hearing had to be made within three months of the acts of discrimination, although an application to the courts could be made within six months of the discriminatory acts

committee to decide on the ‘adjudicator’ and procedures; or to apply conditions and rules that were inapplicable in such cases. Notwithstanding this, if the regional official has to be asked to take on the role of investigator it does not explain why Day was assigned to that task. Day was known to be totally unsuitable for dealing with members’ complaints and that raises the question as to why Mackney discussed procedures with him and acted as a go-between between Day and the Bournville branch committee, which, despite Mackney’s protestations of non-involvement, he clearly performed.

Among the officer caste it was well known that Day had come in for serious criticism over his performance in dealing with complaints involving members. Birmingham liaison committee had criticised Day for his inadequacies in dealing with a complaint of racial discrimination (the Brooklyn case).⁷⁸ He also caused considerable difficulties for an Asian member, who was to serve on the REC as secretary of WMARC and on the ARNP, over a complaint of racial discrimination against his employer. Severe criticism was directed at Day, by the WMWP, over the Telford College sex discrimination case. Two other cases at Matthew Boulton College, one dealing with racism; the other not a discrimination case, had caused considerable difficulties for the complainants. Information on these cases came our way during our enquiries, so these cases would not be unknown to senior officers in both the regional and liaison committees. Therefore, why did Mackney participate in a process that led to Day taking over responsibility for this complaint when knowing of his track record? In what way did this enable Bis Weaver, as one of the parties required to agree procedures and unaware of Day’s record at the time, to come to a reasonable decision over the procedures to be used and who should be the person to administrator those procedures. Was Mackney expecting Day to perform any differently from his usual performances? If so, Mackney was being obtuse. If not, in whose vocabulary did this commitment to fair and impartial treatment lodge? What exactly was Mackney expecting from Day’s enquiry?

Mackney was also remiss in another part of the process. Having ‘formally’ told Gates what he had done, he mentioned intending “to inform Bismillah Weaver of what [he] had done but was so busy...[that he] did not do it immediately. Eventually he wrote to her in response to a letter from her dated 3 July,” sending a copy to Gates and Day. (4.6) He gave the impression that the opportunity to inform Bis Weaver of his part in matters concerning the complaint did not arise before July 1985 due to his busy schedule.

In re-visiting Mackney’s July letter, his role in the complaint had not been given an airing and it certainly did not provide Bis Weaver with the extent of his involvement or whatever term he chose to describe this involvement. The letter dealt only in general terms

with no mention of his actions between the 11th June and the 18th June 1985: There was no mention of his discussions directly with Day, Gates, Ms Welch and branch officers; nor of acting as a virtual go-between for Day and the branch committee; nor of Murphy's intervention. If Bis Weaver had not written to him in July 1985 about a related matter, it was open to doubt whether Mackney would ever have contacted her and she would have known little of Mackney's involvement other than what she heard from the branch chair.

Bis Weaver's doubts of ever hearing from Mackney about his activities should be seen in the light of the opportunity Mackney had to inform her of his involvement at an early stage in the proceedings. Had Mackney's memory failed him because on the 18th June, within a couple of hours of discussing the procedures with Cynthia Deeson and informing her of Day's intentions, he met Bis Weaver at a multi-cultural event at Bournville College? Unaware of Mackney's activities over the previous seven days or that he even knew of the complaint, she spoke with him for some time on multi-cultural educational issues. At no time during that meeting did he say a word about his activities concerning her complaint, nor did he reveal the extent of his involvement at any other time other than a few general comments in his July letter. Surely, on the 18th June and the 5th July, he had not forgotten the service he had performed for the union.

This somewhat skewered Mackney's claim of intending to inform Bis Weaver and his excuse of being so busy he did not do it immediately. Mackney told Gates within minutes of discussing the case with Day but failed to tell Bis Weaver three days later when the opportunity presented itself. Mackney had two opportunities (18th June and 5th July 1985) to let Bis Weaver know of his involvement and he failed to do so. 'Full and impartial consideration in accordance with the principals of natural justice' (4(i)(i)) seemed to apply to only one party to the complaint and that party certainly did not look to be Bis Weaver. Was it a gross oversight on Mackney's part not to advise her as soon as possible or did Mackney not intend doing so and, if not, why not?

Bis Weaver was in no doubt that had Mackney told her about the early history of the case and the intended Gates-Day discussion when he had the opportunity at Bournville College on the 18th June 1985 or even in his letter to her of the 5th July 1985, there was no way she would have accepted any enquiry carried out by Day. Was this another example of the insignificance in which Black people were perceived, such that they can be overlooked or ignored in serious matters in which they have legitimate interests? Mackney seemed unable to disclose to her what action he had taken a hundred minutes or so after he had taken it.

Mackney had opened our eyes to a considerable amount of activity on his part in those early days but he seemed determined to minimise his contribution by describing his role as “both informal and unofficial” and of not being involved. Mackney repeated on several occasions a reluctance to get involved or had claimed not to have involved himself. He had: (i) told Nedjat he “did not wish to be involved” when the parties to the complaint were unknown to him and “felt he could not be involved in any way” when deducing the identities of the parties – 11th June 1985 (2.1 & 2.5); (ii) told Phil Murphy it was not possible for him to become involved for procedural reasons and due to a potential difficulty with both parties - 13th June 1985 (3); (iii) told Gates he “wanted nothing further to do with the case” – 15th June 1985 (4.5); (iv) explained to Ms Deeson he “felt by now that [he] was no longer involved (and had never been formally involved)” and “why [he] could not be involved” – 18th June 1985 (5.2); (v) “frequently expressed [his] desire to have nothing to do with it.; (5.3) and (vi) while acknowledging he “had held union positions,...the matter was for them to deal with...[and he had] frequently expressed [his] desire to have nothing to do with it.” (5.3)

For someone not wanting to involve himself and only doing so with considerable reluctance, Mackney certainly looked to have played a key role in those early stages and certainly covered a lot of ground. On the 11th June when speaking to Nedjat, Mackney offered to speak to Day (2.7); his conversation with Murphy on the 13th June, “convinced him further of the need to speak to Alan Day;” (3) on the 15th June speaking to Day, whom he recognised as being more experienced, * Mackney impressed upon Day the seriousness of the complaint and mentioned certain conditions he thought should apply to the procedures, including his own preference for a tribunal, (4.1 & 4.2) which he also made known to the Bournville branch chair on the 18th June; (5.2) By acknowledging Day’s greater experience, why was it necessary for Mackney to outline the procedures and conditions that he thought should apply to the complaint, especially as it was considered to be the regional official’s responsibility?

After telling Gates on the 15th June that he wanted nothing further to do with the case, Mackney, on the 18th June, informed one or two Bournville branch officers that Day would be in touch “to discuss the matter and to arrange to meet the members concerned.” (5.2) Day

* Mackney’s observation did not say much for his level of ‘appreciation’ when evaluating a person’s ‘experience’. He failed to take into consideration the results arising out of this ‘experience’. In Day’s case, ineptitude and indifference in dealing with complaints from members would seem to be key elements for consideration when assessing Day’s suitability for carrying out an enquiry into Bis Weaver’s case

eventually did this, which suggested Day's intention was discussed with Mackney on the 15th June, and the discussion also included Mackney "impress[ing] on [Day] that this was not a... 'Summer-Term tiff... [and] to ensure... a speedy and impartial investigation" (4.2 & 4.9) Furthermore, when telling Day, in the presence of Ms Welch, of the seriousness of the issue, Mackney speared the interpersonal dispute angle that became the prevalent form of describing Gates' behaviour among the 'activists' in the region.

Mackney had removed any doubt about how serious he viewed the complaint especially after Murphy had spoken to him. But in what sense did Mackney view its seriousness? Was it in terms of the effect it was undoubtedly having on Bis Weaver's work situation bearing in mind he had experienced Gates' behaviour in union meetings, which had left him 'simmering' for close on three weeks up until then? Or did it warrant the designation of 'serious' because Gates was a member of the Broad Left Coalition and the Coalition might have one of its members found to have harassed a Black woman member of staff. Such a finding would provide Phil Murphy with ammunition for raising racism in colleges of further education at city council committee meetings on which Murphy served. This had to be avoided otherwise it could have a considerable detrimental effect on the union and it might give ammunition to opponents of the Broad Left. Or could it be the impact of such a finding on the image of the union's bureaucratic class of officers and officials that was of concern? Mackney did not elaborate on what 'serious' actually referred to.

Mackney was also "keen that the matter insofar as it was ever 'in my hands' was transferred to the person appropriate to do just that," i.e., to deal with the complaint, namely, "Alan Day." (4.3) Mackney's use of inverted commas, 'in my hands', did not alter the fact that Mackney's account showed a strong case for considering that Mackney guided the complaint into Day's 'more experienced' hands. The reason put forward, at the beginning of the letter, for replying to Bis Weaver's queries confirmed his role to be that of an involved person because he said he "thought [he] should recount [his] recollections of [his] involvement in the case." (p1)

The reasonable person, privy to this information, might easily conclude that Mackney was significantly involved in the early stages of the complaint and had a significant say: (i) in the type of procedures to be used; (ii) in the conditions applied to those procedures; and (iii) in who the person would be to administer the procedures. The speed and scope of Mackney's actions certainly gave the impression of Mackney being more than a casual, informal and unofficial observer or messenger. For someone wanting to do as little as possible, Mackney certainly put himself about when the die was being cast. It might reasonably be argued that

with knowledge of Day's record in previous cases and the Day-Gates discussion on the 15th June, and in not revealing this significant information to Bis Weaver, he played a part in preventing her from making a sound judgement. It may also have inadvertently hampered the impartiality and fairness of the proceedings and did little if anything to effectively safeguard her interests.

Another line put forward to bolster Mackney's non-involvement stance was to claim that there was no formal or official involvement on his part. Mackney said that: (i) "eventually Shuk Nedjat prevailed upon [him] to give [his] opinions informally" on 11th June (2.1); (ii) his own "emphasis – rightly or wrongly...was to persuade Shuk Nedjat that, in [his] informal opinion the union had a role to play" on 11th June; (2.3); (iii) he informed Ms Deeson or Nedjat on the 18th or 19th June that he "was no longer involved, and had never been formally involved." (Mackney's emphasis). (5.2); and (iv) his "role in speaking to the Branch Officers [was] both informal and unofficial." (5.3) Mackney referred on numerous occasions to the informality and unofficial nature of his discussions except in one instant, which cast a doubt on how he actually saw his role at the time – when, on the 15th June, he formally told Gates what [he] had done." (4.5) (my emphasis)

Apparently, Mackney acted informally between the 11th June up until and including speaking to Day and Ms Welch on the 15th June; then he acted formally when speaking to Gates, immediately afterwards on the 15th June; he then returned to informality, which covered his discussion with Bournville branch officers on the 18th June and thereafter. However, the impression obtained from Mackney's account of his activities was of him acting as an intermediary between the Bournville branch committee, which had received a formal complaint from Bis Weaver, and the regional official, who was to carry out a formal 'enquiry'. * Notwithstanding this, Mackney's claim to having no formal involvement did not nullify the significance of his involvement nor the impact it had on Bis Weaver's interests. Mackney had his finger in the pie and chose the ingredients to be used even if he was not involved in the baking of it.

This 'non-formal', 'non-official', 'non-involvement' role was complemented with a 'non-advisory' one. Mackney gave the impression of merely acting as a listener, a mentor and a messenger between the branch and the regional official without taking on an advisory role.

* Day claimed at the Industrial Tribunal that he intended to make "an informal initial approach because he was not certain how long the enquiry would last and this was a first step...to resolve the matter informally."⁷⁹ Day never disclosed this intention to Bis Weaver and she was led to believe it was a formal enquiry leading to a union tribunal. Both Mackney and Day had said it was Day's role to deal with complaints – a formal investigative role

He was restricted by “Knowledge of the parties...[which made] giving any advice at all problematic.” In furtherance of this claim, Mackney used a variety of expressions to describe his discussions with officers and the regional official, which to most reasonable people would constitute advice. He wrote that he: (i) “also suggested certain procedures which might be acceptable”; (2.2) (ii) “suggested that Shuk Nedjat should ask Alan Day for his advice...”; (2.7) (iii) “expressed [his] opinion” to Alan Day on several points related to dealing with the complaint; (4.1) (iv) “expressed [his] preference for some kind of Tribunal;” (4.2) and (v) “persuade[d] Shuk Nedjat...that the matter should not be left to Management,” against Nedjat’s view that it “was a problem for Management.” (2.2 & 2.3)

It might be stretching a point to consider those terms as constituting ‘advice’ although the thesaurus links ‘suggestion’ and ‘opinion’ to advice. But even ‘stretching the point’ was unnecessary because Mackney stated that “The knowledge of who the parties were did not change the substance of [his] advice”; (2.6) and he “‘advised’ that Alan Day should meet with both parties to agree an appropriate procedure.” (6.3) The inverted commas around ‘advised’ in this instance did not make it anything other than he advised. But notwithstanding this, Mackney, when quoting in this letter from his letter of the 5th July 1985 on a related issue, omitted one point of considerable significance, namely, that Mackney had written, “I also advised Branch officers to contact the regional official.”⁸⁰ It could not be plainer than that.

Mackney provided the reason for sending his April letter and we thought it was unlikely this letter, explaining his ‘involvement’, would have been sent out but for any other reason than for this. He had formed the impression that Bis Weaver was implying “that Alan Day, David Gates and [himself] may have ‘stitched-up’ a procedure for investigating her complaint which would have a predetermined outcome” and he could “understand how the presence of all three of [them] at the same meeting might point to” that conclusion.

