

Chapter VIII

A Brief Period of Optimism

(a) One Road Leading to Rome

The big day arrived both for the *kernels* and for Bis Weaver as they continued to travel in entirely different directions. The *kernels*' objectives, or more accurately those of NATFHE head office, would grind to a halt almost immediately; Bis Weaver's objective would travel a long and circuitous path towards the Court of Appeal.

Bis Weaver's letter of grievance went by recorded delivery, on the 26th June, to the various parties, who should have it in their possession on the morning of Friday the 27th June. The nine page letter of grievance itemised every witnessed-incident and, where necessary, provided documentary evidence to support the grievance. Unwitnessed incidents were omitted as there was no point in allowing the grievance to be side-tracked by any debate on matters that could not be proven. There was no need to travel along that particular path as sufficient proof was available to substantiate her grievance. NATFHE officials would be well aware of the proof available to her otherwise they would not have thrown up so many obstacles to a fair and impartial hearing when they had the chance to investigate her complaints fully. The grievance was more than seeking personal redress against Gates; it provided an opportunity to draw attention to a clear cut example of the abuse, harassment and constant attempts to discredit, humiliate, embarrass and undermine a Black person in the work place.

Bis Weaver introduced three elements to describe and define the way she had been treated: (i) objective factors; (ii) inferences to be drawn from objective factors; and (iii) subjective feelings arising from the behaviour.

The incidents (objective factors) were described in detail, covering all the incidents from February 1985 until April 1986, to show the period of time she had to face this harassment.

For her, and for those witnessing his conduct, or were informed of it, his conduct showed that, for Gates, "few rules...govern the behaviour of a White person to a Black person." He was also

aware of the support he, as a White male,...could draw on...from significant people in the College who shared similar experiences and cultural values to himself...[and to] use

his influence over White colleagues to intimidate [her], a lone Black member of the teaching staff.

The situation in the college was such that she had become “effectively isolated because members of staff, not knowing the details of the situation, [were] less responsive to [her], [who is] ‘one of them’, than to the person responsible [for her problems], who is ‘one of us’, a White person.”

Gates’ behaviour was said to have breached “many rules and conventions...such as trade union rules and rules of professional conduct” and the extent of his influence resulted in trade union rights being taken from her and she was now

under the threat of disciplinary action...for...[her] attempt to obtain information to ensure a fair and impartial investigation through NATFHE. This influence has been used against her in College activity, especially in College committees.” *

Anticipating that NATFHE officialdom might try to take a leaf out of Triesman’s book by attributing Gates’ behaviour to ‘abrasiveness’ – a ready but perverse excuse tried before and to which the branch committee had already been primed to accept. Therefore, recognising that “D Gates is generally considered to be abrasive in his behaviour...the degree of abuse and harassment demonstrated against [her] went far beyond simple abrasiveness.” His “behaviour...conveyed to [her] the feeling that to D Gates, Black people are beneath contempt. His attempts to discredit and undermine [her] in the presence of other White colleagues...effectively acted to deprive [her] of the recognition of the...knowledge and expertise...in [her] area of work and specialism”, to such an extent “that some colleagues disregarded [her] role as Course Coordinator.” These persistent attempts to discredit her caused “constant anxiety” and interfered with her College work as Access coordinator and as the City Council’s Equal Opportunities coordinator. **

As “the only Black full-time member of the staff,” she deemed “Mr D Gates’ behaviour [to be] tantamount to gross professional misconduct...not unconnected with [her] racial origins [and]...may be construed as racial harassment.” She was “subjected to unwelcomed, repeated and unreciprocated abuse, [which she] found...offensive,

* NATFHE’s investigation was referred to as being so “inadequate and lacking in impartiality” that she was convinced NATFHE had neither “the ability nor commitment to take effective action to stop his behaviour.” In fact, NATFHE’s inaction “had served to legitimise [Gates’] abusive and harassing behaviour towards [her].” Despite this inadequacy, Bis Weaver cited the union as hampering her in making a formal complaint to the governors at an earlier date because “under the conditions offered...by NATFHE, namely, Rule 24,” she was prohibited from approaching other bodies

** These were some of the consequences of the harassment that Triesman defined as ‘abrasiveness’ and Ms Whitbread and Ms Welch as ‘interpersonal dispute’

objectionable and responsible for the intimidating working environment.” Describing her feelings when Gates abused her in a foul mouthed manner in a meeting, she stated that “D Gates undermined [her] in front of White colleagues and Senior Management and [she] felt the deepest humiliation, degradation and embarrassment at being spoken to and maligned in this manner.” She considered that “His comment was tantamount to stating that Black professionals are not worthy to be accorded the same respect and recognition as White professionals...[and] as a Black person [her] feelings were of no consequence in a White institution.”

Gates, as a White male, was perceived by her to have “a considerable advantage over [her] which enabled him to influence other people’s views and actions. Consequently, “pressures were put on [her] to continuously prove [she] can do [her] job.” For example, “Gates’ remarks that someone should tell [her] to take [her] fucking finger out...[suggested she] was not adequately carrying out her functions.” As a result of his behaviour, she had the feeling of having “been effectively put down, such that [other] colleagues consider that they do not have to take much account of [her]” - unable “to participate in [college] meetings without the possibility of being shouted down; or [having her] position constantly undermined by others,” who also sought to “subvert [her] positions of responsibility.” The influence Gates exerted in the college led to members of staff – Cave and Hartland, in particular, “to behave in a manner detrimental to [her] interests.”

Their particular involvement expressed itself in: (i) Cave’s unfounded allegations about a workplace situation made to a union official during the union’s ‘investigation’ and his involvement in the 12th March 1985 incident; (ii) Cave’s unauthorised tampering with the minutes of the February 1986 Equal Opportunities (Race) Committee meeting chaired by her; (iii) Hartland’s behaviour in that same Race Committee meeting had led to her producing a paper protesting at the abuse suffered in that meeting; and (iv) the joint allegations over the HMIs visit. Her feeling was that “in any committee where N Cave is also present [she is] likely to be put in a position where [her] professional integrity and competence is undermined;” and Hartland’s “behaviour showed...little respect for [her] positions” and “has contributed to undermining...and discrediting [her] in [her] professional roles...” Nor should “N Cave’s and B Hartland’s behaviour...be taken in isolation from other activities, directed against [her],...in Bournville College.” *

* The incident where the chair of the April EO(R)C banged the table while shouting at Bis Weaver to ‘shut up’ was also mentioned to show the extent to which her position had been undermined by Gates, Cave and Hartland

The grievance was brought to a conclusion with “the hope that the Governors will seriously consider [her] complaint of what might be construed as racial harassment”; and...if the appropriate procedures do not already exist to investigate [her] complaint” to introduce those procedures, otherwise, she will have “no alternative but to consider an independent inquiry.”¹

The letter of grievance had clearly taken into account the differing types of behaviour made by the three comrades-in-arms. The central figure in the harassment was Gates and had remained so throughout the period from February 1985 until the present time. After she refused to accept the union’s *Whitewash* ‘report’, Cave and Hartland were drawn into the harassment.

These two accomplices came over as a pair of easily-led bit-players or props in the various scenes directed by Gates. Nonetheless, they appeared keen enough to carry out the roles scripted for them as ‘contributors’ to Bis Weaver’s difficulties.*

Three other letters accompanied the grievance sent to interested parties. To the Principal, she wrote of discovering that “beneath the liberal ethos associated with Bournville College [there] was an underlying current of what might be construed, by the impartial observer, as the differential treatment...and differential behaviour towards [her], as a Black person.” She mentioned the stress that brought her to the point of “leaving the college but decided to stay on...as [she had] the right to work...where [her] particular skills are of use without the fear of abuse, harassment and attempts to discredit [her].”² This news was hardly likely to be appreciated by the Principal and would not have been necessary if the Principal had acted as a Principal should act.

The Chief Education Officer’s letter repeated the observation on the college’s so-called ‘liberal ethos’ but its main point was to ask the LEA to “take an active interest in this case.” She asked “for a thorough investigation,...by an independent source, as D Gates is...a member of the Board of Governors and is quite influential in NATFHE.” As equal opportunities officer, she suggested a wider investigation of the College “so that staff at all levels are aware that the City takes a serious view of [this] kind of behaviour.” For her, “there is an urgent need...to develop both policies and procedures for action” as this was “just the ‘tip of the iceberg.’”³ A similar letter went to Kurshid Ahmed of the Race Relations Unit.⁴

* Other contributors to the Bournville situation did so in their roles in the union’s structures and outside the direct responsibility of the college’s governing body, although an argument might be made that pressure applied through the union on an employee or employees in the performance of their contractual obligations in the college might be within the jurisdiction of the governors as the employer has vicarious responsibility for what happens to employees in the workplace

While Bis Weaver was registering these seven letters for delivery to the parties concerned, the *kernels* were setting the scene for playing head office-inspired games. The preparation for that ‘final’ encounter was to be made at the branch meeting on the 26th June, which was overseen by the new chair, Norman Cave. Did the *kernels* really think that a ‘right of reply’ was enough to pacify Bis Weaver or lead to a resolution of outstanding issues; or was it in order to have one final stab at her in full view of the branch before Gates and Ms Pattinson slipped away from the college? Did they have inside knowledge that Bournville management had no intention of following up the concern shown by one of the governor’s about racism in the college? Or were they just out of their depths and totally dependent on advice from NATFHE officials?

When the meeting convened, the minutes of the two previous meetings (29th April and 14th May) were available but no mention was made of the allegations against Bis Weaver or the disclosure of confidential information (29th April); or of the meeting being inquorate when she was eventually given the go ahead to speak. (14th May) I asked to defer discussion of “the minutes...as the issues raised in the meeting” needed to be looked at carefully. Cave was amenable to changing the minutes of the 14th May, but protests came from three of his fellow *kernels*. Gates disputed that the meeting was inquorate and “it cannot be challenged”; while Ms Pattinson said that “it [being inquorate] was not mentioned” at the time; and Hartland’s contribution was that “the minutes are supposed to be accurate and if everyone challenged them [the Branch] would get nowhere”, adding “There should be no challenge to the minutes.” Despite these objections, it was agreed to change the minutes for the 14th.

The minutes of the 29th April did not fare so well. Ms Pattinson objected on the grounds that the allegations and disclosure of confidential information were “not reflected in the discussion” but I reminded the branch that “no discussion was allowed”, which was my reason for “raising it now,” the branch, gradually moving into ‘Freire neutrality,’ voted against changing the minutes with the abstentions winning overwhelmingly. In the minutes, my challenge was recorded as “to delete part of the minutes” and not, as per my request, to defer discussion of the minutes. So much for the claim that “the minutes are supposed to be accurate”!

The next item was a statement from the chair dealing with Triesman’s advice to “have a Branch meeting to give an opportunity to every party to air their views.” As a result of that advice the branch committee was “recommending calling a special Branch meeting.” This recommendation had changed since the branch committee meeting the day before because a special branch meeting was to be called for Bis Weaver, and only for her, to reply to Ms

Pattinson's statement. Things certainly get changed between committee meetings and branch meetings as happened between the 28th and 29th April or, more accurately, how the kernels present a different set of proposals to the ones the branch committee agreed on.

The proposed meeting was described by the branch secretary as giving "Bis Weaver...her right to make a statement," which conformed to the branch committee's deliberations, but it was all too clear that Bis Weaver would be a solitary voice taking on a group of *kernels*. If she chose not to attend then it could be argued she had declined an opportunity to reply and an onslaught could be launched against her in her absence – had not the *kernels* done that on the 29th April.