His assessment of Bis Weaver’s suspicions, and mine, was an accurate one. A ‘stitch-up’ involving Day and Gates was suspected after the release of Day’s draft ‘report’ and was widened to include Mackney, when we began gathering information on the circumstances surrounding the enquiry. The subsequent letter from Evans;⁸¹ a telephone conversation with Doughty;⁸² and a conversation with Gil Butchere, in the presence of a women’s panel member,⁸³ nurtured this suspicion. Mackney’s letter appeared to have the intention of laying these suspicions to rest as he went on “to assure Bismillah Weaver that this [was] not what happened [as he] would never be a party to such an arrangement.” (4.8) He went on to say “that, from his knowledge of Alan Day over ten years, neither would he.” (4.8)

From our own knowledge and after a detailed analysis of the ‘evidence’ in Day’s ‘report’ and the circumstances surrounding Day’s visit to Bournville College, Mackney’s confidence in Day seemed decidedly misplaced. * Mackney’s defence of Day may have been more convincing if Bis Weaver had not: (a) experienced Day’s ‘enquiry’ and the distribution of the ‘report’; (b) acquired information of Day’s record of dealing with complaints; and (c) become aware of Day’s pre-enquiry discussions with Gates. Mackney noticeably excluded Gates from what he was presenting as a principled approach from two conscientious and reliable ambassadors of union practice. Moreover, he had only thought Ms Welch might have been there and made no comment on her. Was he not aware that Ms Welch, another associate of Gates in the REC and the Broad Left Coalition, had offered to investigate Bis Weaver’s complaint in July 1985? Or that she subsequently refused to explain why she had put herself forward for this role? Perhaps, he did keep away from the case after the 18th June 1985.

Despite Mackney’s ‘explanation’; (i) of the role performed by the regional official, whose official role did not include adjudicating on member’s complaints, (ii) of the likelihood of bias in the branch committee; and (iii) of the new Birmingham liaison secretary being “extremely busy at the time picking up the reins,” (2.7) we did not understand why he lost no time in bringing it to Day’s attention and why he felt Day “should talk to the Branch officers as soon as possible” with a view to dealing with the complaint. Despite his assertion of informality in his actions, his ‘explanation’ does not account for the fact that the complaint was formally submitted within the union’s committee structure – to the branch committee with a copy to the secretary of the regional executive. The complaint should have come under the remit of those committees for deciding the best way of proceeding and not that of an officer (Mackney) claiming to have no relevant position in the union at that time. The fact that the liaison secretary was new and busy is irrelevant as the liaison committee consists of more than the secretary and it would be the committee as a whole deciding how best to proceed with the complaint in accordance with fairness and impartiality. Ms Welch had been sent a copy of the complaint and she should have put it to the REC, whose actions should follow a similar pattern. The fact that she ceased to be regional secretary during that week

* Later revelations of Day’s attempt to subvert statutory procedures when Bis Weaver submitted a complaint against Gates and two other Bournville employees to the local education authority ⁸⁴ confirmed to us that in circumstances where Day could determine procedures, as in NATFHE’s ‘enquiry’ in 1985, he would have no hesitation in conducting an investigation that would be a ‘stitch-up’

should not have affected that. All that was required was for her to pass on the copy of Bis Weaver's complaint to the new secretary.

Surely, it was not up to Mackney to make the decision to bring in Day and then act as messenger because that was what he was doing. It was Mackney, alone, of all the officers, who assumed this role. Mackney had made it clear that only he spoke to Day; that Gates saw Day later, and Ms Welch was only there for a short while, that is, if she was there at all – Mackney was not sure. So why did Mackney, an experienced officer concerned about bias in the branch committee, fail to refer Nedjat to the liaison committee or the regional executive committee, instead of taking the complaint to an incompetent official, with a track-record of fouling-up discrimination complaints and always to the detriment of the complainant. If Mackney had referred the complaint to those committees, there would have been a collective input into how the complaint should be dealt with. This was especially important bearing in mind there appeared to be no established procedures for dealing with these complaints. Instead, a regional official and two officers – both without portfolio at the time, discussed how the complaint should be dealt with and it finished up with Day conducting an 'enquiry'. As it was, few on the respective committees knew of the complaint against one of its officers until after Day's *Whitewash* 'report' was released and Bis Weaver's critique went out. So much for fairness, impartiality and democratic accountability!

Mackney's comprehensive-looking account of the early stages of the proceedings, which he claimed as 'non-involvement' on his part, had shown the contrary. Furthermore, Mackney's 'involvement', 'formal or informal', appeared to have extended beyond the early stages to a period just prior to Day's visit to Bournville College. As he put it, "as I think it should be clear, I wanted as little to do with the case as possible so I was unlikely to have gone out of my way to discuss it with anybody unless it was essential [as] I (had plenty of work on at the time!)" * (7)(c) This commitment was apparently broken on three separate occasions, although Mackney seemed unsure whether or not two of the three occasions had actually taken place even though he was the one who raised the possibility of having spoken to all of the three people in his account. To induce Mackney to break this commitment to his busy schedule and his determination to involve himself no further, on three occasions, would almost certainly require a development of considerable significance.

On one occasion, "it may have been in September" 1985, he "did inform [Ms Welch]

* This was the third ground Mackney mentioned for 'not' wishing to involve himself in the Weaver case, namely, his programme of study for a master's degree.

of the situation...since [he] felt as the longest standing NEC member and a senior woman lay officer, it was important for her to know about it” (4.7) and he “kept the West Midlands NEC Member (Ms Welch) informed.” (7(g) Another occasion, less time-specific, “it [was] possible [he] spoke to Richard Downey since he was Chair of Liaison Committee at the time, but [did] not remember doing so.” On a further occasion, “It [was] also possible that [he] spoke to Gil Butchere about it when he met her socially although [he did] not remember doing so.” 7(c))

The bout of amnesia covering possible conversations with Downey and Gil Butchere seemed unusual and possibly convenient. There should be little doubt he spoke to them otherwise why mention them at all. If he mentioned two people and added he did not remember speaking to them, why not mention other people he did not or could not remember speaking to – why just these two. There must have been some reason for Mackney mentioning them and then claiming not to be sure if he spoke to them.

There is an element of inconsistency in these claims of memory loss because Mackney had shown considerable powers of recall in dealing with matters relating to the case of ten months earlier, although he forgot his inconvenient meeting with Bis Weaver on the 18th June and the omissions in his 5th July letter to her. However, in matters relating to six/seven months before, he could not remember whether or not he had spoken to Downey or Gil Butchere. Could it be that the content of the discussion was inconvenient to disclose?

What did these three people have to discuss anyway about the Weaver complaint in September that was of sufficient importance for Mackney to release himself from his study schedule? Mackney had argued in his lengthy explanation of his desire not to be involved and of his non-involvement after the 18th June after speaking to Bournville branch officers about Day’s intended contact. Therefore, what would he have to discuss about Bis Weaver’s case with Downey and Gil Butchere; and what would he have to keep Ms Welch, as an NEC member, informed about? Furthermore, Day had completed interviews with the two parties concerned but had yet to go into Bournville College to interview selected NATFHE members, so there was little about the existing state of play in the proceedings that could have warranted Mackney breaking off from his intention not to get involved.

Any conversation with Downey would not have concerned the early stages because Mackney excluded Downey as he was on the Bournville branch committee (2.7) and he “knew that many of [them] were either academically or personally involved.” (2.6) No mention was made of it being formal or informal, although Mackney referred to Downey’s position as chair of the liaison committee. Similarly, he mentioned keeping Ms Welch informed as the West Midlands NEC Member but not whether the conversation was formal or

informal or what it was about. However, it was unlikely to have been about the early stages as Welch had been a party to those early discussions. Furthermore, why did Mackney only keep Ms Welch informed and not the other NEC member from the West Midlands? *

Was it possible for three separate significant issues to have arisen in relation to Bis Weaver's complaint that were worthy of discussion with three different individuals? Or was it one significant issue that had arisen that led to Mackney's discussions with all three people? The most significant issue that had arisen and might have serious consequences for NATFHE and the Broad Left Coalition relating to the Weaver complaint at the time was Gil Butchere's problems with Gates, which she had later revealed in front of two witnesses; plus her letters to the branch committee; and her 6th October letter to Day. **

Mackney's 'possible social discussion' with Gil Butchere corresponds with the one she alleged to have taken place in late September/early October when she claimed to have consulted him about her problems with Gates and was looking for union assistance for herself and Bis Weaver – an appeal that had allegedly been met with nothing but a damp squid. This was the only issue, but a significant one, that might be described as warranting discussion and likely to bring Mackney back into the arena. Any complaint by Gil Butchere would certainly add complications to the union and the Broad Left Coalition and she eventually contacted Day about it but he apparently showed indifference to her plight.⁸⁵

Did Mackney, who Gil Butchere alleged had told her not to involve herself in Bis Weaver's complaint; and Downey, who allegedly influenced Gil Butchere not to complain as it might cause Gates' to do something to harm his existing case, have something in common to discuss - something new and serious? As both were officers of the Birmingham liaison committee – as chair and teachers' representative, and both were members of the Bournville board of governors, the recent Gil Butchere development would be a matter of concern to both of them. The new development could reasonably be thought of as sufficiently important to warrant a discussion between Downey and Mackney. Maybe not, and they both decided to keep the differing strands of their conversation with Gil Butchere, and the implications arising from the contents, to themselves without making any disclosure to the other! Yet there

*The other NEC member, Jefny Ashcroft, showed herself to be not unsympathetic to Bis Weaver's situation. When the West Midlands REC was mobilising support for attacks on Bis Weaver and her supporters in January 1987, the REC tried to keep her in the darks. See the McCarthyite inquiry, Chapter XII Sect (c)(ii)

** Gil Butchere had given permission for us to use this material if we needed to do so and it was circulated at a later date to a number of people, who expressed an interest in the Weaver v NATFHE case, including MPs

was a possibility, according to Mackney, that they spoke around that time, although Mackney was unable to remember whether or not it took place. Similarly, Mackney would have nothing new to disclose to Ms Welch about the Weaver case, as he had not been involved for over three months, but he did acknowledge discussing something with her, although he did not reveal what it could be in his account. However, his discussion with her must have been over something of significance and the only item that would have a considerable impact on the Weaver case at that time was Gil Butchere's problems with Gates and her attempt to submit a complaint against him.

Were Mackney's discussions with the three so lacking in substance that he had forgotten that two of them had taken place; or was his memory really as bad as he was claiming it to be; or was he holding something back?

Mackney was asked nine questions via Evans, the regional secretary, and he listed the number attached to the questions, not the questions themselves, before giving an answer, which meant that only Evans, and Bis Weaver, would be able to relate the answers to each particular question that was asked. None of the others to whom his letter was sent would know whether or not Mackney answered the question asked of him.

Before dealing with the questions, Mackney reproached Bis Weaver for the way she posed the questions. He stated that "Many of [her] questions start from the false premise that I [Mackney] 'advised...that A Day act as investigator and that Rule 24 should apply', (e.g 'a', 'c', 'd' and 'I'. In fact, he wrote, I advised no such thing." (6.3) Mackney was redrafting the question to his advantage because not a single question started from that premise. Question (a) began "When he [Mackney] advised the Bournville Branch Committee to recommend to D Gates and [herself] that A Day act as investigator and that Rule 24 should apply was his advice determined..." which was followed by three options: (i) solely by himself? (ii) in consultation with others? (iii) if in consultation with others, who were these 'others'? Question (d) was similar as it began "When he [Mackney] advised the Branch Committee to recommend A Day and Rule 24 to D Gates and [herself] did he know that A Day and D Gates had already discussed [her] complaint against D Gates? Question (c) asked, "Which members of the Bournville Branch Committee, besides S Nedjat and C Deeson, did he speak to about: (i) recommending Rule 24 and A Day as investigator?; and (ii) any other issue relating to [her] complaint against D Gates?" Question (i) was "Did he (Mackney) discuss [her] complaint with D Gates at any time before advising the Branch Committee to recommend Rule 24 and A Day as investigator?" The answer he gave to all these questions was 'the

premise is wrong'. He had been able to make that pronouncement only by omitting part of the question asked of him and, consequently, had altered its meaning.

Returning to the questions Bis Weaver asked: Question (a) was concerned with his recommendations to the two parties to the complaint via the branch committee and whether or not he consulted anyone before making that recommendation. It was not about whether or not he advised the branch to have Alan Day act as investigator. Question (d) had asked, on the same criterion, if he knew of the Gates-Day discussion of the 15th June. Question (c) asked which members of the branch committee did he discuss these recommendations (c i) and any other issue relating to her complaint (c ii). Question (i) was asking if he discussed her complaint with Gates.

The other five questions – the majority, dealt with the reasons for not recommending Rule 8 (b); his discussion with Day and if he was alone (e); if he was acting on behalf of the region, or reported his actions to the REC; or had any contact with head office or the NEC (f, g, h).

Mackney's reconstruction may have been a misunderstanding or a misreading on his part or a deliberate revision to enable the questions to be addressed in a manner more suitable to the picture he wanted to present and to skirt around the question about which members of the branch committee he spoke to (c i); and to completely omit the question about discussing any other issues related to her complaint against Gates with branch committee members. (c ii)

He seemed sensitive about references to having advised Day to act as the investigator, which was an understandable reaction as it might question his motives when he discussed the complaint and procedures with Day and delivered those procedures and Day's intentions to the Bournville branch committee,' especially as the 'enquiry' turned out to be a *Whitewash*. He went as far as to refer to his 5th July letter and pointed out "that it nowhere refers to Alan Day as the 'investigator'. It states: 'As I understand it these (complaints) are to be considered in a formal way and the Regional Official has become involved,...once procedures are agreed with both [Bis Weaver] and David Gates...things may have moved on since Alan Day became involved.'" (6.4)

This point did not establish that Mackney did not know of Day's assumption of that role at that time, only that Mackney did not mention it to Bis Weaver in the July letter. Furthermore, Mackney had made a number of points in the April 1986 letter indicating his awareness of Day's impending role as investigator by the time he spoke to the Bournville branch chair on the 18th June 1985. In justifying why he went to see Day, he said that Day as "a full-time official...deals with casework which branch or Liaison Committee Officers

cannot handle.” (2.7) He had written of the “need to speak to Alan Day...[as] it was important for an investigation...to be held as soon as possible.” (3) Moreover, he “‘advised’ * that Alan Day should meet both parties to agree an appropriate procedure.” (6.3) Mackney had also stated that “the Regional Official is the person to discuss appropriate procedures with the Branch and individual members concerned [and] if the [regional official] recommends [doing] the investigation...that seems to be entirely appropriate.” (6.2) In the discussion with Mackney, Day had “said that Rule 24 would apply to any investigation and that would normally cover” the points suggested by Mackney for an investigation. (4.4) Mackney also suggested that Day “should talk to the Branch Officers as soon as possible” and he discussed the conditions that should apply, which Mackney then relayed to the Officers. (4.1 & 5.2) With all this information at his disposal, surely, Mackney knew that Day was going to take up the mantle of ‘investigator’. What other role would Mackney expect Day to perform after he had marked Day’s card so effectively on the seriousness of the issue with Councillor Murphy’s interest and the considerable impact the complaint was likely to have on the union?