As she had no intention of attending a meeting whatever its format because something else was on her agenda, it mattered little what the *kernels* were cooking up. However, an opportunity was provided for me to let branch members know that the April branch statement was known to Birmingham councillors, college governors, leaders of Black community groups, who had contacted Bis Weaver, and written to the branch, to find out "what is happening at Bournville." Nobody picked up on this – it was as if the way Bournville College was being perceived by outsiders had little interest to them. No further 'discussion' took place and the vote to have a special branch meeting was passed forty-one in favour, none against; and four abstentions.

With this irrelevant piece of business out of the way, Gates accused management of taking down anti-apartheid posters and suggested that management "be reminded the posters are in line with the [Birmingham] City's policy." Gates appeared concerned with the alleged damage done by management to posters but little about the harm he had done to a Black colleague – perhaps protecting posters rather than people was head office's idea of a 'long history in the anti-apartheid and anti-racism movement.'

The branch then dealt with the rest of the business, which did not appear to have been impaired in any way by the 'time spent on the Weaver issue'. At the conclusion of the meeting, a vote of thanks was called for and given to the retiring chair, Ms Pattinson, "for all her hard work for the Branch."⁵

Over two weeks had elapsed since the governors' meeting with no follow up on the revelations made by Olwen Cupid – a neglect of responsibility only to be expected since the governors had been misled into thinking the matter was being dealt with in-house. The chair of governors had gone along with this ploy despite knowing about the other issues involving Gates. Or was the chair also expecting Gates to be out of the college before any fan was hit with effluent. After all, the Principal had disclosed the information of Gates' forthcoming

departure to Bis Weaver in May and the Principal would be unlikely not to share this news with the chair of governors, after all Gates' exodus would clear up the issue with a minimum of effort.

This absence of any action may have given Gates a sense of well-being – free of any repercussions from the governor's meeting. He had close contacts with governors – NATFHE had several members on the governors: two were members of management; three were staff-elected members, including Gates and Downey; two were external appointees – Mackney representing the trades council, and Councillor Hafeez a local authority appointee; * and one non-NATFHE co-opted member, who knew Gates through common membership of the Communist Party.

To round off this initial phase, Bis Weaver received replies from the Bournville chair of governors and the LEA's Assistant Chief Education Officer. The chair made "note [of] the serious charges" and regarded them "with grave concern." He intended "to have discussions with appropriate officers...[as] to the correct way to proceed..."⁶ The Assistant CEO had been delegated to deal with it and wrote of giving the matter serious consideration. He noted she had "invoked the formal grievance procedures."⁷

The chair of governors subsequently handed the grievance over to the LEA. The chair and the LEA may not be aware that the sovereign body for dealing with grievances and disciplinary issues was the board of governors, which was soon to be confirmed in a legal case.⁸ However, they undoubtedly recognised that Gates was a Bournville governor and a hearing by the governors would involve a likelihood of bias. To avoid this bias the governors would be required to submit the grievance to a committee convened to act on its behalf. An independent committee, comprising of officers of the city council, could satisfy this requirement but the local authority could not just commandeer this responsibility as it required the approval of the board of governors. However, the chair failed to convene a governors meeting: (i) to inform the members of the serious implications arising from the grievance, which had already been brought to their attention on other criteria a couple of weeks before by Olwen Cupid; and (ii) to discuss appointing an independent committee to hear the grievance. Instead the chair, having discussed the procedures with city council officers, handed the grievance over to a body not approved by the governors to deal with it.

* Councillor Hafeez represented the Fox Hollies ward and had close contact with Hartland, who was a member of the Fox Hollies ward committee

(b) NATFHE Opens up Its Strategy on the North West Frontier

Despite Bis Weaver having dispensed with NATFHE control of her complaint against Gates but the union's presence still loomed large. She was suspicious of NATFHE after what its officials and officers had tried to do after the West Midlands official became involved and she had no doubt that NATFHE would make itself available for the three respondents and pull out all the stops to get them off.

The evidence she had to support her grievance was sufficient to secure a verdict in her favour whether she represented herself or was represented by a 'friend' but as a fully paid-up member, she was entitled to call on NATFHE's services for advice and assistance should she so desire. However, having sought advice and assistance from NATFHE for months and being told by Triesman on the 12th June that she could expect nothing from the union, other than a Rule 8, who would be dull-witted enough to entrust NATFHE officialdom with the task of representing her interests in a grievance procedure. Thirteen months locked in NATFHE's hypocritical embrace was enough for anyone. Notwithstanding this, she decided to ask NATFHE what was available to see how officialdom would react to the request, therefore, another line was dropped to Dawson informing him of her decision, based on Triesman's allusion in his 17th April letter, to take the complaint to the local authority. She wanted to know, having followed Triesman's suggestion, "of the further advice and assistance that NATFHE would be prepared to offer [her], should [she] should require it, in [her] action against D Gates?"⁹ These twenty-five words – part of a sentence, were to prompt Triesman, on behalf of Dawson, to offer an explanation of union policy that would drag NATFHE and its 'anti-racism commitment' into the limelight for public scrutiny. What emerged was a less attractive sight than hitherto seen as NATFHE officialdom tried every trick in the book to discredit Bis Weaver and her complaint of racist harassment.

How the three respondents reacted to the grievance was never put on the record. It was more than likely they were in immediate touch with each other and then, which is on the record, Gates telephoned Day, on the 27th June, seeking advice. A grievance probably came as a surprise to all concerned. Gates was at the governors' meeting, on the 10th June, and was aware management had done nothing nor did it look as if it intended to do anything as he was about to exit the college. For both Cave and Hartland, following in Gates' wake, it must have come completely out of the blue. The grievance probably caught Triesman on the back foot. Although he saw management intervention on the cards he did not seem to reckon on a staff

grievance but a case of management versus Gates in a disciplinary procedure. * In such a scenario, NATFHE officials, officers and members could rally to Gates against the employer – a typical version of the class struggle and one suitable for NATFHE's purposes. However, NATFHE had been upstaged and confronted with a grievance involving Bis Weaver versus Gates and two others – a situation not so clear cut as the class struggle scenario and one that was destined to put NATFHE firmly on the spot. Surprise or not, news of the grievance propelled Day into action and, within the next few days, the West Midlands regional official contacted Triesman to set in motion a strategy to defend Gates, Cave and Hartland from the unexpected consequences of their unacceptable behaviour.

Day wrote to Triesman on the 30th June with copies to Gates; Evans, the regional secretary; and Doughty, the Birmingham liaison secretary,** letting them know of Gates' telephone call informing him that "Ms Weaver had initiated the Individual Grievance Procedure alleging that he and others had intimidated and harassed her and had discriminated against her on account of her colour."****

Day had explained to Gates that the general secretary or Triesman would advise them on matters involving Ms Weaver. Day let Triesman know of the advice he had given Gates, in the interim – advice that Day recommended "should be adopted" by head office. Day might have been supplanted in the Weaver case by Triesman but it was Day pulling the strings and marking Triesman's cards on how things were done in the West Midlands, even though Triesman was 'the appropriate official in charge of case work carried out by regional officials.'*****

Day's recommended approach to the present state of affairs was revealed. He described himself as "one of those officials who is far from happy about Individual Grievance Procedures...used as an alternative to trade union consultative and negotiation

* Triesman was not on the ball in matters concerning life at the pit-face. He was described, in *Deman v AUT*, as displaying a 'surprising degree of naiveté and ignorance to the reality of discrimination on the shop floor.'¹⁰ This was how a later court hearing assessed Triesman's ability or lack of it in the area of racism in the educational arena.

** Day's letter to Triesman was not known to Bis Weaver and me at the time. Nor was it known at the time of the Industrial Tribunal hearing in 1987. It came into our possession in June 1988 when it was acquired from the regional secretary

*** Day used twenty words to describe what was 'racial harassment' - the taboo word in NATFHE other than when used in policy documents

**** At this early stage Day had provided advice and assistance to Gates, Cave and Hartland and was prepared to supplement any advice from Dawson or Triesman. At the Industrial Tribunal hearing in June 1987, both Day and Triesman in their evidence claimed no advice or assistance was given by the union to Gates, Cave and Hartland. This claim was rejected by the Tribunal

arrangements...[and was] particularly concerned...where an individual employee uses that procedure to make allegations against a fellow employee and leaves the adjudication...to the employer.” Day referred to past occasions where he “always maintained that the right to an Individual Grievance Procedure provided by statute is for the individual to make a complaint to the employer about his or her terms and conditions of employment.” Day’s ‘interpretation’ meant that “if Ms Weaver has a complaint it is directed not against Mr Gates or others but against the employer whom she may allege has put her in proximity with other employees whom the employer should not have appointed.” Consequently, “it is for the employer to respond and...to determine whether other employees should be called as witnesses.”

Day’s assessment of the current situation, upon which his interim advice to Gates was based, was that “Mr Gates and his colleagues are not required to respond to the allegations made by Ms Weaver” and pending further consideration by Triesman, he had advised them not to do so, “but...if the employer calls them as witnesses in a case directed against the employer, they may, subject to advice given by the Association, attend to give evidence.”

Day mentioned having provided this type of advice on previous occasions and brought up an earlier case in Birmingham “when individual employees have sought to use their local procedure to lodge complaints against fellow workers” and drew attention to what he described as “the most notable example” of his approach, namely, the Debley case.* The concluding point, of utmost significance for Bis Weaver and for any other complainant, was Day’s revelation that local authority officers in Birmingham were “probably well aware of the attitude [he has] taken” and offered to provide further information should Triesman wish.¹¹ As to be expected, Day would not abide by the procedures laid down for grievances even those carried out under statutory requirements.

Not up to the mark with legal requirements or merely showing a similar contempt for statute as he did for NATFHE’s virtually non-existent procedures, Day was performing a *NATFHE-centric* re-interpretation of statutory grievance procedures, which was as illogical as it was disingenuous. Day’s interpretation meant that employees racially harassing colleagues were not answerable for their actions and would only be required as witnesses in a case against the employer. It made a mockery of any policy or law aimed at eliminating racist or sexist harassment in the workplace. Day’s position was tantamount to saying that if a person was assaulted in the street no proceedings could be taken against the perpetrator but

* Debley worked at Matthew Boulton College and lodged an application of discrimination but during the Industrial Tribunal hearing, receiving no advice or assistance from NATFHE, he withdrew the complaint against the employer

the victim could take a case against the local council or police authority for failing to protect the public. The perpetrator, subject to advice from an adviser or legal representative, might agree to give evidence against the local authority or the police. The National Front would have been hard pushed to come up with a more effective means of protecting harassers.

Day's letter showed him to have little interest in either employee's entitlements under the Employment Protection (Consolidation) Act 1978, covering employers' grievance procedures, or in harassers being held liable for acts carried out in the course of their employment, under the Race Relations Act s32 and the Sex Discrimination Act s41. Employers are vicariously liable under the latter two acts for harassment carried out by their employees but that does not exempt harassers from their liability under the Acts.

Applying Day's 'interpretation' of these Acts would make it extremely difficult for a complainant to succeed, since it was asking the employer to call witnesses in a complaint against itself, with a possible finding against itself, thereby, making itself liable. How many employers were altruistic enough to do that? Furthermore, adjudicating on a complaint against itself, the employer would be a judge in its own court with the consequent likelihood of bias, jeopardising the complainant's right to natural justice and a fair hearing. Ill-tutored as Day was in interpreting statute, he showed considerable ingenuity in making interpretations serving the interests of officials and officers against a rank and file Black woman member. Day's legal gibberish aimed at subverting a Black woman's right to the statutory grievance procedures fitted in well with NATFHE's 'anti-racism' worldview.

NATFHE's opposition to the Thatcherite Government's assault on the trade union movement was well documented. Yet NATFHE's assault on a Black woman's rights was an attempt to deny her those statutory rights introduced before Thatcher came into office. For many years, trade union activists had fought for statutory enforceable procedures to protect workers from arbitrary decision-making by employers. Now it seemed NATFHE officialdom was negating those struggles by acting against statutes introduced to benefit workers, especially those statutes limiting the control bureaucrats might be able to exercise in determining cases threatening 'one of their own.' No surprises here; duplicity oozed out of NATFHE's porous structures for a long time.

Sending copies of his recommendations to the regional and liaison secretaries suggested a conspiratorial link between Day, other officials and local officers, making them acquiescent in Day's plot to subvert the statutory rights of a Black rank and file member and deny her right to a fair and impartial adjudication allowed for in law. These two lay officers, whom Bis Weaver had looked to for support over the previous six months, were sufficiently

within the confidence of the regional official for him to reveal this information to them, thereby, making them aware of this deceptive, discriminatory and unlawful behaviour. Earlier in the year, they had supplied tit-bits of information to Bis Weaver, including the discretely revealed Gates-Day discussion of June 1985, which alerted her to the possibility of collusion surrounding Day's 'enquiry' but when it came to openly showing loyalty to the union, they went along with whatever full-time officials had on their Machiavellian agenda. Their patriotic subservience to a union trampling on the rights of members would be shown in practical ways over the coming months when considerable pressure was put on Bis Weaver through the REC and when at least one liaison officer lobbied members of the local authority panel investigating the grievance not to find in favour of Bis Weaver.

After his trip to meet the 'strange people' North of Watford, Triesman was once again drawn into the fray with Day's letter. Triesman sent a letter to the branch secretary, with copies to Bis Weaver and Gates, although the letters were addressed individually to the three recipients giving the impression the content was specifically related to his meeting with each addressee on the 12th June during his visit to Bournville branch when, as he put it, he "had the opportunity to meet you." *

Now nineteen days later, he was writing "to set down three preliminary points before making any further observations to the General Secretary." He explained that these points "must be regarded as operational from this point in time." The first point dealt with the need for the branch to operate effectively. He made clear that "Whilst the issues raised by Mrs Weaver remain outstanding...it continues to be necessary for the Branch to operate...without any interruption that could assist the employer..." He was 'fair minded' enough to say his comment is in no sense intended to prejudice the matters raised by Mrs Weaver but since all parties have sought the advice of the Association [he is] confirming under the provisions of Rule 24...[his] advice is that everyone should be judicious in ensuring that normal trade union work proceeds without interruption whilst the other matters are considered." The second point was "to confirm that the Association continues to have the strongest views of any evidence of racism and that an allegation of racism would always be taken with the utmost seriousness."

* The letter sent to Bis Weaver was dated 30 June 1986 but it could clearly be seen that '30 June' had been re-typed over a blob of 'tippex' and was misaligned. A draft typewritten copy, dated the 1st July, showing the letter had been backdated, was obtained by Bis Weaver in June 1987 when it was included in NATFHE's Industrial Tribunal Bundle¹²

The final point was a reminder of his “anxiety during the meeting...that there was a considerable risk that the employer might act against the tenure of one or more of our members in these circumstances...with the possibility of termination of contract of one or more people.” He ‘re-confirmed’ that “NATFHE will, in accordance with its normal policies, seek to defend the tenure of whichever member or members are affected [although] It is not possible at this stage to know who will be first affected by this but the comment is made irrespective of who that individual is.”¹³

Triesman gave the impression that this letter was written without knowledge of recent developments and that the issue was still in the union because he was still referring to all parties seeking advice from the Association on outstanding issues. But Bis Weaver had not yet sought any advice from the union for her recent grievance to the Governors and it was unlikely she would give any serious consideration to that. As for point two, the union officers’ and officials’ supposed strong views on ‘evidence of racism’ was overshadowed by a tendency to describe such evidence as ‘interpersonal dispute’ or a variation of that definition, which they continued to do so *ad nauseam*. Point three was completely new as Triesman had not mentioned that to her during his visit.

Triesman’s belated explanation of operational necessities appeared to be introduced to camouflage the union’s intention of defending the Bournville ‘trio’ and had the appearance of being a load of self-serving pseudo-piety. By April 1986, Triesman had already ‘prejudged matters’ on the grounds of Gates’ self-exonerating letter and without Triesman having the courtesy or fair-mindedness to inform Bis Weaver of his decision.

Why had Triesman suddenly decided to make these points operational on the 30th June/1st July? Rule 24, mentioned in point one, had been operational since July 1985 when Day formally entered the scene and had no bearing on whether or not the branch acted efficiently. However, as Bis Weaver suspected, it paved the way to preclude any advice and assistance to her for submitting a grievance to the governors. Point two had surely been operational throughout the whole of NATFHE since the publication and circulation of NATFHE’s Anti-racism Pack in November 1985 and why would this need to be confirmed now. Point three appeared to be the only one activated by Triesman’s letter and it flew in the face of NATFHE policy, since advice and assistance was a service for complainants of harassment and discrimination, as published in *NATFHE Journal*, April 1985. In that article, no link was made between these services and security of tenure. Although this policy declaration had been missed by Bis Weaver and I, in April, it should have been known to

officials and officers and despite the policy referring only to sexist harassment, not to apply the policy to racist harassment would lay NATFHE open to a charge of racist discrimination.

There was no doubt in Bis Weaver's mind that Triesman knew of the grievance despite not referring to it because when he visited the branch her complaint was against one member - Gates, and not 'members', whom Triesman now thought were at risk. Furthermore, why had Triesman decided to make the points "operational from this point in time" [30th June] and not from the 12th June when these observations were made to the branch committee? Something had occurred in the interim to prompt him to activate them now or at least to activate point three.

Bis Weaver could see from the contents of the letter that it was a copy of a letter sent to someone else in the branch about the branch committee's meeting with Triesman. * Why would Triesman refer to Ms Weaver in the third person on two occasions in the letter if he was actually writing to her? Why would he discuss the operational needs of the branch with her? ** In June 1987, she obtained copies of the letters sent to the branch secretary and to Gates, both were identical to Bis Weaver's letter, except for the names at the head of the letter. In the letters, Triesman, when referring to the 12th June, used the phrase - "upon which occasion I had the opportunity to meet you." (my emphasis)¹⁴ Yet Triesman did not meet Gates when he visited Bournville College.

As the contents of the letter referred to the Triesman-branch committee meeting, Bis Weaver took it for what it was – information of that meeting, and she filed it away *** but not before detecting that NATFHE was preparing to rally around the three respondents. The warning bells began to toll for her, although she had no idea of the depths to which NATFHE would ultimately sink to protect the 'all-conquering hero' and two of his acolytes. However, sending Bis Weaver a copy of this letter proved to be imprudent on Triesman's part as she was to pick up on the contents in a few days.

* Bis Weaver was aware of some of Triesman's comments to the branch committee on the 12th June having had them brought to her attention by the branch secretary¹⁵

** It was not until June 1987 that Bis Weaver saw the letters Triesman sent to the branch secretary, headed 'For the Attention of the Branch Committee' or the one sent to Gates

*** At the Industrial Tribunal NATFHE's barrister made a great fuss about Bis Weaver not responding to this letter, in an attempt to claim that Triesman had told her on the 12th June about NATFHE's policy on tenure and she would have known about the policy when she submitted the grievance to the board of governors. However, the comprehensive notes I had taken show otherwise

(c) Action on NATFHE's North West Frontier

The branch committee might find it difficult to take on board Triesman's 'operational' necessities bearing in mind two of the branch's senior officers and one committee member were facing serious charges involving allegations of racism, harassment and intimidation? Furthermore, the complainant had certain union rights removed from her for seeking information from branch committee members on matters relating to a complaint against one of the officers and there was a possibility of another woman filing charges against that same officer now that it was in the hands of the governors. The branch committee was contemplating taking out a Rule 8 against the complainant, and her representative, for 'campaigning' on the issue of harassment in the branch and against what was a union *Whitewash*; and the complainant was seeking a 'right of reply' to counter false allegations in a statement produced by the branch chair and distributed far and wide.

There was little doubt the *kernels* would use their influence in the branch and, alongside like-minded allies in the region and liaison committees, to defend the personal interests of the 'Bournville trio' and the political interests of the Broad Left Coalition. Bournville's senior officers held important positions in NATFHE's organisational structure, including those committee's established to protect and promote those members facing discrimination and disadvantage – women and ethnic minorities. NATFHE officialdom would act as willing guides to them along NATFHE's path to perdition.

On the day the West Midlands regional official was informing Triesman on how he could subvert a Black member's statutory rights, the regional committee established to advance the cause of women - the West Midlands women's panel, met for its regular meeting with Ms Pattinson in the chair at Martineau Teachers' Centre a couple of miles up the road from Bournville College.

A formidable array of feminists were in attendance – not one of them from an ethnic minority. Ms Pattinson's recent appointment to the TUC Women's Action Committee was announced; Ms Welch was thanked "for work carried out on behalf of the Panel"; and the panel agreed, under the heading of 'Sexist and Harassment Cases', to draw up guidelines for an Action Committee to establish "lines of communications, continuity of procedures...,[and] monitoring of cases."

The panel agreed to a number of changes in its constitution. From then on membership would be open access with all members allowed to take an active part in the proceedings. Voting rights would apply to full members [appointed] and co-opted members

[all those attending]. This right was to be maintained “until such time as it [voting] becomes a problem” – NATFHE newspeak for ‘until the open membership challenges the REC/Broad Left line.’ The panel also introduced the practice of rotating the occupancy of the chair for each meeting.¹⁶

A couple of days before this meeting, a local woman member of NATFHE had laid serious charges of harassment in the workplace against three men but no formal mention was made of this serious grievance - one lingering in NATFHE’s IPD out-tray for over twelve months. A significant case in the region and one to show that all their efforts, however selective, were in vain because NATFHE would adopt a policy to restrict representation in harassment cases only to the accused – a disastrous innovation for women members. There was no record of this issue in the minutes, however, it would be unlikely for this issue not to be referred to even if only during the coffee break. Oh! To have been a fly on the wall as the feminist IPDists got together!

Even if Bis Weaver had any expectation of assistance from this specialist committee none would have been forthcoming – its services did not appear to be available for all women union members.

On the 2nd July, the *kernels* swung into action to rally the branch in support of ‘three of their own.’ To get the branch committee to formally adopt this position, yet another committee meeting was held on that day under the pretext of confirming the ‘Right of Reply’ and the other motions already agreed.

Ms Pattinson was in the chair, deputising for Cave, who did not attend as neither did Gates nor Hartland nor Downey. The likelihood of bias might, at last, have entered into consideration, although the fellow travellers in attendance were sufficient to ensure partisan interests were maintained.