Interestingly, Mackney spent more time on discounting his knowledge of Day’s role as ‘investigator’, than he spent on recalling the contents of his discussions with branch committee members (Gil Butchere and Downey) and NEC member (Ms Welch). Mackney certainly had an unusual set of priorities!

The main purpose behind Bis Weaver’s questions when they were sent to Evans was to find out to whom on the branch committee Mackney might have spoken. The aim behind sub-question (c ii) was to see if he mentioned the alleged conversation Gil Butchere had with him and what his account would be. This alleged conversation had been reported to Bis Weaver on the 4th January. This was the prime purpose of the questionnaire but there were no revelations on this point as Mackney, in the lengthy preamble, could not remember whether he had a conversation with Gil Butchere or not. Noticeably, most of the reconstructed questions that were affixed with the label ‘the premise is wrong’ were concerned with any dealing he might have had with the branch committee. He did provide an answer to one of them, question (c i), mentioning Downey and Butchere but his answer was vague and non-committal. He did mention receiving a list of questions from Heather Stretton, sent by Bis Weaver to the branch committee, on the 10th March 1986, so he was in some way prepared when he received his own personal questionnaire from Evans. However, Mackney was in no

* Mackney’s inverted commas

position to be absolutely sure that any branch committee member with whom he spoke, if he had done so, had replied to the Weaver-branch questionnaire. As mentioned above he must have had some reason for a lapse of memory and for omitting item c ii. One way of ensuring that if anything might have been revealed to Bis Weaver and any revelation would not compromise Mackney's account was to avoid answering a direct question with a direct answer, which was how he dealt with c ii. By wrapping up a range of questions under the label of 'the premise is wrong', Mackney was able to shift attention from his reluctance to directly answer several of the questions. In mentioning this item in the preamble accompanied by a bout of amnesia, could it reasonably be accepted that Mackney did not remember speaking to them, in September/October 1985, or recall a single item of anything he said to Downey and Gil Butchere. This seemed to be an unusual occurrence for such a highly professional union officer renown within the union and many other committees in the wider society.

Mackney explained his reason for answering in detail (although his version of detail could only be described as somewhat obscure on a number of points) as not being due to feeling defensive on his part as he had "tried to act, albeit reluctantly and informally, in the interests of both parties and of the Association." He virtually signed off by saying he was "perfectly happy to discuss [his] role with either" – Bis Weaver and Gates. (8) (Mackney's emphasis) The offer was somewhat overdue and somewhat misleading as he had already discussed his role with Gates immediately after his discussion with Day. This was the first time such an offer had been made to Bis Weaver, despite Mackney having two opportunities to do so, and when it eventually came it was ten months after the event and only after she raised questions about his involvement. *

Mackney did ask for consideration from Bis Weaver and Gates should they wish to discuss his role with him. Explaining that "since this letter has already taken away a considerable amount of [his] study time [he made] one plea that [he] be left alone until after [his] next M.A. assignment deadline which is Tuesday 22nd April 1986." (8)

By the end of this bout of ferreting on our part, knowledge of some of the events covering the 11th – 18th June 1985; Day's enquiry; and other issues arising in the post-enquiry period; made the situation look even murkier than hitherto. Nonetheless, it had broken the

* A second similar offer, from Mackney and five others, came almost a year later to the Labour Party Black Sections when it asked questions about the inaction on the part of certain members of NATFHE's Birmingham liaison committee, over what became known as the 'rights' issue. This issue was about to burst on the scene at the end of April 1986⁸⁶

wall of silence union officials had erected around her complaint and the issues it had raised, and made us both realise there was no help forthcoming from local NATFHE ‘activists’. On the plus side NATFHE’s head office was now aware that its attempts to close down all avenues to her had been breached. But why did Mackney respond to Bis Weaver’s questions – fairness and impartiality did not seem to be the motive? Could his breaking ranks have anything to do with getting his version in before anyone else decided to do so?

Mackney had extolled the need for impartiality, fairness and openness, yet he must have known that Day, as investigator, would pose a considerable obstacle for achieving those objectives or in satisfying ‘the principle of natural justice’ – conditions Mackney had purportedly advocated as necessary. Day’s deplorable record; Gates’ intention to seek advice from Day on Ms Deeson’s questionnaire; and Day’s working relationship with Gates on the REC should have ruled Day out as investigator on grounds of likelihood of bias. Mackney, an experienced senior officer in the region, could not claim ignorance of that. Did he not earlier put forward the possibility of bias if the Bournville branch committee had dealt with the complaint, although expressing it differently – referring to it as ‘academically and personally involved’?

Mackney was an experienced and influential officer in the union, as the CV he produced at the beginning of his letter testified. He carried a lot of weight in the union, as shown by Bournville branch officers, who went straight to him for advice upon receipt of Bis Weaver’s complaint. Less experienced officers in the region or liaison would readily accept advice from an officer of Mackney’s standing (or whatever Mackney thought was the appropriate word to use as a substitute for ‘advice’), especially when given alongside that of the regional official. Yet when it became apparent, after Bis Weaver circulated her critique to different layers of the union, that fairness, impartiality and openness scarcely figured, if at all, in Day’s ‘enquiry’ and ‘report’, Mackney never thought to contact Bis Weaver to offer any advice or assistance as might be expected from a renown anti-racist, involved in the arrangements for setting up Day’s ‘enquiry’. Instead, Mackney waited until the ferret reached his doorstep before producing a six page response that raised even more questions. Fairness, impartiality and openness went out of the window.

Mackney was also aware of what it was like to be confronted by Gates. There were the two experiences he had with Gates in May 1985 in union meetings when Gates attacked Mackney’s competence in chairing a meeting and in another when Mackney called Gates a liar. In his letter, he said “these matters do not seem to be of tremendous importance. However, it would be an understatement to say that I was still simmering over both of these

clashes at the time.” (2.5) Mackney acknowledged that he was still simmering when he met Day about Bis Weaver’s complaint against Gates, which was a month after his first incident with Gates. Did he not think what it must be like for a solitary Black woman to be confronted by Gates for several months in an environment where Mackney “knew that many of the B’ville Branch Committee were either academically or personally involved” with Gates. He would also be aware that little could be taken of Gates’ word having “accused him of lying” in a meeting.

Why did Mackney, apparently, do nothing and remain aloof when it became obvious after November 1985 that there had been a monumental ‘stitch-up’. Was it the interests of the union and/or the Broad Left Coalition that fostered this inaction or did it come at an inconvenient time for him? Murphy was ready to pounce should the union fail to redress Bis Weaver’s difficulties and take up the issue himself in a wider arena? * Ensuring that the issue remained under wraps and not causing any waves was a means for keeping Murphy out of it and he was certainly kept out for a while as he had been assured the matter was settled.

Mackney’s involvement in the preliminary stages; the advice he gave, whether as suggestions, opinions or preferences; given either informally or formally, or officially or unofficially, prior to Day taking up the reins, did not make him a party to the irregularities carried out in Day’s enquiry or implicate him in any *Whitewash*. However, it did show Mackney’s lack of attention to the warning signs thrown up by Day’s previous involvement in complaints, which had placed limitations on Bis Weaver’s capacity to make a sound judgement on the procedures put to her – a severe impediment in her quest for fairness and impartiality.

At the time of Mackney’s April letter, the amount of activity Bis and I were putting into the struggle had reached a considerable level and other issues needed to be addressed. This was a dilemma for Bis Weaver that “matched” Mackney’s difficulties in finding time for his studies. However, her dilemma was in having to balance work commitments and her study requirements with the struggle for justice while Mackney was using up valuable study time in answering, or not really answering, several questions about his involvement in what turned out to be a cover up.

Mackney wore caps of many colours – a rainbow coalition of activity that was supposed to look after the best interests of employees and others that were catered for by the various committee’s he served on. One of his caps was as a governor of Bournville College

* This is what happened in May 1986 when Murphy discovered what the union had failed to do

serving the interests of the people in the college - employees (lecturers, administrators, support staff) and students, and the image of the college as a whole. Should it not be Mackney's responsibility, wearing the governor's cap, which he did on the 18th June 1985 seven days after he heard of a complaint of alleged racist harassment within the college, to draw this situation to the attention of the governing body to deal with as it affects staff, students and also reflects on the college? This would seem essential bearing in mind an outspoken city councillor had also drawn Mackney's attention to the problem. In 'normal' circumstances, it could be expected for staff governors to raise this issue and Mackney knew that one staff governor, Gates, was the accused; and another was Downey, 'academically and personally', involved with the accused. Furthermore, Mackney was aware that the union lacked appropriate procedures for dealing with racism cases, whereas the governors had statutory procedures for grievances between staff. The fact that the union, according to Mackney, did not know which member to represent in these cases is irrelevant because he would be acting in the role of a governor and the criterion for him to follow was to safeguard the interest of the staff and the board of governors was the arena for Mackney to do that. Mackney would be acting in accordance with the governor's cap that he was prepared to wear and not the NATFHE cap. Why did Mackney not act in accordance with his governor's role?* If it concerned the issue of representation of members in grievance and disciplinary procedures that was something for Mackney, or other union officers, to debate in the union sphere. **

We did not intend to confront Mackney with the observations on his letter – that could wait until the time was ripe. We were more interested in letting him think his protestations of impartiality and fairness; and principled endeavour in the pursuit of justice went unchallenged, after all he had broken ranks and might even go further when the time was ripe. However, our optimism on that score was proven to be in vain.

Mackney's account of his 'non-involvement' was accompanied by a covering letter from the regional secretary. David Evans was impressed by Mackney's contribution because he referred to Mackney as "very kindly set[ting] out in great detail the full history of his peripheral involvement in [Bis Weaver's] case." Did Evans really believe it was kind of Mackney to make himself accountable for his actions? Did accountability equate with

* In June 1986, another governor, who was an ordinary NATFHE member external to Bournville College, when she heard of Bis Weaver's case contacted her and raised the issue with the governors

** Triesman stated, at the 1987 Weaver v NATFHE Industrial Tribunal, that NATFHE, without exception always represents the member whose tenure was at risk⁸⁷

kindness? Did Mackney's involvement really strike the regional secretary as 'peripheral' when he was: (i) the principal figure operating between the Bournville branch committee and the regional official; (ii) the herald announcing Phil Murphy's interest in the complaint; and (iii) the person stressing how important it was to deal with the complaint as soon as possible? The regional secretary was either being obtuse or extremely comradely to Mackney because from Mackney's account, despite vagueness and evasiveness in certain areas, it could hardly be said his involvement was peripheral - Mackney's feet hardly touched the ground between the 11th June and 18th June 1985 when the branch committee agreed to refer the complaint to Day.

Evans had also spoken to Ms Welch, who had "not replied in writing, but [he thought the] questions about her role [were] covered in Paul's letter." * He pointed to point 6 of Mackney's letter referring to the conversation with Ms Welch in September 1985, which in fact was irrelevant in terms of the questions asked of her and Mackney, and it revealed nothing of the content of Mackney's conversation with Ms Welch. The regional secretary's comment was obtuse because he must have read the questions posed to Ms Welch so how could he realistically arrive at the conclusion that those questions were covered in Mackney's letter. The tendency of local officers to cover for each other was becoming very apparent.

Evans then turned to other issues raised with him in her correspondence. He confirmed that individuals were unable to raise matters with the regional council, which she was already aware as she was now trying to get the WMARC secretary, Bob Carter, to provide access for her complaints to that body. He also explained that "There [was] no way...[he could] ascertain whether any of the 30 or so National Officials...were in contact with any of the 200 or so members of the West Midlands Regional Council between the dates...mention[ed]." But he thought "it extremely unlikely" that any did. This was a further example of bureaucratic evasion because it was unlikely that he thought she was expecting him to contact any officials other than Dawson and Triesman or contact all '200 or so' regional council members individually. All that was required to meet her request was to insert in the calling notices sent out to West Midlands regional council members prior to the next council meeting a request asking any council member if he or she had contacted any official about the Weaver case. After all, NATFHE set itself up as an anti-racism union. It would not have cost them any money; only the time to add a few words to the calling notices. Evans

* He referred to Ms Welch's posts as "a member of National Council, the National Executive and Regional Executive"

also pointed out that “neither can the Regional Council nor Regional Officers have any direct authority over Regional or National Officials of the Association.”

There seemed to be a tendency for lay officers, alongside their paid colleagues (officials) to reconstruct requests into a form different to what was asked for. Evans’ response was very different from what Bis Weaver asked for as she wanted regional council: (a) to “advise [her] of the procedures for making an official complaint against a member of another union” and (b) to “determine how it can provide support...against a full-time official”⁸⁸ and not to exercise any authority over any official. Nonetheless, this was additional confirmation of the control full-time officials exercised over the union. The not-so-hidden hand of Triesman, which had already side-lined the liaison committee, can be seen at work in the regional executive because Evans understood “that David Triesman, acting for the General Secretary, had made clear what [her] options [were]...”

The regional secretary thought she may feel “the procedures [were] not adequate or flexible enough” and, if so, ‘there [were] mechanisms for changing them.’ Then came the glucose coating, namely, “the West Midlands [had] submitted both motions and Rule Changes to National Conference this year which [had] some bearing on cases such as [hers] but until...the Rules and/or policies were changed, all of us are to a greater or lesser extent constrained by them.”⁸⁹ Some people were definitely constrained to a greater extent – especially Black or women complainants taking on NATFHE officers supported by officials and comrades in the Broad Left Coalition. While Bis Weaver was sinking in the quicksand of the region’s making, the region was discussing how to dredge the quicksand sometime in the future.

Evans was “sorry if this...sound[ed] rather bureaucratic and negative...but [he did not] think that a great deal [could] be achieved by this increasingly sterile exchange of communication.” There was nothing like hiding behind procedures and bureaucratic forms, which appeared to be what Evans was now doing. The secretary sent a copy of this letter to Mackney, Day, Triesman and Stretton. There was definitely a closing of ranks in the West Midlands, whether or not particular officers were in favour. At least Evans was letting her know that there was no way of getting any support and the only way available for her in the union was through Triesman – and, as she knew, that was definitely no way at all.