The items for the special branch meeting were introduced and the committee was asked to decide if the meeting should go ahead and, if so, should the committee provide an update to the branch on recent events. The committee decided to go ahead with the ‘right of reply.’ At least branch committee members recognised this to be one of Bis Weaver’s union rights even if only just this one. Furthermore, it was decided to delete the motions on using Rule 8 by, or against, Bis Weaver. The *kernels* original purpose behind the special branch meeting to open the floodgates for a potential attack on Bis Weaver masqueraded as a ‘right of reply’ was to be replaced by a rallying call in support of the Bournville ‘trio’ to show her where the branch stood – a threat of further isolation.

The chair explained that the complaint had “now gone from Dave Gates alone to three members, Dave, Brendan and Norman...and has been made to the City,” * describing the grievance as “A Black woman being undermined” and “possible racial harassment.” She wanted to know what position the branch committee should take as “any three of them could face the sack.” The chair’s assessment of the risk to tenure was a sound one for what they were accused of and the committee was asked “Do we take any position on racial harassment” and ‘Do we put it to the Branch?’ The chair’s contribution provided an insight into the type of anti-racism action to be pursued on the WMARC.

The acting chair provided an answer to her own question by proposing that the issue should be decided by the branch. The ‘smoker’ thought it “advantageous to have an official line...to stop the rumours” and to produce a statement about recent events. Nothing was said about taking a stand against racial harassment – a noticeable omission given that NATFHE’s ‘official’ policy, according to the rhetoric of its pamphlets, was to offer advice and assistance to those who consider themselves to be victims of any form of harassment. The committee seemed to overlook the fact that circulating statements around the branch opened the way for them to find their way to a much wider audience.

A motion was put for producing a statement covering events of the past few days and this was approved. The discussion turned to the contents of the new statement. The chair spoke of Gates as “an anti-racist fighter” and that should be put to the branch “as a specific statement.” An SWP member agreed that Gates “is a strong anti-racist but that would not negate Bis Weaver’s action.” He suggested a branch statement “could have a headline, ‘Complaint Against Dave Gates’ and the same for the other two.”

One member, previously not a participant to any great extent, thought “it is difficult to go to Branch members without the details” and raised a point overlooked by the majority over a long period of time, namely “It is the right of Bis Weaver to have union representation the same as any other member.” This prompted the acting chair to say they “can make a distinction between advice and support”, which seemed to imply ‘advice’ for Bis Weaver and ‘support’ for the three. The proposal was justified on grounds of Bis Weaver writing “to the Union saying she didn’t want anything, she was taking it to the City. [She] has sent a statement to the Governors and to NATFHE asking for an impartial investigation through other channels, [therefore,]...has abandoned union procedures.” The chair had misunderstood Bis Weaver’s actions. Bis Weaver had ‘abandoned union procedures’ but not ‘union benefits,

* The complaint was made to the Bournville governors not the City

facilities and services.’ The NATFHE letter referred to was the one Bis Weaver sent to Dawson, thereby, showing head office had recently been in touch with the branch executive.

The chair then suggested putting out “a general statement that Dave Gates is an anti-racist” and to call for “support from members.” She added that “the whole question of racial harassment is a problem [and] given Dave Gates is an anti-racist the consequences need serious consideration.” The SWP member stated that “until given evidence to the contrary, [Gates] should not face the sack or suspension, [but] only a reprimand [as the Branch’s] anti-racism policy is to win people away from this practice...[as] we are against worse racists.” A curious statement of commendation! He called for “a resolution of support for Dave Gates.” But he went on to say that “the Branch cannot defend people until it knows the details.”

The ‘explanation’ of the difference between ‘advice and support’ gave me the opportunity to draw the committee’s attention to the two occasions when Triesman advised her “to go outside of the union,” which entitled her to union advice and assistance.

The SWP member suggested that if she wanted branch support the avenue available was through a motion submitted to the branch. His comment was in the world of ‘Alice in Wonderland’! Had he not noticed how easily the branch was manipulated?

I suggested putting out an additional statement referring to Bis Weaver’s record covering her ten years employment at Bournville College, including the point of not bringing “a complaint against anyone before...[or one] of possible racial harassment.” She was not in the habit of making trivial complaints, therefore, my proposal was as valid as any claim made on Gates’ behalf of being an ‘anti-racist fighter’.

The chair accused me of “pursuing this for [my] own purposes” and that was the reason for being on the branch committee.” She also commented on the “copious notes” I take and getting things wrong. The part about my position on the committee was partly right as I wanted to keep my ears and eyes open as the information available for Bis Weaver on the *kernels* activities was fairly limited. However, my comprehensive notes, taken with considerable care as a lot was at stake, were the only record of these meetings. Relevant parts of these notes were included in letters to branch committee members for the record and to give them the opportunity to challenge the notes if they considered them to be inaccurate but no one ever did. Perhaps the April branch motion was strictly followed and no one read the letters but that possibility was shown to be unlikely. The meeting came to an end amidst a certain amount of dissension, with the chair calling for “no sacking. No disciplinary action in any form.”¹⁷

When informed of the latest manoeuvres in the branch committee, Bis Weaver suspected the ‘right of reply’ was an attempt by the *kernels* to compromise her position by getting her to speak out publicly about the pending grievance; as well as subjecting her to another fabricated statement to rally the troops in the branch behind the ‘trio’. She mulled over the available options: (i) not to attend and consequently give the *kernels* a free hand to launch into the new statement; or (ii) to attend with a different agenda. She decided on the second option.

On the 3rd July, Bis Weaver was invited to a branch meeting “to exercise her right of reply...if [she] so wish[ed]”.¹⁸ She would attend but it was unlikely the women’s panel member drawing up guidelines on sexist harassment would attend to monitor this activity.

When the branch came together, the agenda presented to the members covered: (i) a statement (right of reply) from Bis Weaver; (ii) “a withdrawal of the Branch motion for a national enquiry”; (iii) “if Bis Weaver wishes to pursue her original complaint against D Gates she should do so under Rule 8”; (iv) “if Bis Weaver and Gordon Weaver wish to pursue complaints against branch officers or branch Committee he/she should do so under Rule 8. The last two items were by now completely irrelevant and had been deleted the day before. The recent addition to the proposed agenda ‘no sackings or disciplinary actions against Gates, Cave and Hartland’ failed to make an appearance nor did the statement materialise.

The meeting was opened by Cave and then handed over to an independent officer brought in from the region, as the issue had become the responsibility of the REC, who also supplied an observer. The temporary chair declared that the purpose of the meeting was solely for Bis Weaver to have a right of reply and he ruled that any other business was not to be discussed as the complaint was being “followed through the grievance procedure and it would be improper to discuss it.”

The attempt by the *kernels* to use the meeting as a platform to defend Gates, Cave and Hartland had fallen by the wayside for the time being. There was no need for the *kernels* to call for the branch support they had so eagerly sought over the previous months because they were now armed with Triesman’s declaration in favour of those whose tenure was at risk.

Bis Weaver then read from a prepared statement. She said:

On the 14th May, I wanted five minutes of the Branch's time to reply to the unfounded allegations made against me in the statement signed by and spoken to by S Pattinson on behalf of the Branch Committee. Now fifty days later it is too late.

What I would ask the Branch to do is that instead of giving me time to make a statement, they should stand for just one minute in silence to remember those people who have

given their lives in South Africa fighting for Black peoples' rights of representation and for the respect and dignity of Black people.

The chair accepted this proposal and, seconded by me, put it as a motion to the branch and it met with a number of unfavourable responses. A fervent supporter of the *kernel*s, jockeyed into the chair of the Equal Opportunities (Race) Committee in April 1986 and had screamed at Bis Weaver, wanted to know what they were being asked to do, which seemed fairly obvious, and, although saying she was prepared to stand, she had not come here for that purpose. Another opposed the motion because it was not on the agenda. Neither of them seemed to appreciate that the new motion could pass muster as Bis Weaver's right of reply. But they appeared to be here for another purpose – to rally support for the 'trio'? *Mr ubiquitous* thought the motion unacceptable and wanted to know what members could do if they wanted "to abstain," showing where he stood on Black rights in South Africa and elsewhere. The chair provided the obvious solution for his dilemma by suggesting they could leave the room. The first opponent wanted clarification "as some members might be facing disciplinary action," obviously primed, as she had been in the Equal Opportunities meeting, when aligning herself alongside the *kernel*s. Bis Weaver sat watching branch members, and she reflected on the day when her original request for a right of reply was denied and they had then voted unanimously to confirm the branch's affiliation to the Anti-Apartheid Movement. Now all kinds of opposition were being thrown up rather than stand in silence for the victims of apartheid who were fighting and dying several thousand miles away. She asked herself 'what would these branch members do for those needing help on their own doorsteps' and came up with the answer – they would do nothing!

Bis Weaver reiterated to the dissidents that "it is 50 days too late...[for] the right to reply [and she was] asking for one minute for people to think about something closely related to...the rights of Black people to representation and to dignity" and she appealed to them to "give one minute for South Africa."¹⁹

There was a challenge to the chair for not allowing a discussion on the grievance but that was defeated. The motion was then put and the vote taken - twelve in favour, four against, seventeen abstentions and five not voting. The chair asked the meeting to stand - a request followed by an undignified stampede for the door as considerably more members than those voting in opposition sought to vacate the meeting place. The three dissident speakers had reflected the views of many of the branch members. The scheme for Bis Weaver

to compromise herself or to face a potentially hostile meeting engineered in the branch committee did not materialise.²⁰

In the evening, the BLCARC met for its monthly meeting. On this occasion, the attendance included two ‘guardians’ from the Birmingham liaison committee - the same two representatives who attended the Bournville branch meeting on behalf of the REC. It soon became apparent that the liaison committee was trying to rein in the BLCARC, not merely to prevent the committee using the Weaver case as a springboard for anti-racist action but to curb the direction the committee was taking.

The liaison committee had previously left the BLCARC alone, hardly intervening in its work, but realising the committee was becoming something of a loose cannon and the Weaver case was a springboard for real anti-racist action preferred by the BLCARC members rather than the usual saloon-bar hypothesising of the putative ‘anti-racists’ dominating NATFHE’s structures. A ‘guardian-cum-messenger’ informed members that: (i) the BLCARC “is a sub-committee of the Liaison Committee,” whose membership “comprised of delegates and co-opted members,” and “Minutes should be sent only to those members via the Secretary of the Liaison Committee”; and (ii) a “sub-committee could not make policy...[but] only make recommendations to the Liaison Committee.” The first point flew in the face of the liaison secretary’s own claim when Bis Weaver resigned from the BLCARC as he said the committee did not have delegates;²¹ and the minutes had been sent out direct to members without going through the liaison secretary, since the committee’s inception. If directing minutes through the liaison secretary was a requirement why did he not mention it when he spoke to her after he found out she had directed the minutes through Triesman as a result of the Bournville branch motion.

The ‘guardian’ suggested a discussion took place to clarify how the sub-committee saw its role and function and the liaison executive could discuss it. But, he added, the sub-committee should not consider this as an attempt to curb its activities. Perhaps nothing would be done to ‘curb’ the BLCARC’s activities but merely vet recommendations to fit in with NATFHE’s prevailing ideas – nothing to upset the tame policy making.

The committee turned to its normal business and focussed on the inaugural meeting of the Black Lecturers Group (BLG) in the West Midlands, on the 27th June, which had a token blessing from the NATFHE West Midlands REC. This was an embryonic organisation of Black lecturers in NATFHE dissatisfied with the way NATFHE ignored the interests of Black members and how NATFHE mishandled incidents of racial discrimination. The formation of the BLG with its determination to have a significant say in issues affecting

Black members was to reinforce the divergence between White ‘anti-racist’ activists and Black activists on how to tackle racism in the West Midlands. *

The BLG’s widespread criticisms of NATFHE’s ‘anti-racism’ were reported to the committee. These covered: the difficulties for minority groups in getting representation; the “reluctance to involve them in policy making”; the lack of procedures for dealing with complaints of racial discrimination and harassment; the need for properly trained personnel to deal with complaints; and the inadequacies of the Anti-racism Pack.²²

Within Bournville college, over the previous months, the *kernel*s had carefully cultivated the atmosphere in such a way that even the most illiberal of members felt comfortable in letting their views be known. The day after the branch meeting, a couple of exchanges took place when Bis Weaver was approached as she went around the college by a couple of these illiberals to let her know their feelings. *Mr ubiquitous* ‘courageously’ approached her as she hobbled around the corridors to inform her he had decided to support Gates and the others as she was wrong and misguided in calling them racists. Yet another of those people whose decision was determined by hearsay evidence! She expressed the hope that he was not expecting a ‘thank you’ from her for letting her know where he stood. He went on to say that if she had not gone to the governors he would have supported her.

She spent some time listening to him telling her what the ‘trio’ had purportedly done for ‘coloured’ people by tutoring and teaching them – a commendation covering every tutor in the education authority in accordance with their contract of employment. His constant reiteration of his claim, and his only claim, of them not being racists was that he knew they were not. He was put wise to a few things before she reminded him of the complaint being in the union for over twelve months and Gates’ behaviour to her was common knowledge long before she decided to complain to the governors and at no time had he said she had his support. Yet within a week of the complaint going to the governors, he was now telling her that Gates, Cave and Hartland had his support. The *jester* was another ‘specialist’ on racism – a person with a commitment to anti-racism registering a minus quantity, telling a Black person with expertise in this area that she was wrong – after all he would not expect her to criticise his expertise in business studies. Whether they were union officers with a rhetorical commitment to anti-racism or known reactionaries strongly opposed to anti-racism, they all

* From the end of 1986 to the summer of 1987 Black members were a majority at WMARC until the Broad Left/REC used bureaucratic methods to halt the forward march of anti-racism in WMARC. The REC’s response, not unlike head office’s nationally, confirmed that racism in NATFHE could only effectively be tackled by groups and organisations detached from the union’s structures

adopted the same dismissive approach to a Black person well known in the field of anti-racism and equal opportunities.

This 'nearly' supporter left himself wide open because she confronted him with comments she overheard him make to some colleagues in July 1985, after her complaint went to the union, when he had openly declared his support for Gates. She also made it clear that she strongly objected to being told by a White male, who did not witness any of the incidents, how she, a Black woman victim of harassment, should interpret Gates' behaviour. All he could come up with in his response was to say he was right - proof of his determination to hold on to his uninformed, subjective and narrow-minded interpretation. The conversation ended with Bis Weaver telling him she had lost nothing by submitting a grievance as she never had his or anyone else's support in the branch.²³

Shortly afterwards, another member of the business studies department, who had never previously ventured to speak to her about her difficulties or anything else for that matter, also took the trouble to raise the grievance with her. His contribution was much shorter and he shared with her that in his experience when a problem arose between two people it was usually six of one and half-a-dozen of the other. He was not untypical of those people, who were not anti-racists and would not wish to be so described, promoting a simplistic conventional-wisdom version of 'interpersonal problem' or 'personality conflict.' His interpretation of the situation put him firmly in the camp of the ideologues, who had jumped to Gates defence – Day, Ms Welch, Ms Whitbread and others.²⁴ In these two conversations, Bis Weaver faced the usual dismissive patronising attitude of the uninformed White person, presuming to tell a Black person what constituted racism and that her analysis was wrong. Significantly, both contributions from a couple of ill-informed reactionaries were not dissimilar to the attitudes of the 'anti-racists' in the West Midlands Broad Left Coalition and amongst the NATFHE bureaucracy.

NATFHE officialdom and the *kernel*s were lining up behind Gates, Cave and Hartland; and the Broad Left Coalition could be expected to do the same. The women's panel were unlikely to take up Bis Weaver's case. However, the confidence exuded by Gates' colleagues in the business studies department, alongside the support he could muster in the union, did not seem to extend to Gates himself. Gates was still looking for additional sources of support in the union. As with the women's group at Bournville College, when he sought 'advice' to use against Gil Butchere from a group set up to protect women and promote their interests, Gates sought to use the institutions established to promote and protect the interests of Black members.

Displaying little self-confidence for someone with ‘a long history in the anti-racism movement,’ Gates contacted the region’s representative on the ARNP enclosing the grievance and seeking to arrange a meeting with him.²⁵ He wanted the representative’s comments on whether or not “the allegations amount to racism; if they were substantiated; and what action he should take to refute any suggestions of racism.”²⁶ This seemed an extraordinary request to put to a member of the Anti-racism National Panel but one that could only happen in NATFHE or so it was hoped.

NATFHE, in the West Midlands, was a ‘topsy-turvy’ organisation – the Bournville women’s group had been expected to reprimand a woman member for Gates’ benefit. When Triesman had prevented Bis Weaver from getting access to the ARNP on the grounds that it was solely a policy making body; the then West Midlands Anti-racism panel member, who was also the WMARC secretary, stood by without protest as the ARNP chair ruled any discussion of Bis Weaver’s difficulties out of order; and subsequently ignored her requests to raise her case in the WMARC and the ARNP. Now the local anti-racist officers, * incumbents of posts established to promote the interests of Black members, were expected to give advice and assistance to Gates on how to defend himself from a complaint of racist harassment. This was a clear illustration of how NATFHE bodies, set up to aid disadvantaged groups, were viewed by some NATFHE officers. They were not expected to offer direct aid the disadvantaged but they could be approached to assist White harassers against Black complainants.

Gates’ attempt to solicit advice from NATFHE’s anti-racism officer came in between two memos sent to him from Bournville management drawing attention to his failure to return forms sent out in January under the college’s equal opportunities policy (2nd July) and, on the 9th July, describing his continued failure to respond as “impeding the implementation of Equal Opportunities agreements.” This memo also included as recipients, Cave, Hartland and one other member, who was looking for assistance from the branch committee on a personal union matter.²⁷ This was another attempt to undermine Bournville’s equal opportunities objectives because of their antagonism towards the Black coordinator. Their actions did not provide evidence of a commitment to equal opportunities on the part of these four members but judging by NATFHE’s double standards this was par for the course.

The West Midlands new ARNP representative, Krishna Shukla, was about to attend his first ARNP meeting. Bis Weaver sent him a copy of the letter, previously sent to Bob

* Gates made the same request to the Birmingham liaison committee’s Anti-racism officer

Carter, formally asking him to raise the issue at the next meeting.²⁸ Krishna was also asked to obtain a list of members of the ARNP, which Triesman had refused to release to me. There was no problem for Bis Weaver in getting their names as she had most of the names and addresses having met them at various conferences. The purpose of having this raised in the panel was to see how Triesman, secretary of the panel, would respond.

At the previous meeting, in February, when the case was raised by her London contact, whom she had been unable to contact since then, Bis Weaver's situation had been minuted for future discussion. In the latest meeting of the ARNP, the chair, to whom she had written in April and who promised to get back to her but failed to honour his promise, tried to slip past that item in 'matters arising.' However, Krishna, performing the role expected of an ARNP representative, that is, to promote the interests of Black members, had tipped off certain panel members to recent developments. These members, supporting Krishna's position, wanted to know what the panel was going to do about the issue; what "the role of the Panel" was supposed to be; and out forward several suggestions for developing its role. Krishna then requested a list of the panel's member names and it was left to the secretary to deal with the request.²⁹

Nine days later Triesman wrote to Krishna Shukla but no list was enclosed. Instead Krishna was treated to Triesman's 'explanation' of the unwillingness of panel members to have their details circulated. He hoped Krishna would appreciate the "legitimate fears of those involved in anti-racist activities."³⁰ Playing the 'security' card made little sense since all that was required was the college addresses of members not home addresses. This was not so much another nail in the coffin of NATFHE's flaunted democratic practices but more like savaging the unburied corpse. Krishna, known in the region and apparently at head office as a strong supporter of Bis Weaver's cause, was to be kept as much in the dark as was we were. Bis Weaver felt tempted to send Triesman a copy of the contact addresses of most panel members but this was no time for frivolity even though NATFHE's anti-racism was turning out to be a sick joke.

Another contradiction in anti-racist activity manifested from within NATFHE's Platonic caves. NATFHE's hidden pall-bearer was at it again, coincidentally on the same day as Bis Weaver's grievance arrived at the governors and while she was attending the inaugural meeting of the Black Lecturers Group. A copy of her letter to members of the REC, sent on the 18th June, was returned without a covering note and without a stamp. The sender had thoughtfully addressed it to Bournville College so the cost of postage came out of the college's budget. The letter was again posted in Coventry and the person to whom it was

originally sent was revealed by our simple method of detection. The spineless wonder was revealed as Deryk Clarke, the platform speaker for the Anti-Apartheid motion at NATFHE's Annual Conference barely a month before. On that occasion, Clarke called for a boycott of South Africa, yet, within ten days of that call, he had displayed a novel interpretation of his 'boycott the racist apartheid regime' by boycotting a Black woman's call for assistance from REC members. Both Gates and Clarke had taken the podium in support of anti-apartheid at NATFHE's Annual Conferences in 1984 and 1986 respectively and afterwards both had expressed that commitment to anti-racism in an unusual way in Britain by their actions against a Black woman, although Clarke's attempt at craven anonymity was not in the same league as Gates' harassment.

A joint letter had been sent to the regional secretary about the first returned letter so the arrival of the second prompted another one. We noted that both the 5th and 27th June envelopes "were typed on the same typewriter indicating the same person was responsible" and we revealed that the returned copy was the one sent to Mr D Clarke, who had either sent it back himself or passed it on to someone else to do. We thought Clarke's "dismissive and inconsiderate responses...should provide a clear indication, to the more progressive members on the Regional Executive, of the environment within which Bis Weaver, a Black woman, is having to operate and the unnecessary and petty pressures that are applied to her whilst pursuing a legitimate complaint and seeking justice..." We linked this to the situation of Black people as a whole by stating that if "B Weaver is to be the victim of such petty practices what chance do Black people within NATFHE or the wider society, have of obtaining real support in the promotion, and defence, of their interests." We drew attention to the actions of the present regional chair, the vice chair, Ms Welch and now Clarke – actions that had led us to conclude that "NATFHE seems to be a veritable 'witches brew' at Regional level."

We recognised "there are a few progressive and fair minded people on the Regional Executive but they appear to be thin on the ground" but we doubted "whether the Regional Executive is prepared and/or capable of" ensuring that Black members can work "without unnecessary pressures."³¹ Overlooked in this letter was the fact that both Gates and Clarke were REC appointees to the WMARC. A copy of the letter was also sent to Clarke, with a covering note asking him if he was responsible for returning the letters without the stamps and if so, why did he do it.³²

NATFHE's lack of commitment to anti-racism, more than glimpsed during the Fernandes affair, was to be given full rein against Bis Weaver by NATFHE bureaucrats, paid

and unpaid, as they used every reprehensible trick in the book to try to extricate themselves from the mess they created in trying to cover up for Gates, then Day and then themselves.