Bis Weaver ‘kindly’ dropped the regional secretary a line to say she “would still like P Welch to supply [her] with the information asked for [as it would be] unfair on P Mackney to consider his detailed account should be considered as accounting for other NATFHE members’ actions.”⁹⁰

(d) Barking Dogs Gnash Their Teeth

The Bournville branch prided itself on its professed anti-racist stance even pushing for the co-option of a Black woman governor to speak for the Black community * but this 'commitment' had not extended to having a Black woman representing the branch or speaking on behalf of Black NATFHE members at Birmingham liaison committee. What did extend deeper into Bournville College was the Weaver issue as the *kernels*, aided by fellow travellers, peddled their version of events to branch members, unlike Bis Weaver's campaign, which had been directed at officers and officials in the search for an impartial investigation. We were aiming at what was already a partisan sector of the union outside the college and were coming to realise that the *kernels* went for the grass roots in the college by providing 'appropriate information' – *kernel-style*. They knew their union well and we did not. Bis Weaver's quest for justice gradually exposed the low level anti-racist commitment on offer in the branch and, gradually, as a result of lobbying by the *kernels* and fellow travellers, branch members hardened their attitude towards her. It was increasingly noticeable that some colleagues, whom she had known for years, were distancing themselves from her – conversations were temporary halted when Bis or I walked into workrooms or walked past colleagues in corridors; those on a nodding acquaintance stopped nodding or looked the other way.

The ease in which one particular rumour circulating through the college grapevine was accepted by union members, illustrated the underlying attitude towards Black people. This rumour followed on from a telephone conversation between a branch officer and a head office official and went thus: Bis Weaver was refusing to participate in a new enquiry by two officers of the Anti- racism National Panel and was insisting on an all-Black team of investigators. **⁹¹

Some recipients of the rumour openly stated that such a composition would jeopardise a fair hearing - an assessment indicative of prevailing negative attitudes towards Black people because, had the rumour been true, why would a team of Black members investigating a Black member's complaint against a White member be any less fair than a team consisting

* This was pointed out in a meeting between the branch committee and Triesman in June 1986 to portray the branch as having a commitment to Black interests! ⁹²

** I had a conversation with a branch member, who would usually be considered as reasonable and fair-minded, yet his understanding of the case was of it being a personal dispute that got out of hand and Bis Weaver wanted only black people and women to investigate the complaint ⁹³

only of White members. These members had little understanding of Black people on whose behalf they often claimed to be acting. The branch's hidden chickens were beginning to peck through their shells to roost on the perch of indifference, intolerance or ignorance.

When hearing the rumour, Bis Weaver approached the branch officer, who received the telephone message, to put her right on what she (Bis) had actually proposed but this made little difference as the rumour persisted and took hold as if it were true. The Bis Weaver case eroded the facade behind which their 'commitment to anti-racism' lodged, showing it to consist of little more than raising an arm to an anti-racism motion on the odd occasion such motions were proposed. This was sufficient to declare themselves to be and to see each other as anti-racists. Bournville College was no different to any other college in having a latent pool of opponents to anti-racism and equal opportunities, and these people provided a potential 'pool' of supporters to be dredged up for the *kernels*; and the *kernels* were cranking the dredging machine for all it was worth. The ease with which these others responded to the lobbying was a disquieting portent.

Head office and local NATFHE committees were the main focus of our activities. A letter I sent to Dawson,⁹⁴ on the issue of my appointment, urging the union "to seek clarification...from D Gates as to the meaning of the comments," which questioned the integrity of many others besides myself, was answered by the ubiquitous Triesman, continuing to act out the role of Dawson's *Hermes*. The message Dawson conveyed via Triesman was of head office being unable to "comment on what [was] alleged to have been said at meetings to which [they] were not party" and he suggested that any questions be addressed to Gates. Once again, my request had been rephrased to support head office's bureaucratic needs – a noticeable characteristic in any dealings with NATFHE from the top downwards. I had not asked for comments from officials but simply for them to ask Gates to provide an explanation because the local NATFHE committees had been closed down to Bis Weaver and me.⁹⁵

The reason this letter was answered when numerous letters from Bis Weaver were ignored might well be attributable to the bureaucratic 'mind set' spawned at Hamilton House. My particular issue was not of any real significance, therefore, it was deserving of an official's response. Unlike the Bis Weaver issue, which was of considerable significance and, as such, correspondence on the issue was ignored. Nonetheless, it provided a foundation for dealing with the changing circumstances in the branch (the *kernels* lobbying for support) by addressing Gates directly. As the suggestion came from head office, I honed in on Gates, as well as Cave; the real objective being to draw their attention away from Bis Weaver. I briefly

mentioned writing to Dawson and his nominee, Triesman, who suggested writing directly to Gates for an explanation.⁹⁶ There was little chance of getting any explanation from Gates and not even Triesman's authority elicited a response but I was sure Gates would not appreciate more of his dirty linen being washed in the union's public baths.

As for Cave, his reply, promised by the branch chair, had been awaited with considerable interest to see how he would justify his actions. In order to speed up Cave's promised reply and prompt a response should the intention be to leave it in the air, I decided to bring his 'trade union practices' to the attention of the branch committee. Committee members were sent a copy of the initial letter that I had sent to branch officers with an additional point stating "I was sure those who consider that members of the union have a right to express legitimate and progressive views inside or outside the college will be as concerned as I [was] over this development."⁹⁷

This missive appeared to pay off because Cave found time to 'explain' his action. In a letter to the branch committee with copies to me, the liaison committee's chairperson and anti-racism officer, he apologised for the delay, putting it down to a hectic time for branch officers over the past few weeks. He and his *kernel* comrades certainly had experienced a hectic time and Bis Weaver was the one taking the brunt of their hectic activity. He mustered up six points in his defence, which he hoped would "clear up any misunderstanding or confusion" on my part but none of the points carried any weight as justification for his action.

Cave passed his 'visit' to management off as "an obligation within this management structure to liaise with the Senior Management Coordinator..; informing the SMC of the issues debated..; and to disclose any papers that are presented to that body" – the body in this case being the EO(R)C. He disclosed being unaware that the "open letter was for NATFHE members only" and he delivered a rebuke to me for not seeking "the help of the Branch Committee...as to the best way to distribute it, [and] to debate its merits." Nor did he understand why I criticised him for informing the SMC. He justified his action in approaching management on the fact that I had proposed the SMC to act as chair of the EO(R)C because being Jewish he was "a person from a victimised minority" He also threw in the manager's NATFHE membership as further justification. Nor, apparently, did Cave state to management that the "letter represented the views of the sub-committee or enquire as to whether they were since [the] letter was not debated at the committee and bears your name only." Another justification was that he had been approached by others, but not saying who were these others, wanting to know "whether the committee is to adopt the views contained

in [the] letter.” He said this point was not put to management. However, if he had not mentioned it to management from where else would I have gained knowledge of it.

Cave enlightened me to the fact that “NATFHE and in particular Branch Officers make progressive representations to management with a view to improving the terms and conditions of staff, and...to the benefit of students...Indeed we are mandated to do so by [the] Branch [and] if you...read or listened to reports from meetings with the management executive you will notice that...our track record is quite good.” He vigorously refuted that he “acted in a way detrimental to the membership of the branch or any member of it.”

This added rebuke was candy coated since he was ready to “appreciate [the] misunderstanding or confusion that may have occurred on your part as I [Cave] occupy both the position of Academic Board rep and Vice Chairperson of the branch...”⁹⁸ Or maybe it was not candy-coated but merely ending the communication in the manner he started by emphasising my alleged ‘misunderstanding and confusion’.

Cave, the lawyer, was significantly below par with this line of defence and if he thought this warranted an acquittal he would have to think again. Under different circumstances, his actions might have prompted a different response, however, the target of his trip to management did not appear to be aimed at me but at the chair of the EO(R)C and how she had conducted the meeting. As such, he earned no merit points for the additional pressure inflicted on Bis Weaver by this episode. Cave was not going to be allowed to run around as a loose cannon taking pot shots at her when he or any of his fellow travellers thought it expedient to do so. His feeble response begged an answer - an opportunity to expose the way the *kernels* operated to anyone in the branch committee and elsewhere still wearing blinkers. But it would take a few days to produce what became a six-page rejoinder.

I was still working on the rejoinder, amongst other things, when the branch committee met on the 15th April, with me as a committee member having taken up a vacant spot that no one else in the department wanted. From then on the *kernels* would not have the free hand they previously possessed in the branch on the ‘Weaver case’ because Bis Weaver now had eyes, ears and a mouth on the committee.

In the meeting, Cave made it clear he “was worried that letters about [himself] were going to everybody” and his view, not unexpectedly, was that “the issue should be kept in the Branch.” No rocket science was needed here to realise that Cave would want his irresponsible violation of the rights of a fellow trade unionist confined to within a coterie of allies. Gates was another less than satisfied *kernel* facing similar exposure, who wanted his action against me, which was small beer, and his indefensible behaviour towards Bis Weaver also kept

under wraps. Under the banner of defending Cave, Gates attacked me for writing a letter about himself to NATFHE's general secretary, which he described as "outrageous." His considerable displeasure erupted into an accusation that my "correspondence was wrecking the Branch."

When Gates finished, I explained the issue between Gates and me to the committee; why it had become necessary to contact the regional secretary and the general secretary; and turned Gates' accusation back on to him by saying "it was outrageous that a National Council member can make suggestive remarks at meetings and then refuse to clarify what he meant." I went on to seek clarification from the horse's mouth but Ms Pattinson, in the chair, came to his rescue by intervening to say this was not up for discussion, exercising her power as chair not to have a democratic vote but perhaps, she was saving time because the vote would have undoubtedly favoured her decision anyway. Having put an end to this exchange for the moment, Ms Pattinson proposed a meeting to be held the following week to discuss the issue concerning Cave.⁹⁹ This suited me because the committee had already received some information on his novel 'trade union' activity, and I wanted to reply to Cave's letter before pursuing the issue through the branch. When the branch committee met again, the contents of the agenda would differ from the one initially proposed.

As the Gates – Day issues had run into a brick wall of NATFHE's making with Triesman refusing to provide answers to important questions and closing down union avenues to her, Bis Weaver and I decided to continue the fight in the trenches – the paper bombardment became hand to hand confrontation. The campaign waged against Gates and 'the only too keen to get involved' Cave went a step further. We had no idea where this would lead but the point of no return had long since passed.

One thing was certain and that was NATFHE would seek to thwart any action on our part. This was to apply to the regional sector and next on the agenda in this sector was a meeting of the WMARC due to be held the next day, 16th April. Bis Weaver had asked the WMARC secretary, as required, to put on the agenda a motion seeking support for a complaint to be brought against the regional official in order for it to be put to the regional council at its next meeting. There was little doubt this was a constitutional remedy available to her but not to the union's liking. However, a simple remedy was available to prevent such a motion from being submitted and that was to cancel the WMARC meeting, which at a late hour happened. The WMARC was one committee in the West Midlands to which a Black member should be able to look for support but NATFHE operated under a code of 'custom

and practice' under which everything was sewn up by NATFHE officialdom and its lay officer allies – another avenue in the pursuit of justice had just been blocked.

Four days later, the 20th April, the rejoinder to Cave was completed and duly despatched to him and the recipients of his letter. In my lengthy examination and explanation no stone was left unturned. He was reassured at the beginning that there was “no misunderstanding or confusion [on my part] as the issue is clear cut.” Nonetheless, all of his points would be addressed “to set the record straight for [Cave] and all interested parties.” He was informed that since receiving his letter of the 10th April “(incorrectly dated 10th March 1986?)” I had confirmed the crucial points with the manager, with whom he discussed and criticised my views. It was made clear to Cave that my intention was not “to get involved in a discussion of” management structures, which was not at all relevant but as he “raised it as some form of justification for his actions” some comment was required.

Cave’s attention was drawn to the document establishing College Committees,¹⁰⁰ which clearly stated that “a course team [committee] has access to the Academic Board via a representative, it does not say access to the SMC via an Academic Board representative. The function of Academic Board representatives “is to convene the first meeting [of a Committee] and from then on the work of the sub-committee will be co-ordinated by the Co-ordinating Officer, where a co-ordinator is assigned to the sub-committee. In fact,...that document, specifically relating to the...(Race) sub-committee, states that its role is to assist the promotion of racial equality and justice through the dissemination and implementation of the College Equal Opportunities Policy and to support the work of the Co-ordinator.”

Once Cave had convened the first meeting, “it would surely have been appropriate, if any formal comments about my views were necessary, and [he was] claiming that [he] had a formal meeting as Academic Board Representative with the SMC, for this to have been undertaken by the Equal Opportunities (Race) Co-ordinator. However, [he had] inadvertently by-passed the Black Co-ordinating Officer, Bis Weaver, who had also been elected Chairperson...and [had] approached the SMC [himself].

I explained that the reference to the ethnic origins of the coordinator was mentioned “solely on the grounds that [Cave had] chosen to introduce...the ethnic origins of one of the parties and it [was] necessary to be consistent.” I recognised that “the ethnic origins of members of staff [could] have significance in certain contexts” but that was not the case with this point and wondered why he raised it. In fact, his point referring to ethnic origins was irrelevant as was the “discussion of Management structures” and it is “something of a red herring.”

Cave's claim that another of his functions was to disclose any papers presented to the Race Committee to the SMC was another irrelevancy pointed out to him. The paper in question - "a copy of [a letter] sent to *NATFHE Journal*,...was distributed without any attempt to discuss the contents...by me or anyone else at the meeting" and he had recognised in writing to me that my "letter was not debated at the sub-Committee." Even if he had the function to disclose papers, which he did not, it would be irrelevant in this case, as the 'paper' was not distributed at the meeting nor was any attempt made to discuss it. * Furthermore, the letter was signed in a personal capacity, which he had acknowledged in his letter and, as I was not "a member of the Branch Committee, ** it was not incumbent on me...to discuss it with the Branch Committee or anyone else before...writing to the [NATFHE] Journal." However, I pointed out that "when the Branch has a discussion on NATFHE's anti-racism pack, I will be only too willing to discuss my contributions to the cause of anti-racism...free from any possibility of Management constraints..." But yet again, he was informed, that "this point [was] irrelevant [because] the issue [was] not that I should discuss [the] letter with the Branch Committee but that [he] discussed it with and criticised it to Management. Perhaps, [he] should have discussed it with the Branch Committee before [he] discussed it with Management."