(d) Arrogance, Rashness and Feet of Clay: NATFHE

The NATFHE ‘brigadiers’ were not the only one’s engaged in a war of manoeuvre. In a limited way, Bis Weaver was seeking means to prevent NATFHE bureaucrats from using its considerable influence and animosity to sabotage her pursuit of justice. She had no knowledge of Day’s behind-the-scenes manoeuvrings but Triesman’s letter to the Bournville branch secretary, copied to Gates and her, confirmed that NATFHE would pull out all the stops to favour its three ‘NATFHE-style anti-racists’. We thought one stunt that NATFHE might employ would be to fob off Day’s ‘report’ on to the LEA as ‘evidence’ of the union fully investigating the complaint and finding Gates had no case to answer. This came to mind even though it might be considered inconceivable for NATFHE to present Day’s ‘report’ as a *bona fide* examination of Bis Weaver’s grievance when the ‘enquiry’, however inadequately executed, covered incidents only up to May 1985, whereas the recently submitted grievance covered not only those incidents but also the additional ones up until mid-1986 as well as those involving Cave and Hartland.

To pre-empt NATFHE, should it intend putting this defence forward, she sent Day’s ‘report’ together with the detailed critique to the LEA. Attention was drawn to the defamatory comments about her and others involved in the Access courses; and to the availability of the ‘report’ to a range of people within the union. As far as she was now concerned, with her critique in the hands of the LEA, NATFHE could submit the ‘report’ if it chose to do so, which in fact it eventually did. The union’s decision to submit the ‘report’ would serve no useful purpose to Gates’ or the other two in terms of the LEA’s enquiry.³³

Bis Weaver had also set about undermining the union’s position revealed by Triesman in his letter to the branch secretary in which he stated that when there is “the possibility of termination of contract” NATFHE’s position was to defend “the tenure of whichever member or members are affected.” She wrote to remind Triesman of a different answer he had provided on the 12th June when she asked “why NATFHE had not provided [her] with legal advice and assistance.” His reply on that occasion was “that if NATFHE [did so] it would also have to provide D Gates with assistance as both...were members.” She also drew attention to his advice for her “to seek advice from the CRE” and having waived Rule 24 for that purpose. She informed him that she had followed his advice and approached the CRE

and a CRE officer advised her to use the local authority grievance procedures, which corresponded with the suggestion he made to her in his 17th April letter. After giving careful consideration to CRE's advice, she decided to use the local authority procedures.

In Triesman's letter to the branch secretary, he had drawn attention to what he described as NATFHE's "normal policies", that is, to defend those members whose tenure was at risk, which in this instant could only apply to Gates, Cave and Hartland. Screaming out from the letter was a discriminatory policy against Black members and women. Any complaint of racist or sexist harassment made against another member would inevitably threaten an alleged perpetrator's tenure and exclude Black and women members from receiving union advice and assistance as their tenure was not under threat. She wondered if this was a strict policy applied by the union and if Triesman would directly refuse union assistance to her on the grounds outlined in his letter.

Bis Weaver was implicitly challenging the union's position of not providing advice and assistance to members whose tenure was not at risk. On the 12th June, when Triesman met Bis Weaver, the 'tenure at risk' conditions applied to Gates and yet Triesman clearly stated, at that time, that neither was eligible for advice and assistance. If both were subject to equal treatment then, they should both be subject to the same treatment now, therefore, she was entitled to the same benefits as Gates, namely, advice and assistance. However, she was not particularly looking for representation from the union – would any person, Black or White, in their right mind put themselves in the hands of NATFHE officials after experiencing at first hand NATFHE's so-called commitment to defend the vulnerable in the workplace.

She also put on record Triesman's intention to advise the general secretary not to proceed with the regional motion, even though she had accepted it at the time.³⁴ This was to show that she had reached the end of the road in NATFHE and no other alternative was available other than to seek justice elsewhere.

We thought that Triesman, after cutting her off from all avenues within the union, would not appreciate being saddled with responsibility for guiding her into a channel detrimental to Gates' interests or whoever's neck the union was trying to protect. Nor would Triesman relish being upstaged by a couple of rank and file 'North of Watford' nonentities like ourselves.

Two days on and she took the grievance into the heart of NATFHE's field of dreams to joust with the second knight. In a more direct way than in her 30th June letter to Dawson, and again referring to Triesman's advice to go to the CRE, she wrote "formally to ask

NATFHE to provide [her] with legal advice and assistance...under Rule 2.8 and as a full member of NATFHE.” To illustrate how NATFHE had previously failed to honour its obligations, forcing her to seek redress elsewhere, she provided dates of the eight previous occasions when legal advice had been sought but not received. An early reply was requested so she could “have the necessary legal advice and assistance to pursue [her] complaint.”³⁵ She wondered if Triesman would play the ‘ignore’ card yet again.

On the 10th July, two letters were received from head office and her replies went out the next day – the road to Rome was certainly a long and arduous one, littered with rubbish that just had to be dealt with first hand. A spam-like letter had arrived having been sent out over the name of Dawson but signed by Triesman carrying out yet another task on behalf of his superior. This letter had been sent to the regional secretary, with copies to the Bournville branch secretary; Bis Weaver; Gates and Day, in reply to the REC’s motion. Not to be left watching from the touchline as NATFHE’s democratic façade crumbled into dust, the author - Dawson or Triesman, conjured up another classic example of the preference NATFHE officials had for authoritarian dictat over democratic accountability.

NATFHE’s *supremo* rejected the regional motion as “not an appropriate means of dealing with these matters...concerning Mrs Weaver, Mr Gates and Mr Day” – at least he identified the complainant and the two accused among the mish-mash of parties thrown up in the regional motion. Following in the wake of his number two but flying in the face of senior lay officers, Dawson offered up Rule 8 as the appropriate procedure, noting “Mrs Weaver has been advised of [this]” on a number of occasions.” The usual rigmarole of an independent enquiry undermining Rule 8 was tossed into the pot with the excuse that an enquiry’s findings “would be widely known and...it would then be impossible to constitute a Rule 8 tribunal” as its impartiality could not be guaranteed. This would “call into question the proper operation of the Rules of the Association.” The option to use Rule 8 still remained available and all members “can share the expectation that it would be properly used and their rights protected.” In conclusion, Dawson came up with a novel idea of it being his “duty to ensure that the Rules of the Association are properly applied.”³⁶

Did Dawson or Triesman honestly believe Bis Weaver would swallow this unadulterated drivel or was it that they did not really care whether she did or did not? The confusion over the authorship of the letter lay in its style, which had the appearance of being ‘a Triesman’ as did the Whitbread letters. It displayed none of the sense of ‘fun and enthusiasm’ Nan Whitbread had found and appreciated so much in the general secretary.

Perhaps, it was Triesman with the ‘sense of fun and enthusiasm’ who was so close to Ms Whitbread’s heart.

The ‘sense of fun and enthusiasm’, whomsoever it was really depicting, was a wry reflection on this *Orwellian newspeak* when compared with the procedures concocted by Day and head office officials over the previous twelve months. Dawson’s words were more barren than suspected because Bis Weaver was completely in the dark about Day’s current Machiavellian scheming to consign her statutory right to the grievance procedures into a similar cul-de-sac that NATFHE officialdom had once sought to accomplish within its own procedures. Dawson’s declaration of ‘the rights of man’ was a bit late in the day with the grievance in the hands of the governors. However, it moved Day out of the frame for any investigation by NATFHE. Dawson’s pseudo-judicial posturing revealed another ‘principle’, once flowing from the mouth of a union official but now lost in the passage of time, that is, if it had ever meant to be anything of substance. In 1979, when occupying the position now held by Triesman, Dawson emphasised the necessity for "a real effort...to be made to ensure that the process of democracy can never be equated with ignoring the legitimate interests of minorities."³⁷ Dawson’s ‘sense of fun’ extended back several years or so it appeared.

The other missive came from Triesman. Bis Weaver’s virtually one-sided correspondence with him trying to see what might be ‘ferreted’ out finally brought its reward. The most recent prodding had caused Triesman to abandon his usual approach of ignoring most of her letters or applying a selective process of choosing which letters or questions to answer – NATFHE’s custom and practice in operation. In a relatively speedy if somewhat brusque and patronising reply, Triesman declared that “it appears necessary to clarify matters” – a NATFHE euphemism for another burst of obfuscation and, true to form, the first part of his letter followed the prevailing pattern. Triesman denied suggesting that she used the local authority’s grievance procedure but had merely “commented that there must be one.” This was a weak denial because why point out a procedure if not to use it, especially when providing advice that no other procedure was available for her kind of complaint. Triesman did not deny giving her advice to go to the CRE, in fact, he avoided it completely. Triesman had read “the statement of [her] case” – avoiding the word ‘grievance’; and was no doubt conforming to the line suggested by Day on how to approach the statutory grievance procedures in order to subvert them, which Triesman also failed to mention.

Triesman then set himself up as ‘interpreter’ of her motives, something he had said he was unable to do when referring to Gates’ motives in February 1986. His interpretation was that “no alternative, realistic construction” could be made about “the approach [she has]

adopted,” other than that of “seeking the dismissal of a NATFHE member from his job...whether consciously formulated or not.” Triesman apparently believed this ‘construction’ had been told to her “on previous occasions – once on the phone and once in [her] home,” but his memory was at fault as this he had never done.³⁸ The real eye-opener for her and one she had been hoping for came when obfuscation was replaced by extraordinary frankness - no accusation could be made against Triesman on this occasion of beating around the bush as he revealed what he described as “Several observations.” These observations were: (i) “it is very rare indeed for a [NATFHE] member to take a grievance against another lecturer more junior to them.” Triesman’s understanding of the grievance procedure was “to provide a means” for more junior staff, “of settling issues with more senior lecturers, or administrators or with the employer”; (ii) the union “do not generally represent staff in the grievance procedure and [he knew] of no case where [NATFHE has] represented more senior staff against their juniors”; and (iii) if NATFHE represented her “it would have the effect of joining [her] in seeking the dismissal of Mr Gates from employment,” which he described as unacceptable to the union. Even more revealing was Triesman’s emphatic declaration that NATFHE’s ‘bottom line’ was “to defend...whichever member finds their tenure under threat from the employer” *³⁹ – a point that could only be referring to Gates and possibly Cave and Hartland as it had already been made clear that to represent her would mean seeking the dismissal of Gates.

Her earlier letter seemed to have touched a raw nerve at head office because Triesman’s response had the appearance of being ill-thought out and rash; never had the union’s policies been expressed in such a definitive and unambiguous form, hardly in keeping with the vague and evasive manner usually associated with head office officials. The officials were undoubtedly none too pleased with the recent turn of events, not expecting her to be the one taking up the cudgel and creating an entirely different situation to the one the officials expected to come into play. Triesman’s earlier exhibition of control over the situation in mid-June appeared to have disappeared now that the complaint involved three NATFHE crusaders, whose ‘long histories in the anti-racist movement’ would soon be proclaimed and who had demonstrated that ‘history’ and ‘crusading spirit’ by attacking the only Black woman in Bournville College.