Dealing with the post of chair of the committee and, as Cave put it, my nomination of a Jewish person for the post, the ball was kicked into his court. My proposal would have put two ethnic minority members in key positions on the sub-Committee and I suggested that he might agree that the race committee "would best be served with" ethnic minority members "in responsible positions...not as a token gesture but...enjoying full support from their colleagues." The proposal was an attempt to establish a mechanism for the future "to ensure that any Black or ethnic minority people who join the College will be...fully integrated into the mainstream structure of College activity in responsible roles." I felt it necessary to stress I was not claiming "this to be sub-Committee policy,...lest anyone who reads this thinks that everything I say may become sub-Committee policy." I do not "have that much power of persuasion as [he] pointed out to me, on Thursday 13th March 1986, in a manner as forceful as mine was in my open letter to anti-racists." He was reminded that during that conversation he "did mention that my approach...would put people off," which I accepted as a "legitimate point of view with which I don't necessarily agree but...respect [his] right to hold [it.]" The

* It had been distributed before the meeting began

** I had not been a branch committee member at the time

conversation on that Thursday had exposed his lack of candour and I drew attention to the fact that during “what I thought was a ‘frank’ exchange of views [he] did not mention that, on the day before,...[he] had made it clear to...Management...that [he was] not happy with my views [and]...made critical comments about them.” Only later that same day “and quite out of the blue” did I find out about his trip to management when I was asked to explain my reasons for distributing the paper.

A few months ago, it would not have occurred to me that “legitimate and progressive views of any NATFHE member would be discussed by a NATFHE Executive Officer, in whatever capacity he was acting, with Senior Management.” Notwithstanding this, if his meeting with management was on branch business then surely “I should have been there and had a NATFHE representative with me.” But, of course, a problem was created when the critic was the branch vice-chair and chairperson elect, in whatever capacity he chooses to occupy. Cave had no brief to seek out management to criticise my letter in whatever cap he chose to wear.

Turning to those people approaching him to ask if the sub-Committee intended to adopt the views expressed in my ‘open’ letter, I found “it amazing that the people attend[ing] the meeting [on the 28th February] could be so gullible” to believe that “my personalised view...might become sub-Committee policy.” However, if he provided their names “I will assure them that the personal views of one Committee member cannot...be converted into sub-Committee policy if the other members...do not want it,” which I thought “healthy for the democratic processes” and did he not agree? And “If after speaking with me”, they thought “my oratorical skills [could] sway unwilling souls to follow me then I would direct them to the appropriate person,...the Coordinating Officer, Bis Weaver, and if...still not satisfied then they would be directed to the SMC.”

Should any complainant tackle me about it, they would be told that “anti-racism is a 24 hour a day activity, as I said to [him,...but] that does not mean exclusion from simultaneous engagement in a wide range of other activities.” As he knew, I, along with Bis Weaver and other members of the branch, including himself, “spent week after week” collecting for the miners when they “were being victimised by the Thatcher Government...but it [did] not stop me from being a twenty four hours a day anti-racist.” If he was unsure of what characterised 24 hours a day anti-racism, although he should know having read my ‘open letter’, it was explained to him as meaning “that on any occasion when the anti-racist sees a Black person or ethnic minority person discriminated against, physically assaulted, abused, harassed...then the anti-racist acts in defence of that victimised person or

group. If a person cannot do that then...I am not sure what it makes them but they are certainly not anti-racists and that is clear however strong or weak the language is used to express it...If what I have just said means that I have a chip on my shoulder and was evidence of my not thinking rationally, as [he] said that it was on that Thursday, then so be it.”

There was no doubt in my mind that his point was right about the branch being “mandated to make representations to management but what [had] that to do with this issue.” I did not think he was claiming to be “there on branch business” when he made critical comments about me to management. Nor could it ever be “Branch business...to criticise...legitimate and progressive anti-racist views...that [were] consistent with NATFHE and [Birmingham] City policy.”

To avoid any misunderstanding on his part, I explained that I was not implying he “acted in a way detrimental to the membership or any member of it,” in my view he “did and if that was not clear in my letter then I say it now.” If this was “not detrimental to my interests or that of other members whose progressive political views are presented in a firm and forthright manner, then what is?” I added that the “Race sub-Committee Co-ordinator...may also consider that [he]...acted in a way detrimental to her interests by bypassing her in her assigned and elected roles.” Moreover, “the fact that [he] occup[ied] both the position of Academic Board representative and the Vice Chairperson of the Branch [did] not give him any right to discuss my legitimate anti-racist views with management.” It seemed apparent that he did “think that when [he] occup[ied] a Management defined role, it releas[ed him] from any obligation...[he had] as Vice Chairperson of the Branch,” so he was reminded “that as a trade unionist...[he should] seek at all times to defend other trade unionists...who have not acted against the interests of other trade unionists.” I suggested he “should have added naivety to the other negative qualities I [was] supposed to have.”

Having dispensed with the ‘irrelevancies’, which required addressing as he had introduced them as justification, I turned to the real issue, namely, “the right of trade unionists to engage in...anti-racism without Branch Officers” criticising those views to management. If he “wanted to critically discuss my views then it should have been done in the right forum...and in a more open manner...rather than [to] create a situation where I have to defend myself whilst being at a significant disadvantage.” If he was unable to understand that, “how [could he] claim to have the necessary qualities to represent other trade unionists.” Was he unaware of “the real world where progressive political views [were] constantly under attack from dominant groups”. In the present climate “it would not be alarmist to say a

dangerous precedent had been set... [by creating] an environment within which only views acceptable to college management were permitted [and] Any views expressed [by activists] could be subject to management scrutiny and activists...asked to explain them.” In this situation, “how could the Union protect those activists...when a Principal Officer of the Union has discussed with management...[and] criticised those views...From whom could the anti-racist activist obtain support if and when Management decided to take action?” He should evaluate his actions because, as any student of contemporary history knew, “the erosion of the people’s rights to express progressive views, however insignificant an action may seem to the one doing it, is the first step towards the type of state that proscribes trade unions.”

Cave was given notice that “the considerable implications resulting from [his] actions” would be raised “as a general point, at the next meeting of the BLC Anti-racism sub-committee as an agenda item for the May meeting.” He was provided with the date and venue of the next BLCARC meeting to give him the opportunity to attend and defend his actions.¹⁰¹

This rejoinder, sent to every member of the branch committee, to the Birmingham liaison committee’s secretary and its anti-racism officer, was not only directed at Cave and the *kernels* but also raised questions about the way NATFHE operated at Bournville College and wherever any of the *kernels* exerted any influence.

Before the next branch committee meeting to be held on the 21st April, despite the branch chair’s decision that the matter was proscribed, I dropped branch committee members a line addressing the allegation of ‘wrecking the branch.’ After listing the previous six letters sent to the branch executive, Gates was asked to explain “in what way these letters...[were]...contributing to wrecking the branch”, and Gates was called on to “provide...a written retraction” for his allegation or “provide substantiation for” it.

A number of options were put to the branch committee. Gates’ accusation was described as being “equivalent to saying that I [was] acting in a manner detrimental to the interests of the Association which would require either D Gates or the Branch Committee to lodge a complaint against me...under RULE 8.” Or, “if D Gates [could not] substantiate his claim...then...the Branch Committee [should] take disciplinary action against him.” Of course, such a hearing would inevitably introduce “the ‘likelihood of bias’ test” and “would necessitate a hearing involving members from outside the Branch.” Or, “If the Branch Committee was reluctant or refused to take action” this might “be interpreted as [the Branch Committee] condoning an unwarranted and unsubstantiated attack on the integrity and allegiance to the Association of another member of the Branch...[and be] construed as acting

in a manner detrimental to the interests of the Association.”¹⁰² The branch committee was presented with options – all of them requiring action, which we knew it would not take, but the object was to keep Gates firmly in the frame.

The letter had two other purposes. Firstly, to show Gates, and the committee, that he could be tackled in his own domain by as few as two members; and secondly, to point out, as Mackney did in his letter, “that many of the Bournville Branch Committee were either academically or personally involved” and, we might add, partisan towards Gates. Over the next eight days, the *kernels* were to engage in a venture that blended in with head office’s aims and objectives that led Bis Weaver and I to wonder who had actually laid the groundwork for what happened.

The branch committee had five items on the agenda when it met on the 21st April, including Anti-apartheid activity; NATFHE against Racism departmental meetings; another branch member’s casework; and “letters from Gordon”, of which there were two – the rejoinder to Cave and the ‘Gates/Rule 8 disciplinary issue.’ At the beginning of the meeting I added another item – the co-option on to the branch committee of the branch’s delegate to the BLCARC; “the only Black person in the Branch; and a specialist in the area of anti-racism” – Bis Weaver. This was a proposal that would undoubtedly cause difficulties for the *kernels* and before submitting it, both Bis and I wondered how they would deal with it. We were soon to find out but not at this meeting as the branch committee agreed to propose a rule change at the next branch meeting to co-opt the delegate. Thereafter, the meeting went the way to be expected. The Cave issue was deferred until the next meeting; partly because I asked for it to be rescheduled as several members said they had not yet received the rejoinder; and partly because the kernels wanted to bury it altogether. Notwithstanding this, a few points managed to be raised at the meeting.

Cave did bring up a claim that my initial letter with copies sent to the Birmingham liaison committee and the ARO “was Branch property and should not have been sent to anyone else in NATFHE.” Perhaps, Cave should have pondered on the fact that the letter to the ARO was a copy of the letter I sent to the branch executive seeking information on who reported me to management. The correspondence sent to the liaison committee showed this to be an issue affecting anti-racists and included the letter from Cave to me, which according to Cave’s interpretation of property rights would belong to me anyway. Cave asked if it was my intention to raise the issue at the BLCARC because he would be unable to attend the next meeting (April). His question was answered in the affirmative although my proposal would only be a request to place it on the agenda for the May meeting, under the heading of “The

right of NATFHE members to express legitimate anti-racist views and the role of NATFHE members to defend those rights?" Cave had been informed well in advance to enable him to attend and explain his actions. Cave's other point was that "the Branch Committee had not been allowed to discuss" the matter before the letters went out. It was a point in his favour but when I had sought information on the culprit, the answer received from the branch chair was that a response would be forthcoming and the way the *kernels* operated that could have meant anything. As I wanted to keep my counsel until the meeting next week I left this point unanswered.

My silence was hardly noticed as Hartland, adopting the stance of his newly acquired comrades, "doubted whether he would read" the rejoinder because "of teaching commitments" – a rather narrow position to take. My silence was broken with the comment that his "remark surprised [me] bearing in mind that [Hartland] is a member of the [BLCARC] and [I]...thought that [he] would be concerned about the right of NATFHE members to express...anti-racist views without...being criticised to Management." However, Hartland's position concerning Bis Weaver, or her representative, came as no surprise when placed into the context of his previous activities. His reason for not finding the time to read a contribution on the role of trade unionists and anti-racism activists would sound even hollower in three days' time when he found sufficient free time to align himself with Gates and Cave in making false allegations against Bis Weaver to the Principal of the college.

Gates agreed with Hartland and thought "Gordon Weaver's letter...a waste of time." He then went on to propose that the branch committee should discuss two issues: (i) 'the rights of individuals to express their views'; and (ii) 'the issue between G Weaver and N Cave'. After making these proposals, he had things to say on the 'wrecking the branch' issue, which was linked to point (i). Gates reiterated the accusation of the previous meeting by claiming my "correspondence was detracting the Branch Committee from the Branch's work", describing it as "serious" and he called for "guidelines for what can be said at meetings." Gates obviously felt that nothing untoward had been said by him and, in his defence, pointed out that he had "accused one [of the SWP members] on a number of occasions of wrecking the Branch but [the SWP member] had not bothered about it."

As far as I was concerned that was entirely up to the SWP member to determine his particular response but "Gates was making derogatory remarks about [me] at different meetings with impunity...[and] I asked when the Branch was going to take action to defend the integrity of one of its members..." Gates pathetic outburst against me was not the issue. Of more concern were the malicious and defamatory allegations made in front of a waft of

people when the slandered person (Bis Weaver) was not present; and directed at her because she refused to kow-tow to the almighty *kernels* and their mighty chief.

Downey, emerging from the side-lines, defended Gates' remarks as "perfectly reasonable and legitimate." After offering up the prospect of "lawyers attending Branch Committee meetings, which could mean the Branch would have to disband," Downey proposed that "there were no grounds to consider the matter [of Gates' remarks] further." His motion was passed with one against (me) and one abstention. Gates' two proposals were agreed to and were to be discussed on the 28th April.¹⁰³ The first was not as libertarian as it appeared and was a means to give free rein to Gates and *the kernels* to continue to say anything about anyone opposing them. The second item was merely window-dressing because the *kernels* had no intention of discussing the Weaver-Cave issue.

Downey, who refused to speak to Bis Weaver after swallowing false allegations purportedly made against him by her, fed to him by one of the *kernels*, was certainly confirming Mackney's observations on the Bournville branch committee and its 'academic and personal involvements'. My being on the branch committee was confirming everything about how the union operated and the *kernels* had no reservations about demonstrating their control.

Gates seemed determined to prevent any discussion of his behaviour, as had been the case throughout. By sleight of hand, smears and slanders were to be passed off as 'freedom of speech' to stand on a par with Gates' outburst on my so-called 'wrecking the branch.' The issue of what could and could not be said at branch committee meetings was to come down to earth with a vengeance during the following week as the struggle between 'false allegations and misrepresentations' versus 'justice and accountability' came under the microscope at the next branch committee and branch meetings with results that not even Bis Weaver nor I, cynical as we had become, would have contemplated. This would confirm that Gates was calling for *carte blanche* for himself and his allies with restrictions imposed on those who challenged the unprincipled actions of the *kernels*.

The coming week was a week of meetings and on the 23rd April there were two; the first was a meeting of the college's EO(R) Committee; the second was NATFHE's BLCARC meeting. With the rumours and false allegations circulating around the College and beyond, it became imperative for Bis Weaver and me to take advantage of every opportunity to redress the situation and show what the *kernels* were capable of doing.