* Triesman was Inner London regional secretary prior to appointment as a full-time official and would surely have known of the region’s approach to grievances between members and that did not include protection of tenure. NATFHE’s Inner London regional approach, introduced the policy in 1982, was reproduced in the NATFHE Journal in 1984.⁴⁰

Triesman adopted an extremely patronising manner in suggesting her action might not be “consciously formulated,” giving the impression Bis Weaver was not capable of determining the consequences of a complaint of racist harassment. As a member of an Asian ethnic minority did Triesman think she was incapable of interpreting the consequences? Or was she incapable of interpreting matters as NATFHE’s number two interpreted them. If the latter alternative was in Triesman’s mind then he was spot on as Bis Weaver certainly did not see racist harassment as Triesman, or his cohorts at head office and in the West Midlands, saw it. Their interpretation was nothing other than a feeble form of ‘interpersonal dispute.’

Only a cursory glance at the local authority's grievance procedures was necessary to confirm that nothing in those procedures excluded senior lecturers from using them against junior lecturers. Statute had not excluded them either and NATFHE could not pick and choose what it was prepared to accept, although it certainly thought it was in a position to do so in Bis Weaver’s case, as Day was to amply demonstrate in his dealings with the Birmingham local authority. Day had also represented a male senior lecturer accused of sexist discrimination by a more junior woman lecturer in Shropshire, which was enough to write off Triesman’s claim. Perhaps, this was yet another example of ‘the appropriate head office official’ not being aware of the way the West Midlands regional official operated. Furthermore, Triesman must have been aware of Bis Weaver’s status as a senior lecturer when pointing her in the direction of the local authority’s grievance procedures back in April. If he was right about the alleged restriction on more senior staff using the grievance procedures why direct her to them or say they were available?

A certain rationale might attach itself to a policy that made no provision for more senior staff to use the grievance procedures against juniors because harassment of more senior colleagues should lead to disciplinary proceedings against the junior harasser. However, this ‘rationale’ seemed not to apply when Black senior staff were victims of harassment as Bournville senior management failed to intervene on several occasions by invoking disciplinary action against Gates. The usual ‘rationale’ or rules did not apply in the workplace or in the union when Black people were victims but instead of challenging and changing this inconsistent treatment NATFHE officialdom sought to exploit it.

The ‘window dressing’ fashioned in the Dawson-Triesman style threw up not-to-be-missed opportunities and each official was sent a letter to enable them to see that their amateurish artistry drew no plaudits from in-the-know reviewers. Of the two communications received, Triesman’s was by far the most significant. His emphatic declaration of union

policy, or what Triesman was claiming to be union policy, was so extraordinary it begged a response.

This time it was Bis Weaver's turn "to clarify matters" for Triesman. She reminded him it was on record that she had tried "to keep the issues in NATFHE" but wanted action whereas he declared, on the 17th April, the union "is in no position to interfere" and pointed to the grievance procedures. She plagiarised his 8th July comments in support of her position by quoting "there could be no alternative, realistic construction to be put (to your comments other than) it appeared to me that this was your ultimate intention" but in his case it was considered to be "consciously formulated." Triesman's "recommendation was further strengthened when,...in the presence of Mr S Dhesi," he had suggested she sought advice from the CRE, whose subsequent advice corresponded with that of Triesman's. She also pointed out that it was Triesman, on the 12th June, "who first outlined the logic of the consequence" likely to result "if NATFHE's Rule 8 was invoked." He had explained "that if the allegations...against D Gates were proven then the grounds would be of gross professional misconduct resulting in a probable expulsion from the Association [and]...management might take action against [Gates]." (Bis Weaver's emphasis) She also reminded him that her response to Triesman's "outline of possible events was that this logic was news to [her] but that it would be known to A Day when he carried out the 'investigation'." Triesman's line of reasoning effectively undermined any defence Gates might pursue since Triesman was fully aware she had sufficient evidence to support a case of gross professional misconduct against Gates.

Following in Triesman's footsteps, she put forward some observations of her own. They were: (i) as a fully-paid up member of NATFHE, she was "entitled to the same facilities and services as any other member [and] she can see nothing in the Rules of the Association" to rule out that conclusion; (ii) the Rules do not state "a Senior Lecturer is not entitled to the same facilities as a Lecturer [grade] II." or (iii) that "a member...senior to another member, cannot be represented...and the fact that [Triesman has] no knowledge of any previous case or that the Association has not done it before does not negate NATFHE's obligations..."; and (iv) nowhere in the Rules was it stated that "the Association must/could/should not support a member whose security of tenure is not at risk" and she drew his attention to Rules 2.1, 2.8 and 2.9.

'The security of tenure' condition was turned against Triesman by raising two further possible scenarios: (i) the "attempts to discredit a member [- her] could most certainly have put the tenure of that member at risk," and, as Triesman was well aware, so could illness and

stress; (ii) Triesman's "interpretation of NATFHE's obligations cannot be sound or acceptable [because]...a transgressor of the law, for example, under the Race Relations Act...would be under the threat of loss of tenure and...receive the support of NATFHE whereas the victim would be left without...protection." The conclusion was that "NATFHE's policies on anti-racism and anti-sexism are unimplementable." Finally, NATFHE was expected "to satisfy [its] obligations to [her] under the Rules" and she would get back to them in a few weeks after a period of convalescence.⁴¹

A reply to the letter from Dawson, or was it a 'Triesman letter' written on behalf of Dawson, was sent to the general secretary. The 'assurance' given, by the NATFHE 'author', that the protection of members' rights could only be guaranteed by procedures not "occurring outside the Rules", that is Rule 8 procedures, was compared to Triesman's 'outside the rules' offer in January 1986. This type of offer "only became unacceptable [to NATFHE] when...[a request was made] for the actions of the official to be investigated and [for] the inclusion of Black members on any investigation team." She noted with interest that the motion to include Black members recommended by the "democratically elected regional representatives" was also "not acceptable to those unelected officials," who are members of another union. This was construed, as other Black members and progressive White members would also construe, as showing NATFHE to be afraid of having Black members anywhere near complaints involving Black members against White members. She drew attention to the view expressed by the 'White feminists' in the West Midlands women's panel in the presence of Day, and revealed to Triesman by her, that they would not accept an all-Black tribunal to investigate any complaint they made against a Black man. As for Rule 8 being 'the appropriate rule', she referred to Mackney's view that Rule 8 was not appropriate for dealing with complaints between members; was extremely cumbersome; and tended to be forgotten by head office.

After referring to NATFHE's evasive and obstructive manner, which it displayed by not dealing with her complaints, she asserted that this experience "would hardly inspire anyone to approach Rule 8 without the greatest caution...especially so for a Black member, when a Tribunal...would not have included anyone [with] any understanding of what it is like to be Black in this society." She added that "A reading of the NATFHE anti-racism Pack is no substitute" for this understanding. Overall, NATFHE, as seen by her, "is inflexible, unresponsive and constrained by structural inertia – *NATFHEism*, when it has to act in the defence of Black members."⁴² In conclusion, it was suggested Dawson got "around to offering [her] the legal advice and assistance to which [she was] entitled and to which [he] seem[ed] to be going to great lengths to avoid giving [her]."

The recent correspondence with NATFHE apparatchiks raised two important features about NATFHE's policies: (i) the potentially racially discriminatory policy on tenure; and (ii) NATFHE's internal procedures being designed to protect officials and officers – the 'us' in the union, from accountability. Bis Weaver might be able to take action about the first; but the second was for NATFHE members to address. *

Head office officials, especially Triesman, had their backs to the wall, so the next day out went another letter. She hit at another of Triesman's 'Achilles heels.' The vulnerable spot being Triesman's rash declaration of the union's 'bottom line' – defence of tenure in harassment cases. Triesman's declaration paved the way to bring Day's 'report' of her complaint, which was one part of "the complaint now submitted to the Local Authority, on [Triesman's] advice." NATFHE head office now appeared to have "no confidence in that 'Report' because [NATFHE] consider that [Gates'] tenure...is at risk, despite the [union's] own investigation and conclusion which did not even suggest any disciplinary action against D Gates. If [Day's] 'Report' is...accurate...then there can be no fear for the tenure of [Gates]." However, if officials are considering Gates' tenure to be at risk, they "are effectively saying that [Day's] 'Report' is not...accurate...which is precisely what [she had] been stating for some considerable time without it having any effect on Head Office."

Bis Weaver approached Triesman's impulsive revelations from a different angle and posed an alternative version. The alternative proposition was that "if the 'Report' is an accurate version of events" and she was in fact "lacking in professional competence and integrity and...made serious and unfounded allegations against colleagues" then, "according to [Triesman's] logic," NATFHE "would have to support" her because her "tenure would be at risk."⁴³ NATFHE officials painted themselves into a corner but whether or not anything could be gained from pointing this out was something else. The propensity for NATFHE officials to tie themselves in knots in their dealings with an isolated rank and file member made it clear to her that in looking to the union to untie the discrepancies surrounding a race issue, even if they had the will, had been no more than an ill-conceived hope on her part that had long since been extinguished.

Bis Weaver had a grievance to be dealt with and an aggressive union to face. However, there was also the possibility of the union's policy on tenure being racial discriminatory. Furthermore, neither Dawson nor Triesman could claim ignorance of possible racial

* The way NATFHE officers in the West Midlands acquiesced in Day's subversion of statutory procedures, showed that little could be expected from the West Midlands 'vanguard of the proletariat' to change NATFHE policy and practices

discrimination in the way NATFHE treated her complaint because this had been referred to often in her correspondence. Irrespective of this, what use was an anti-racism policy if, when a Black member was subject to racial harassment, the union only defended the harasser?

Anti-racists would surely want a racist out of his job; well away from the victim or any other potential victim; and out of the union. To see if her assessment of union policy had validity, she went to see Tony Rust, a solicitor, who directed her to the CRE as the policy might well contravene the Race Relations Act. Enthusiastically, but with no sense of fun, she walked around to the CRE, just down the road, where the CRE officer, whom she met on her previous visit, also suspected the policy to be racial discriminatory and offered to look into it. The possibility of taking NATFHE to an Industrial Tribunal for racial discrimination left Bis Weaver with misgivings but it seemed to be the only way now to pressure NATFHE into changing a policy that left Black and women members at a considerable disadvantage. An alternative route might be through the labour movement itself but this, too, had a number of pitfalls. However, she decided to try the path to the Industrial Tribunal, which might bring other benefits in terms of the grievance itself.

She exercised her 'proneness' "to write to a number of different people... about matters which affect her,"⁴⁴ as NATFHE's arch-hustler referred to her when writing to local officers twelve months before. After her experiences with NATFHE, she was not restricting that merely to NATFHE members, as she now revealed NATFHE's exclusionary policy to a wider audience in the West Midlands labour movement. It was also to put the spotlight on NATFHE locally to counter any influence it had with local trade unionists, who, like NATFHE, had contacts among city councillors and city employees in matters relating to the grievance hearing. She sought out the secretary of the West Midlands TUC Regional Committee on Race Relations, who had an office in Smallbrook Ringway, Birmingham. When the receptionist took us to his office, he recognised Bis Weaver immediately as 'the speaker against Rule 24.' He was Muff Sourani, the guest speaker at NATFHE's anti-racism conference at Middlesex Polytechnic in December 1985. When she unfolded her story, he was extremely disturbed at what he heard, and when it was disclosed that Gates was a member of the Communist Party, he decided to phone a senior member of the Communist Party to inform him but decided against it when I told him that Gates and this member were very close 'comrades'. He suggested she put her circumstances in writing and send it to him as secretary of the regional committee to see what could be done through formal channels.