The EO(R)C meeting turned out once again, as far as the *kernels* were concerned, to be something other than a committee to benefit its supposed beneficiaries – Black and ethnic

minority members. Two ethnic minority members attended the meeting and it was not difficult for the majority to achieve their aims although they were made to sweat for every inch gained. The *kernels*' determination to ensure the committee saw nothing remiss in the unauthorised acquisition of the minutes by the Academic Board representative attracted sufficient union 'loyalists' to secure a majority for the *kernels* in any vote. This conspiracy to cover up the 'disappearance' of the minutes and protect the person taking them mocked the policy the governors had taken on board a month before.

This meeting set another precedent in that two sets of minutes were presented: the original set had turned up and there was another set produced by Cave. The originals had additional points written on them, some of which, in what must have been an afterthought, had been completely blacked out making them unreadable, so the additions would never be known. The other set - Cave's ersatz creation, was a re-written copy of the original minutes with a rather innocuous addition made to them. *

The *kernels*' objective was easily discernible at the beginning of the meeting when a decision had to be made on who would chair the meeting. Almost immediately, a woman, very close to the *kernels* was nominated by a union 'loyalist' – the branch secretary; the object, undoubtedly, to appoint a fellow traveller as chair to control this and subsequent meetings. In an attempt to thwart the obvious and not wishing to see the *kernels* railroad through the nomination for chair, I nominated Bis Weaver. ** The *kernels* determination to secure this post prompted a generous response from the branch secretary, who found little to say in support of her nominee. Instead, the reason she gave for not nominating the committee's coordinator was that she thought the work of chair would be too onerous for Bis Weaver considering her other college duties. She proposed Bis Weaver for the post of secretary. Bis Weaver made no comment on that proposal for the moment. My contribution in favour of my nominee was for the committee to have a chairperson "from an ethnic minority group...and...the most appropriate person would be Bis Weaver,...someone who has experienced racism and...knows what is required to combat it." To add weight to this

* After the minutes miraculously disappeared, management threatened to investigate their disappearance. The 'minutes' then not so miraculously reappeared but with the additions completely deleted; obliterated by a deluge of black ink. An 'informer', who had seen the additions, revealed to Bis Weaver and I what she had seen - a false claim accusing Bis Weaver of referring to those on the committee as racists. This claim should be seen in the light of a similar false claim made against her in December 1986 in the *Beider affair*. See Chap IX

** One other member of an ethnic minority (an Armenian, who was soon to give support to Bis Weaver when he found out what had been happening in the college) was present but had indicated he did not want to become chair

proposal I referred to the Equal Opportunities (Gender) [Committee, whose] chairperson is a woman and no one would expect it to be a man, therefore, this [Race] sub-committee should be Chaired by a Black person or...from a victimised ethnic minority.”

The other nominee was not too happy with my proposal or the reasons behind it. Bis Weaver tried to pacify her without yielding the principle of a Black chairperson. She spoke of not “wishing to minimise the role [White people] can play” but it was difficult for them “to understand what racism is like and in the fight against racism the committee set up to combat racism should have a chairperson who knows what it is like to be at the receiving end of racism.” Bis Weaver saw “little recognition of...Black people or of [her] own role in this Committee...[and] it is only victimised ethnic minorities who can see the subtleties of covert racism and develop [strategies to combat] them not as conflict issues but as educational ones.” She also offered to resign as chair when other Black people were employed in the college as she saw this committee as providing “every opportunity to appoint Black people...as there is a tendency to marginalise...and ignore them.” Although unsaid, this was exactly what the *kernels* had tried to do to Bis Weaver ever since the EO(R)C had been reconstituted from the old multi-cultural education committee. Bis Weaver turned to the branch secretary, who had nominated her for secretary, by pointing out that the role of secretary “is more demanding than the Chairperson’s so if the Chairperson’s work is considered too much for [her]...how could [she] do the Secretary’s [work load]?” She described the nomination as tokenism and declined the offer. Did these activists never think things through before trying to hide their ulterior motive of getting a candidate for the *kernels* elected behind a mask of good intentions?

The first nominee wanted to withdraw her candidature not for the reasons raised by Bis Weaver but she “was not prepared to stand if the committee is going to be discriminatory.” That was how she interpreted Bis Weaver’s proposal, overlooking the fact that it was a form of affirmative action being put forward, conforming to a similar practice in the Gender Committee. She spoke of her long standing membership of the committee; of her interest in other people’s cultures; and was “offended by [Bis’ comments] after what she (the nominee) had done for ethnic minorities.” ‘After what she had done for ethnic minorities’ said it all and should have been the kiss of death for her candidature. The reference to her ‘interest in other people’s cultures’ was an insight into her perspective – the old ‘multi-cultural educational approach’, which had been laid to rest in Birmingham LEA, to be replaced by a new, more vigorous policy to remove discriminatory practices. This was now

an anti-racist perspective that many ‘multi-culturalists’ and ‘friends of Black people’ found difficult to embrace or adapt to.

She was without doubt angry, slighted and offended by what had taken place in the meeting and one wondered what her reaction would have been if she had been called a ‘fucking liar’ and told to take ‘her fucking finger out,’ especially if it had been a Black person doing the swearing.

Notwithstanding the nominee’s unsuitability to be chair, she was prevailed upon, by the ‘loyalist’ nominator, to stand and was elected on the strength of the vote of the *kernels* and union ‘loyalists’. The issue of the seizure of the minutes was in safe hands! Bis Weaver received three votes from an Englishmen (married to an Asian); an Irishmen (from the Republic); and an Armenian.*

Bis Weaver had prepared a paper and circulated it to the members with the intention of speaking to it later in the meeting. The paper dealt with “the undermining of her role as adviser and temporary Chair at the meeting on the 28th February; the unauthorised changing of the minutes by N Cave, and the offensive behaviour of B Hartland.” The new chair tried to block the circulation of the document on the grounds “that the Academic Board preferred not to accept papers tabled at the meeting...[and] expressed concern that this committee should do so.” This unknown alleged ‘regulation’ did not deter Bis Weaver nor should it because the object of the committee was to support the adviser/coordinator’s role in the college not restrict it. The attempt by the chair to prevent Bis Weaver addressing it later in the meeting brought with it a truly amazing display of what the new chair had ‘done for ethnic minorities.’

There was a discussion of the minutes with Cave apologising for taking them and he explained that he “had not acted in a manner to deliberately undermine her.” He had, apparently, based his actions on the grounds that “it had been customary practice for him to take the minutes and amend them before they were presented to the Committee.” If this was a valid explanation, why did he amend the minutes and then black out the amendments so they were unreadable? This suggests the amendments might not have stood up to scrutiny. Bis Weaver pointed out that she knew “of no other Committee in the College when all and sundry take the Minutes and amend them without the Chair ever knowing” but “this typifies the way

* The successful candidate received five votes, which showed how little interest there was in equal opportunities (race) in Bournville College and how the kernels were well aware of that since they needed only five people, on whom they could rely, to attend

people behave when...a Black person [was] Chair.”

Hartland also apologised for his behaviour at the February meeting but tempered it by pointing the finger at me, whose behaviour, he said, was just as bad. This was an unusual comparison. Hartland had been abusive to a Black woman – the adviser and coordinator of the committee, while I was making a point to a group of White males about racism. Apparently, to Hartland both acts were comparable.

It was well known that I took comprehensive notes of all meetings I attended and I offered to submit the notes of the February meeting to this meeting to clarify certain matters but the new chair refused to allow the notes into the proceedings. The minutes’ secretaries, two of them as one had to leave the February meeting early and was replaced by another, gave their views on the minutes. The accuracy of the original minutes was confirmed up to the point at the end of the meeting following Gates attempt to discuss the upgrading of the Access post, which failed to get recorded as did Hartland’s abusive response. When the minutes secretaries had given their views, the chair closed the discussion. The chair had neglected to ask the views of the other officer at the meeting, Bis Weaver, who could be expected to make a contribution on the contents of the minutes, especially as she had circulated a document and given notice of her intention to speak to it at the appropriate time. She wanted to know, as the chair had asked the minutes secretaries for their version, when she, as the chair of that meeting, would be asked for her account. The new chair told her that she had already spoken, to which Bis Weaver replied “but not as the Chair of that meeting”, * adding “this typified the attitude towards Black people in that there is no recognition of the roles that they occupy.”

The subsequent response from the chair startled not only Bis Weaver but everyone there because the chair “banged the table; shouted at Bis Weaver to shut up;...burst into tears and left the room.” This was an enlightening spectacle because when Gates was putting pressure on Bis Weaver to allow an item outside the remit of the committee’s domain to be discussed at the February meeting and Hartland was demonstrating his commitment to the cause of equal opportunities at the expense of Bis Weaver, the person, now occupying the chair’s position, never made a murmur about the behaviour of either Gates or Hartland.

The Academic Board representative, Cave, took the chair for a short period while the chair recovered her composure. Bis Weaver then made her contribution to the discussion of

* Bis Weaver’s earlier contribution had dealt only with matters relating to the selection of the chair of the committee

the minutes. She made it clear that “Norman Cave was not the secretary of the meeting nor was he the Chairperson, therefore, he had no responsibility for the minutes.” She expressed dissatisfaction that her roles on the sub-committee were not recognised and “unauthorised additions were made to [the] minutes [that] included a remark allegedly made by [her] which is grossly inaccurate...[as she] did not say...that there was a problem relating to ‘committee members who did not belong to an ethnic/racial minority voting on issues concerning those minorities.’”

She commented on the principles at stake and provided a comprehensive account of the discussion from contemporary notes and, referring to the official and unofficial minutes, wanted to know why other statements had been excluded, such as “the allegation that she had accused someone of being a racist” and being told that she “was talking rubbish.” She then quoted from the paper:

For my contribution to the discussion to be dismissed by a relative newcomer (Hartland) to the area, in a Committee set up to develop the consciousness of people towards equal opportunities, anti-racism strategies and respect for the contribution that can be made by Black people, is completely unacceptable. Perhaps, this could be a starting point for the Committee’s work, involving a discussion at a future meeting on ‘Black people in Education and the support that they should receive from their colleagues.’

She went on to add that

as the Adviser to the sub-Committee according to my job description and as the Coordinating Officer according to the Principal’s directive and as the elected Chairperson for that meeting, I do not expect people on the Equal Opportunities: Race sub-Committee, ...to undermine me and to attribute to me a false statement. I think that the sub-Committee should support me as a Black person on this Committee in the performance of the roles assigned to me and to ensure that no one undermines any Black person in this College in the tasks allocated to them. Without some confirmation that this sub-Committee’s objectives are to support Black people as well as carrying out other tasks in the fight against racism then my role on this sub-Committee will be little more than tokenism.

The chair then returned and apologised to the meeting but not directly to Bis Weaver, who was the person to whom an apology should have been directed. A discussion had already commenced on the location of anti-racism policy documents for college staff to consult. Bis Weaver, in line with city council policy, informed the meeting that any documents should be sent to the adviser before they were released to the committee to ensure they were in line with college and city council policy.

The chair, showing not to have paid attention to Bis Weaver and not acquainting herself with the functions of the adviser to the committee, acted in a manner that confirmed

Bis Weaver's observation of Black people rarely receiving recognition. The chair, reluctant to seek the advice of the committee's adviser, unilaterally declared that all policy documents should be submitted to the committee before being passed on to the adviser to deal with, contrary to the EO(R) Adviser's job description. The college had appointed Bis Weaver, as part of the LEA's strategy, as the first of a number of advisers soon to grace colleges throughout the city to implement Birmingham city council's equal opportunities policy. The procedure laid out in the Principal's document was for the adviser to implement the city's policy with the assistance of an equal opportunity committee. The chair had failed to grasp this particular point, which was the reason for the committee's existence and, instead, saw the committee as a virtual sovereign body determining policy and the adviser occupying an auxiliary role in implementing the policy decided upon by the committee. If this committee was allowed to follow that line it would have become a rubber-stamp for dominant interests in the college as was the Bournville NATFHE branch committee in another area of activity – control of what went on in the college. The chair's decision did not go unchallenged. Bis Weaver repeated the condition required for policy documents.

The ignorance and partisanship of people, 'after all they had done for ethnic minorities', and the affect it was having on Bis Weaver needed to be addressed. If the committee was incapable of understanding what was going on in the college and the part they were directly or indirectly playing, how could they play any part in promoting equality of opportunity for Black people. With this in mind, committee members were asked by me "to consider what they would feel like if they were continuously confronted with hostility...in an institution that was staffed by a hostile Black population. Would they not feel intimidated and when little support was forthcoming feel isolated". It was up to them to "ensure that Black people do not have to endure insults, abuse, harassment or any other discriminatory practices...[because] it is no use paying lip-service to anti-racism."

Bis Weaver went on to address the chair's "remarks about co-option of Black people." Rejecting the chair's description of it being discriminatory, she informed the committee that "it was not discrimination to take positive action to draw Black people into meaningful activity..." She explained that "in institutions where Black people feel and are isolated [co-option] is essential to provide an environment" to eliminate this feeling. It was about "time that this committee started listening to Black people because they know what racism is about."

Towards the end of the meeting, Hartland introduced a motion that aimed at the complete exoneration of Cave and had it placed on the record sugared with a flavour of what

might easily be interpreted as hypocrisy. The motion was: "This committee accepts that Norman Cave and (the Minutes Secretary) acted with integrity and it apologises to anyone who has been offended. This committee offers full support to Bis Weaver, our Anti-Racist Officer." The motion was passed.*

Hartland's motion was complete nonsense since how could the unauthorised appropriation of minutes with additions made and then deleted to make them unreadable represent integrity. Nor was it necessary to introduce the official Minutes secretary (or both of them) into the motion since no one was questioning the integrity of those two people. Nor was it the responsibility of the committee to apologise to anyone who felt offended. It was not the committee *per se* that caused offence to Bis Weaver but Cave and, especially, Hartland with his rudeness and ill-natured outburst.

Bis Weaver had held herself firm throughout this meeting but she was feeling the strain of such a tense meeting and the weeks of ill-health was wreaking its own bitter harvest – the effects of constantly being in a combat situation was there for all to see – a growing 'war- weariness'. When Hartland proposed this motion Bis Weaver was passed her best and let it go without comment.¹⁰⁴ Nonetheless, she was not taken in by this show of support and thought it audacious for a motion stating she had their support to do a job she had a contract of employment from the college to carry out. This was not of the same calibre as the attack on her contract of employment of a year before but it had a similar taste. The rallying call of support for 'our anti-racism officer' was as hollow as a tin drum and on the next day it would echo all the way to the Principal's office when three conspirators trod a path to make a fresh set of allegations against Bis Weaver.

Their path began on the day of the EO(R)C meeting when Gates, ably assisted by Cave and Hartland, despite the latter two's recently delivered *mea culpe*, went to their line supervisor - *The Boss*. The purpose of the visit was to criticise Bis Weaver. Accusations were made by all three questioning the performance of her professional duties and an implied attack on her integrity – shades of the regional official's ill-informed prognosis. The allegations were that she had denied all three the opportunity to meet the HMIs ** when the Inspectors visited Bournville College, in early March, thereby, preventing the three from putting their views of the course to them. They had taken a long time getting around to expressing their dissatisfaction at being allegedly by-passed. The next port of call for the

* In the minutes of the meeting it was recorded as "passed unanimously" but neither Bis nor I voted in this meaningless charade

** HMIs are government appointed inspectors who make periodic checks on the quality of courses

three musketeers was the office of their head of department, to whom they repeated the allegations. He advised them to put the allegations in writing but the three decided not to do so. However, that would not be the end of the matter as far as Gates and his two *aide-de-camps* were concerned.

A year before when Gates was seeking to have Bis Weaver removed from her post and launched a sustained attack on her over several months, she had relied on those who were expected to protect employees' interests – college management and NATFHE, to do just that but it was an expectation that had no foundation as she eventually concluded. She had realised, however laborious and time consuming it turned out to be – to mimic Triesman in another sphere, that the only option available to her had been to continue to take on the powerful while searching for a few likeminded people to come to her aid. She was fighting to expose Gates and the *kernel*s and NATFHE officials and lay officers for what they were. Needless to say, this was having little effect on NATFHE officers in the West Midlands.

One arena where NATFHE members were responsive to Bis Weaver's appeals was the BLCARC. On the evening following the conflict-ridden, *kernel*-dominated EO(R)C meeting, a meeting of the *kernel*-free BLCARC met and covered policy developments in NATFHE. Several contributions referred to: the inadequacies in NATFHE's Anti-racism Pack; the very limited role of the ANRP, which dealt solely with policy but ignored taking action on issues directly affecting Black people; the inflexibility of NATFHE's structures and NATFHE's inability to adapt to the changes taking place in society. The general consensus was that NATFHE should implement anti-racism initiatives rather than making policy statements. The committee also agreed to support my request for clarification from Gates for comments made at the BLCARC meeting in January, which was Gates' last appearance at the committee. It was also agreed to discuss, at the next meeting, *The right of NATFHE members to express legitimate and progressive anti-racist views inside and outside of colleges and the responsibility of NATFHE members to defend that right.*¹⁰⁵

Enriched, temporarily, by the breath of fresh air blowing in the BLCARC, Bis Weaver, who had been occupied in bombarding NATFHE headquarters and its satellite bases in the West Midlands, joined me in some hand-to-hand fighting in the branch. The branch committee was not expected to respond with anything positive but behind the correspondence there was another purpose to inform committee members of the real situation. When the branch committee did respond a few days later it did so in a manner that not even we would have imagined possible – we still had a touch of naiveté!

Returning from the BLCARC meeting, Bis Weaver wrote to the branch committee referring to Gates' slur made against her at the January BLCARC meeting. She did "not intend, at this time, to ask D Gates to explain what he meant...However, whilst appreciate[ing] that Gates has a tendency, on occasions, to make statements that are less than accurate," she was taking "this opportunity to set the record straight..." She then revealed the facts surrounding Gates' unfounded allegations. After describing the situation in full, she ended the letter by stressing the implications of Gates' remarks. Given that she was the college's race committee adviser and coordinator, Gates' allegations, "might be damaging to her in the important field of educational development," especially as the allegations had been "made in front of colleagues from other Colleges in the City." She pressed home the point that committee members must be aware that "it was difficult enough for a Black woman to get credibility without these kinds of allegations being made against her."¹⁰⁶

The exposé was continued the next day by covering one of the revelations in Day's 'report', namely, Gates' claim that the 'report' "would be of particular benefit to the Branch Committee." Bis Weaver asked "if the Branch Committee [had] showed such partiality in the matter of [her] complaint against D Gates, such that he could make a claim that [the regional official's] 'Report' met with Branch Committee approval"? She also asked the committee "if it did discuss the issue of [her] complaint...between the distribution of the 'interim Report' on the 30th October 1985 and D Gates acceptance of the 'Report' on the 12th November 1985?" Gates was another person who seemed to see *L'etat est moi*.

Bis Weaver released details of the incidents in her original complaint against Gates as they were not disclosed when the committee had discussed referring the complaint to Day. She also revealed the "embarrassment, humiliation and feeling of degradation" having to face that behaviour and asked the women committee members how "they might feel if [as] the only White woman in a meeting of all Black people...someone said...would someone tell her to get her fucking finger out."¹⁰⁷

On the day of this letter, 24th April, Gates' continued on a course already carved out by or for him. After declining to put any allegations concerning the HMI's visit in writing, Gates, on behalf of himself, Hartland and Cave, like the *Pied Piper* without the children of Hamelin (branch members) mesmerised by the piper's tune, or at least not yet, went to the Principal to report the same allegations. The Principal told him if they wished to pursue a complaint it needed to be put in writing before it could be acted upon. Gates agreed to present a written complaint on the next day.

The consequence of Gates' action was to hit Bis Weaver the following day, the 25th April. She was due to spend most of the day out of college attending a conference in Birmingham. In the morning, when about to leave the college a message came asking her to return to college at 4 pm as the Principal wanted to see her. She returned at the designated time; waited outside the Principal's office for about thirty minutes; and was then told she would not be required. She asked the Principal's secretary what it was about and was told the Principal had expected a complaint to be made against her by some members of staff but it was not followed through by the would-be complainants. * The secretary was unaware of the identity of the complainants or what the complaint was about.

Bis Weaver rose from her seat without a word and went home. The conspiratorial act of Gates, Cave and Hartland was carried out on the same day as Ms Whitbread had despatched her second dismissive letter in which she told Bis Weaver that she (Bis) had "misinterpreted the motives of NATFHE lay persons and officials who have genuinely tried to help" and that NATFHE was "certainly trying to tackle racist and sexist discrimination."¹⁰⁸ A conclusion from the President that did not fit in with the facts! Much like that of Triesman's contribution!

Suspecting that the abandoned complaint, whatever it was, was connected with Gates, we decided to increase the production line of correspondence going to the branch. Each time the *kernel*s turned the screw, we would respond by releasing information. Over the weekend, in the wake of Gates' 'aborted complaint to the Principal', the issues were cranked up another notch as a number of letters were put together; four for branch committee members and one specifically for Downey.

My contribution consisted of a letter to branch committee members describing the various attempts made through different levels of the union to get Gates to justify his insinuations made at the January BLCARC meeting and how these attempts failed to yield anything because of Gates' intransigence. Gates' electoral address to the National Council was quoted, which stated, 'If elected I would be fully accountable to the Regional membership' yet "In spite of this declaration, D Gates will not even make himself accountable to a member of this Branch." They were put in the picture about the BLCARC, some of whose members have "interpreted D Gates' remarks as possibly implying some impropriety regarding my appointment at Bournville College." I informed them that the

* The full extent of the allegations made by Gates, Cave and Hartland did not become known to Bis Weaver for a month. When the allegations were disclosed, Bis Weaver had no difficulty in exposing the falseness of the allegations

committee, at its last meeting, “resolved to give support...in seeking clarification from D Gates...” I wrote also of my expectations that the three delegates to the liaison committee, N Cave, R Downey and H Stretton * would also live up to their declaration in their electoral addresses of standing “for an open and accountable union.”

The prospect was raised that the branch committee’s failure “to insist that Gates provides a written explanation to [me] and the Anti-racism Committee...would demonstrate that there is no commitment to accountability and openness...[on their part, as it was] becoming widely known [in different colleges in the city] that Branch officers at Bournville operate on the basis that damaging remarks can be made about sub-committee members with impunity.” The two successful motions at the BLCARC meeting were enclosed.¹⁰⁹

Bis Weaver’s opening letter drew attention to a request, on the 1st December 1985, for the branch chair “to make representations...to NATFHE officials regarding the discrepancies in the ‘Report’.” ** She asked if the branch chair, or any of the branch executive, made any such representations and, if so, a copy of the correspondence was requested to enable her “to pursue [her] complaint against D Gates and [her] dissatisfaction with the procedures of investigation.”¹¹⁰ The second letter dealt with her letter to Triesman (9th April 1986) dealing with his threat to authorise the branch to discuss Day’s ‘Report’. She pointed to the representatives from external institutions criticised indirectly in the ‘report’, which, if discussed, “could involve...the likelihood of defamation...since the ‘Report’ might be considered by the reasonable person to include defamatory material about [herself] and those [others].” In that situation the branch committee might be “participating in the dissemination of defamatory material.” Furthermore, “any statements issued by the Branch Executive regarding her complaint would undoubtedly not satisfy the requirements of the ‘likelihood of bias’ test...” because [i] “All the members of the Branch Executive had been closely associated with D. Gates”; [ii] “one member is a close friend of D. Gates”; and [iii] “two members...have a close connection with the incidents that constitute part of [her] complaint against D Gates.” They were named as “S Pattinson and N Cave”. These two officers, contrary to the Rules of the Association *** “did not act in support of [Bis Weaver’s] interests as a member when witnessing these incidents and as such might have a particular

* Nedjat, the other delegate, was still on study leave

** The original letter had asked the branch chair to act as witness to the ‘fucking finger’ incident and to the errors in the ‘report’

*** Rule 2.1 – “to protect the professional interests of members individually and collectively...”; Rule 2.9 – “to promote and maintain standards of professional conduct”

interest in the outcome of the ‘investigation’ of [her] complaint.” She hoped the branch executive would bear “that in mind before [taking] any precipitous actions which might contravene [her] rights to natural justice and any other rights.”¹¹¹

The third letter dealt with events between the 18th June 1985, when the branch committee met and agreed for Day to investigate her complaint; and the 26th June 1985, when Day agreed to “carry out an initial inquiry.” The main point of the letter concerned the Gates/Day discussion of the 15th June. Branch committee members were asked “if they knew...A Day and D Gates met and discussed the complaint before [they] recommended A Day as investigator” because if it was known “before the deliberations,...it was incumbent on them to bring it to the attention of the Branch Committee or [herself]. A failure to do so would have involved any person in a set of procedures that were extremely dubious.” In those circumstances, the reasonable person might consider this practice “as being something more than irregular for the complained against to discuss the complaint with an official who then agreed to act as investigator without the complainant being informed.” Bis Weaver assured them that had she known of this discussion, she “would have wanted another investigator...to ensure [the investigation] ...was not...prejudicial to [her] rights to natural justice.” However, if they were unaware “then it was incumbent on D Gates” to have brought it to their attention as “the reasonable person may consider that the Branch Committee was misled by [Gates’] omission [and it had] recommended a procedure that was already subject to the likelihood of bias.”¹¹²

At the recent branch committee meeting, Downey had unequivocally rallied to the defence of the indefensible actions of Gates, as he had done in September 1985 when he and Bis Weaver shared a few ill-disposed words. Downey’s action merely confirmed his previously displayed partisanship. He had played a significant part in the branch during the early ‘deliberations’ in June/July 1985, which shunted her into a siding with a ‘no exit’ sign held by the regional official but hidden from view. We also knew of Downey’s proposal for the regional official to sit on any union tribunal, which was a curious recommendation because, as a prominent local lay officer, Downey should have known that union tribunals do not include full-time officials. So what kind of tribunal had Downey in mind? In taking on such a role, as things now stood, it warranted Downey having his own personal letter.

Downey was reminded of the letter she had sent to all branch committee members, on the 10th March 1986, when she sought information on any involvement they may have had in the procedures. She asked him to “provide [her] with the information requested.” His

attention was drawn to his election platform “for open trade unionism and accountability.” He was also reminded of his conversation with her in September 1985 when he had been “extremely critical of [her], to the point of being offensive, about how [she] was supposed to have acted with regard to a particular student,” * having been given the information by Gates. She had felt uneasy about his “jaundiced picture of what happened” without seeking her version as only she and the student “knew what had transpired.” He had also admitted to having discussed her complaint against Gates with him (Gates) and when asked “why [he] had not asked [her] for [her] version, [his] reply was that since April/May 1985 [he] had not been speaking to [her]...because of remarks allegedly made by [her], told to [him] by one of the Branch officers.” Upon hearing the allegations, she had informed him “that at no time had [she] made such remarks.”

In the present letter, Downey was asked to explain why, when he was “under the impression that [she] had maligned [him] and...decided not to speak to [her], [he] sat on the Branch Committee...and took an active part in deciding the procedures to be recommended...,” that is, an investigation by A Day and...”if a Tribunal was necessary,...A Day should be asked to sit on it.” She put it to him directly: “Given that [his] attitude to her [was] antagonistic would [he] tell [her] why [he] felt that [he] could sit in a Committee...to decide who should investigate [her] complaint against D Gates?” From this, she drew the conclusion that “The reasonable person would surely consider that such a prejudicial attitude towards [her] would place [her] at a decided disadvantage.” She concluded with a request for Downey to assist her in pursuing her grievance.¹¹³ Reproducing the September conversation was to get it on the record and to give Downey the opportunity to comment on it, which he failed to do – but how could he, anyway? In cahoots with his cohorts in the *kernel*s, Downey was in a cleft stick but he would come back at her with a vengeance within hours. **

The purpose of the other letters was for branch committee members to think about: (i) the type of union ‘activities’ they were supporting or at least doing nothing to prevent; (ii) the ethical and possible legal implications surrounding their own activities; and (iii) to show Gates and his acolytes that the world was just as much our oyster as theirs as far as distributing information, and in our case - accurate information, about their activities. No one

* The student occupying so much space in Day’s ‘Report’

** Downey’s belief that Bis Weaver accused him of opportunism struck a deep chord within him and might well explain his reaction to Shuk Nedjat in July 1985. Downey seemed to be still seeking his pound of her flesh eight months later, in January 1987, during what became known as the ‘Beider Affair’

who had put his or her sticky fingers in Day's venomous pot was to be left out and Bis Weaver and I were prepared to release as much information as was necessary. She was living on a knife-edge in the college and whatever the *kernels* chose to do could not make her situation any less onerous or so we both thought.

During that week, from the time of the branch committee meeting on the 21st April; through Gates' unknown trip to the Principal's office on the 25th April; and up until the proposed branch committee meeting on Monday, the 28th April, Bis Weaver and I had been active but it was all done in the open. Whereas Gates and the *kernels* had pulled off a few stunts to protect Gates and Cave and in the process cause more problems for Bis Weaver; much of it orchestrated in secret; with more to come. Unknown to us, at that time, two other decisions were taken that had a disastrous impact on Bis Weaver.

A decision of make-believe proportions was manufactured in either a smoke filled room or a yuppie bar sometime recently - the exact date was never disclosed other than it was in April. The decision summed up NATFHE's lack of commitment to anti-racism; its determination to disregard complaints against officers; and its disdain for the principle of natural justice. The architect of this decision was none other than Triesman, and Gates, not unexpectedly, was the beneficiary – although the decision was more than likely made to get Day off the hook. Triesman, who in one letter to Bis Weaver, had expressed how seriously the union viewed racism and harassment, had recently arrived at the conclusion that Gates had no case to answer and was not a racist. This was based on a letter Triesman received from Gates, in which Gates stated he had a long history in the anti-apartheid movement * and also that he was not a racist. **

Triesman, who had paraded the union's desire not to appear secretive when he wrote of his intention to inform Gates of his dealings with her,¹¹⁴ did not take the trouble to inform Bis Weaver of his assessment or the means by which he arrived at it.

When Day released his 'report', he had given Gates free licence to carry on as before and this was confirmed by the type of allegations Gates was still prepared to make. Triesman, who was trying to close down the union to her, had handed Gates a new lease of life by accepting that Gates had no case to answer. In the next few days Gates and the *kernels* would

* This defence of a 'long history' was to be hoisted from NATFHE's flagpole, although no one in the union ever came up with an explanation for Gates' atrocious behaviour other than affixing the inappropriate and ludicrous 'interpersonal dispute' tag to it, while simultaneously refusing to examine the incident and the issues involved in Bis Weaver's complaints

** Triesman's disclosure came when he was, under cross-examination, fourteen months later, during the Weaver v NATFHE Industrial Tribunal hearing, June 1987 ¹¹⁵

seek to close down, to Bis Weaver, every avenue and every activity available to members seeking justice or just seeking to participate in the union. Could there have been a connection between the two benefits secured by Gates? Triesman was also 'contemplating' handing over Gates and Bis Weaver to the 'mob' to determine who would be the favoured person after the branch discussed Day's 'report'. Like a Roman Prefect, Triesman had a captive and willing audience in the West Midlands ready to make a decision that would protect 'Caesar's realm'. His impersonation of the Prefect merely camouflaged a partisanship in favour of Gates. This was the reality confronting Black people in NATFHE working among the biased, partisan and inept. The gloom was about to descend ever thicker on Bournville College as the *kernels* implemented another scheme concocted under cover to put Bis Weaver decidedly on the defensive. This would burst on to the scene on Monday, the 28th April, after the latest of our missives found their way into the respective post boxes.

Bis Weaver's expansion of activity was a holding operation. With this steadfastness there was no possibility of the issues she had with NATFHE collapsing around her. What was not holding together was her health - the pain in her back and legs was constant, caused by the stress of everyday life in the college. NATFHE head office's intransigence and duplicity; and Triesman's recent threat to throw her to the Bournville wolves, had made a significant contribution to her poor state of health. The deterioration was all too plain to see as she hobbled around the college propped up by a walking stick but most staff, including management, with a few exceptions, never commented on it. It was as if Bis Weaver and her health, as well as other problems, were invisible – she had truly become an invisible person - unseen and disregarded. Business as usual was the order of the day for college management, fully aware of what was going on but ignoring it even when it disrupted the college's equal opportunities and Access course programmes due to her frequent absences from work. Merely going to work had become a considerable hardship – the thought of what might be around the corner or another dirty trick thrust upon her created considerable stress, and those causing it or acquiescing in it deigned to call themselves anti-racists.

Bis Weaver and I had collaborated in writing the letters for some time but because of the state of her health I had taken over the drafting of the letters with occasional amendments made by her before she signed them. While watching her efforts to overcome the pain and to continue to work, the letters and other contributions to the case became more piercing to offset the Machiavellian activities of the *kernels* and their allies at head office. The pressure imposed on her during the previous week had left her drained and over the weekend she became so ill that by Sunday evening she was in no fit state to go to work the next day.

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- ¹ DTr to BW 17 Apr 1986 BW IT Bundle 58
 - ² BW to DTr 31 Mar 1986 Rec'd Del J632252 BW IT Bundle 51
 - ³ BW to PD 14 Dec 1985 NATFHE IT Bundle 107
 - ⁴ BW to DTr & PD 4 Mar 1986 BW IT Bundle 43/44
 - ⁵ DTr to BW, 2 Apr 1986 BW IT Bundle 52
 - ⁶ NJ March 1984
 - ⁷ IT Report, p 14 (6)(g)(iii)
 - ⁸ BW to DTr 3 Apr 1986 Rec'd Del V401805 File C 2 - 3
 - ⁹ BW to DTr 6 Apr 1986 Rec'd Del J632254 BW IT Bundle 53
 - ¹⁰ BW to DTr 7 Apr 1986 BW IT Bundle 54
 - ¹¹ BW to DTr 8 Apr Letter B Rec'd Del J632255 NATFHE IT Bundle 152
 - ¹² BW to DTr 8 Apr 1986 Letter C Rec'd Del J632255 NATFHE IT Bundle 153
 - ¹³ BW to DTr 9 Apr 1986 Letter B Rec'd Del J632275 NATFHE IT Bundle 155
 - ¹⁴ Day's Report p2 s2 (iii) BW IT Bundle 14
 - ¹⁵ BW to DTr 9 Apr 1986 Letter C Rec'd Del J632275 NATFHE IT Bundle 156
 - ¹⁶ DTr to BW 18 Feb 1986 BW IT Bundle 42
 - ¹⁷ DTr to BW 9 Apr 1986 NATFHE IT Bundle 142
 - ¹⁸ BW to DTr 27Apr 1986 Rec'd Del V401870 NATFHE IT Bundle 147
 - ¹⁹ R v Sussex JJ exp McCarthy [1924] 1KB 256 at 259 per Lord Heward CJ: and Hannam v Bradford Corporation [1970] 1WLR 937
 - ²⁰ BW to DTr 13 Apr 1986 Rec'd Del V401811 File C 16
 - ²¹ DTr to BW 2 Apr 1986 BW IT Bundle 52
 - ²² BW to DTr 16 Apr 1986 Rec'd Del V401817 BW IT Bundle 57
 - ²³ DTr to BW 17 Apr 1986 BW IT Bundle 58
 - ²⁴ BW to DTr 10 Apr 1986 Letters A & B Rec'd Del J632257 NATFHE IT Bundle 157 - 158
 - ²⁵ BW to DTr 21 Apr 1986 Rec'd Del H856670 File C 23
 - ²⁶ DTr to BW 18 Apr 1986 BW IT Bundle 61
 - ²⁷ NJ March 1984
 - ²⁸ NJ June/July 1980
 - ²⁹ BW to DTr 10 Apr 1986 Letter B Rec'd Del J632257 NATFHE IT Bundle 158
 - ³⁰ GW to DTr 13 Apr 1986 Rec'd Del V401810 File L 37
 - ³¹ DTr to GW 17 Apr 1986 File L 41
 - ³² WM Broad Left List of candidates for the NEC File X 64
 - ³³ PMc to DE 8 Apr 1986 BW IT Bundle 55
 - ³⁴ THES 20 June 2003
 - ³⁵ BW to DE 25 Mar 1986 File B 49
 - ³⁶ DE to BW 27 Mar 1986 File B 50 (copy to DTr)
 - ³⁷ Whitbread, N NJ Nov 1985
 - ³⁸ BW to DE 30 Mar 1986 File B 51
 - ³⁹ BW to RC 30 Mar 1986 File Z 3
 - ⁴⁰ BW to RC 31 Mar 1986 File B 52
 - ⁴¹ BW to DE 26 Mar 1986 File X 63
 - ⁴² BW to DE 31 Mar 1986 File B 53 - 54
 - ⁴³ BW to RDty 7 Apr 1986 File C 6 - 7
 - ⁴⁴ BW to SN 31 Mar 1986 File B 55
 - ⁴⁵ BW to DE 6 Apr 1986 File C 4
 - ⁴⁶ PMc to BW 5 July 1985 BW IT Bundle 9
 - ⁴⁷ BW to DE 7 Apr 1986 File C 8
 - ⁴⁸ BW to DE 8 Apr 1986 File C 9
 - ⁴⁹ BW to DE 9 Apr 1986 File C 11 - 12
 - ⁵⁰ BW to RDty 31 Mar 1986 File B 56
 - ⁵¹ BW to RDty 6 Apr 1986 File C 5
 - ⁵² BW to RDty 9 Apr 1986 File C 10
 - ⁵³ RDty to BW 10 Apr 1986 NATFHE IT Bundle 144
 - ⁵⁴ Rousseau, JJ [1997] Julie, or the New Heloise, eds Stewart P & Vache J, Dartmouth College press
 - ⁵⁵ NJ Mar 1984
 - ⁵⁶ NW to BW 11 Apr 1986 BW IT Bundle 56
 - ⁵⁷ Conference, 13/14 Mar 1986, NJ Apr 1986
 - ⁵⁸ THES 23 May 1986

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- ⁵⁹ IT Report, p 6, s 5(c)(iv)
⁶⁰ TUC, NJ Oct 1985
⁶¹ NJ Mar 1984
⁶² BW to PW 14 Apr 1986 Rec Del No V401825 File C 17
⁶³ BW to PW 28 Apr 1986 Rec Del No V401869; BW to PW 12 May 1986 Rec Del No J 632262 File C 30 & 51
⁶⁴ NJ Oct 1985
⁶⁵ BW to NW 17 Apr 1986 Rec Del No H856709, BW IT Bundle 59
⁶⁶ BW to JD 20 Apr 1986 File C 22
⁶⁷ DB to BW 18 Apr 1986 BW IT Bundle 60
⁶⁸ NW to BW 25 Apr 1986 BW IT Bundle 62
⁶⁹ NJ March 1984
⁷⁰ Heller J [1964] Catch 22, Corgi, London
⁷¹ PMc to DE 8 Apr 1986 BW IT Bundle 55
⁷² AD evidence, IT Hearing, 9th June 1987
⁷³ AD to BW 19 Nov 1985 NATFHE IT Bundle 72
⁷⁴ CD to DG (undated) NATFHE IT Bundle 37 & BW IT Bundle 3
⁷⁵ CD note 18 Jun 1985 File X 59
⁷⁶ DTr to BW 13 Jan 1986 BW IT Bundle 32
⁷⁷ NJ July 1978
⁷⁸ Mins, BhLC 4 Dec 1984 File V 43
⁷⁹ IT Report p6 s5(c)(i)
⁸⁰ PMc to BW 5 Jul 1985 BW IT Bundle 9
⁸¹ DE to BW 7 Jan 1986 BW IT Bundle 26
⁸² T/p conv RDty to BW 11 Jan 1986 File Y 1
⁸³ Conv GB, BW & MG 4 Jan 1986 File X 1
⁸⁴ AD to RJ 11 Aug 1986 NATFHE IT Bundle 185
⁸⁵ Conv GB, BW & MG 4 Jan 1986 File X 1
⁸⁶ BhLC 'Six' to BLPBS 5 Apr 1987 File G 35
⁸⁷ IT Report p15 s6(h)(vi)
⁸⁸ BW to DE 25 Mar 1986 File B 49
⁸⁹ DE to BW 16 Apr 1986 File C 18
⁹⁰ BW to DE 17 Apr 1986 File C 19
⁹¹ The conversation was referred to in BW to DTr & PD 4 Mar 1986 BW IT Bundle 43/44
⁹² DTr & BCtte 12 Jun 1986: and HS to BW 12 Jun 1986 File Q 46 - 49
⁹³ Conv GW & Vic 19 May 1986 File Q 20
⁹⁴ GW to PD 23 Mar 1986 File L 22
⁹⁵ DTr to GW 2 Apr 1986 File L 30
⁹⁶ GW to DG 4 Apr 1986 Rec'd Del V401786 File L 31
⁹⁷ GW to BCtte 9 & 17 Apr 1986 File L 32
⁹⁸ NC to GW 10 Apr (Mar) 1986 File L 33
⁹⁹ BCtte Mtg 15 Apr 1986 File Q 1
¹⁰⁰ Principal's Policy Doc, 15 Jan 1986 item 12
¹⁰¹ GW to NC 20 Apr 1986 File L 42 - 47
¹⁰² GW to BCtte 21 Apr 1986 File L 48 - 49
¹⁰³ Notes BCtte Mtg 21 Apr 1986 File Q 2 - 4
¹⁰⁴ Doc of Adviser to EOC(R)C File V 9 - 10; Mins & Notes of EO(R)C Mtg 23 Apr 1986 File V 11 - 15
¹⁰⁵ Mins BLCARC Mtg 23 Apr 1986 File T 20 - 24
¹⁰⁶ BW to BCtte 23 Apr 1986 File C 24
¹⁰⁷ BW to BCtte 24 Apr 1986 File C 25
¹⁰⁸ NW to BW 25 Apr 1986 BW IT Bundle 62
¹⁰⁹ GW to BCtte 27 Apr 1986 File L 50
¹¹⁰ BW to BSec 27 Apr 1986 File C 26
¹¹¹ BW to BEx 27 Apr 1986 File C 27 - 28
¹¹² BW to BCtte 28 Apr 1986 File C 29
¹¹³ BW to RDwy 27 Apr 1986 BW IT Bundle 63
¹¹⁴ DTr to BW 18 Feb 1986 BW IT Bundle 42
¹¹⁵ IT Report, p 10 pt 5(i)(i); and pp 14/15 pt 6 (h) (iv)