In the letter, sent out the same day, she described matters relating to: her original complaint to the union; Day's procedural impropriety and deficient enquiry; the unsuccessful

struggle to get her complaints properly investigated; the union's refusal to provide relevant information; the action of the branch in removing trade union rights accompanied by a statement containing unfounded allegations against her; a NATFHE official's advice to go to the CRE; and her subsequent grievance to the local authority. Furthermore, after following NATFHE's advice, NATFHE head office refused to provide her with assistance as it was only prepared to give assistance to those whose tenure was at risk. She then described the discriminatory implications of NATFHE's policy under the Race Relations Act. She asked the committee to assist her because NATFHE had failed to do so. ^{*45} She was looking to the committee to protect her back just in case the knives, specially honed, came out for her in the West Midlands.

Bis Weaver decided to by-pass Dawson and write direct to the general secretary of the ASTMS – the union of which NATFHE officials were members. She asked Clive Jenkins for details of “the full procedures for taking a complaint against” one of its members as her attempts to obtain “this information through [her] own Association, [NATFHE, has] not been successful.” ^{**46} The ASTMS replied to say it did not have any procedures for “complaints by people who are not members of” the ASTMS. ⁴⁷ NATFHE officials were fireproof – the ASTMS had no relevant procedures for outsiders and NATFHE had no procedures at all. She dropped a further line to the ASTMS outlining the difficulties experienced as a Black woman trade unionist and welcomed “any suggestions and assistance...to obtain a complete and satisfactory redress of [her] grievances with regard to ASTMS members.” ⁴⁸ No suggestions or assistance was forthcoming.

After being shackled for so long in NATFHE's ‘chamber of horrors’, releasing information to organisations with links to NATFHE brought her considerable satisfaction. But it was the union, ‘whether consciously formulated or not’ to adopt Triesman's phraseology, that had propelled Bis Weaver into a course of action that a year ago was not foreseen. The constraints imposed by tying herself to the union for such a long time with its dire consequences had been lifted, thanks to Triesman, albeit unintentionally or unconsciously, on his part. The union's aggressive disdain for Bis Weaver yielded its just reward eventually – NATFHE had sown the wind and the Weaver case would reap for NATFHE its own whirlwind as the case went on to haunt the union for another two and a half years. As the West Midlands County Council's enquiry into Handsworth had noted, “They could have been on another planet before the events occurred.”

* A copy was sent to S Dhesi, the BLCARO.

** A copy was sent to the TUC Advisory Committee on Race Relations.

(e) The Last Post for NATFHE's Anti-racism

During recent correspondence with NATFHE head office, Bis Weaver was invited, for the first time, to attend what might be described as an uncharacteristic 'anti-racism' event, if not seen as such in NATFHE eyes, involving a trip to Wolverhampton Polytechnic for a WMARC meeting. The WMARC, scheduled to meet once a term, was due to meet for the third time during the Summer-term, including twice in the past three weeks. This committee, unlike the BLCARC, was firmly in the grip of the Broad Left Coalition with two influential members of the Bournville *kernels* on the committee, one as chair and the other as an appointed member. Add the number of Broad Left Coalition members also appointed to the committee, though most did not bother to attend, and the ingredients were there for a very hostile committee to confront any Black activist seeking to expose the hypocrisy of NATFHE's so-called commitment to anti-racism. The function of the committee in its present form was one of control to prevent it becoming a campaigning committee for on-going racism cases as the BLCARC was beginning to develop into before being hauled back. The women's panel was strongly influenced by the Broad Left Coalition and showed no interest in the harassment of a Black woman, therefore, with the WMARC under bureaucratic control there was no forum where such issues could be raised. The Broad Left's strategy of preventing a 'split in the Left' over the Weaver case had been running for a while and the 'Left' was not prepared to risk a threat to its unity coming through the back door or the kitchen door.

When the WMARC met on the 9th July, the controversy over the election of the new chair did not go away as I raised it under a procedural technicality. After the last meeting, an REC member provided me with a print-out of WMARC members for the 1986/7 session.⁴⁹ This disclosed that prior to the previous meeting I was already a co-opted member of the WMARC, which must have been known to the REC-appointed members. As I had been mistakenly disqualified from voting in the election, I suggested the election should be re-run. The regional secretary spoke of a mistake in that "whilst it was listed in the records that Gordon Weaver was co-opted to the Committee...it did not mean that Gordon Weaver had been co-opted!" * Dismissing the gobbledegook, I made a call for a new election. The

* This was recorded as D Evans "explained that the membership list circulated was in error," although it was not recorded in the 9th July minutes when he made this explanation but in the 18th June minutes. Both these sets of minutes were sent out together by Evans for the September 1986 meeting. He obviously confused the details of the respective meetings, just as someone on the REC had amended the minutes of the 15th June 1985 regional council meeting by crossing out the 15th to read 18th June 1985, ostensibly to disguise the date of that particular meeting

regional secretary, relying on extant ‘procedures’, informed the members the election could not be overturned. The only way for a new election was for the chair to resign and I called on her to do that “in the spirit” of what the committee stood for. * This appeal was to no avail and the chair remained, presumably, ‘in the spirit’ of what the Broad Left Coalition thought the committee stood for.

Krishna Shukla did not appreciate having calling notices sent out in his name without the courtesy of being asked if he was prepared to be the new secretary but in the interests of having Black officers – one of the proposals of the Black Lecturer’s Group, he accepted the post; and on the same criterion Bis Weaver agreed to accept the post of Treasurer declined at the previous meeting. Krishna Shukla, as secretary, was to take a firm and active part in support of Bis Weaver and a significant role in the active anti-racism position the committee was to adopt in the near future. As a result of his principled stand, he was severely criticised and attempts were made to discredit him by the ‘plastic-anti-racists’ on the REC.

A report back was given on issues raised at the Black Lecturer’s Group’s meeting: ** criticism of the emphasis placed on theory rather than practice in anti-racism committees; NATFHE’s dismal record in dealing with racist discrimination and harassment; the stranglehold officials had in dealing with racism cases; *** new procedures for dealing with racist harassment and support for the victims; training for officials; Black officers only on anti-racism committees; and criticism of the minimal participation of Black members in the production of the Anti-racism Pack. The issue of Black officers was accepted by the committee for the future, that is, next year, when all officers would be Black. With NATFHE it was always tomorrow. The rest of the proposal would be discussed when formally presented to the committee.

The proposals for Black officers corresponded with those of the women’s panel, whose officers were all women. The BLG did not seek the exclusivity of the women’s panel with its women only membership; the BLG wanted Black officers and Black and White members, who were prepared to involve themselves in activities where the purported direct beneficiaries had a significant input. The BLG’s proposals were unlikely to make much of an impression but it was important to challenge the Broad Left ‘anti-racists’ and NATFHE’s lukewarm but oft-heralded Anti-racism Pack, which was little more than a glossy magazine.

* At the previous meeting Ms Pattinson offered to resign if Krishna Shukla wanted to be chair

** The BLG conference covered a considerable number of issues⁵⁰

*** The criticism directed at the actions of officials did not encourage the regional secretary, Evans, to acquaint the meeting with Day’s manoeuvrings to subvert the right of a Black member of this committee when using the statutory grievance procedures. He kept his own counsel!

Under Any Other Business Deryk Clarke's returned letters were raised and attracted a request from Bis Weaver for the "normal courtesy" to be observed for Black members, especially by those who were members of the Anti-racist Committee, which Clarke happened to be, although he never attended any meetings. However, 'normal courtesy', like anti-racism, was a scarce commodity among many West Midlands REC members. The dismissive behaviour of the 1986 Anti-apartheid movement keynote speaker towards a Black woman member would soon be raised with him.⁵¹

Lo and behold, for the third time, a letter in an unstamped envelope and without a covering note was returned to Bis Weaver but no surcharge had been affixed by the Post Office. What tricks some 'anti-racists' get up to in order to avoid being confronted with their own hypocrisy. On this occasion, there could be no doubt as to the culprit as the returned letter was the personalised one sent to Clarke.

To keep everything on the record, the regional secretary was notified of the way in which Clarke expressed his commitment to 'anti-racism' when he was off the podium and out of sight – he had now achieved a triple strike against the vulnerable. It was made crystal clear that the person "responsible...has little respect for the rights of NATFHE members and nothing but contempt for the struggle of Black people." Tongue in cheek, a postscript was added about not being surcharged for the unstamped mail, attributed to having "an understanding postman...a committed member of the Anti-apartheid Movement and a committed anti-racist. Perhaps, he should be asked to join NATFHE and be co-opted on [to] the WMARC."⁵²

The anti-racism charade performed by the Broad Left Coalition to entertain NATFHE members was re-enacted for another audience in the West Midlands. A close colleague of Bis Weaver's in the Labour Party Black Sections and a NATFHE activist, Alton Burnett, was tipped off by Bis Weaver about her letter to Muff Sourani. When the TUC regional committee met, Alton, who was a member, raised Bis Weaver's case. Another NATFHE delegate, a member of the Broad Left Coalition, Ms Welch, called for it to be ruled out of order as an internal NATFHE matter and nothing other than a personal dispute between two members. Alton had known Bis Weaver for several years as well as knowing the details of the case and that she would not undermine the struggle against racism by making a claim of racist harassment for something that was a personal dispute. Alton spoke against the attempt to close down the discussion but the item was ruled out of order as an internal matter for NATFHE, thereby, leaving it to smoulder in NATFHE's self-destructive witches brew.

Wherever or whenever the Broad Left Coalition interceded anti-racism took a further step into the twilight zone.

This Broad Left appointed sage of anti-racism, Ms Welch, had made an ill-informed comment that would not be out of place within the realm of Orwellian *newspeak*. A TUC Committee was treated to Ms Welch's one-dimensional interpretation, as initiated by Gates, which she seemed to have whole-heartedly adopted. Ms Welch embraced the concept of 'interpersonal dispute' without ever contacting Bis Weaver to hear an alternative version of events and had ignored the wealth of detail recently sent to her as a member of NATFHE's REC. As a 'feminist' and 'anti-racist', Ms Welch should have apprised herself of the facts before publicly making such a grossly subjective and inaccurate contribution at the TUC regional committee meeting. With her own June and July 1985 involvement in the procedures foisted on Bis Weaver, it was not unexpected for her to take this course of action.

After the meeting, Ms Welch criticised Alton Burnett for "doing a disservice to the Left by raising the Bournville issue...[because] Gates was a man of the left." According to Ms Welch, Alton's action "would split the Left causing left wing people to lose out and as a socialist [he] should understand this." Ms Welch's lecture cut no ice with Alton, a life-long fighter in the struggle against racism, and he told her that "anti-racism is our priority."⁵³ The Broad Left's limitations were further exposed with this line of reasoning from Ms Welch because if it was merely an 'interpersonal problem' then it could have no detrimental effect on the Left. Did she not realise her comments were insulting to Alton Burnett, by paying little or no respect to his knowledge of racism. * Ms Welch was paying scant attention to Barbara Smith who wrote that "Feminism is...to free all women..., Anything less...is not feminism, but merely female self-aggrandisement." **⁵⁴ It was needless to speculate on what kind of investigation would have followed Ms Welch's offer in July 1985; or why she declined to reveal who else was involved in that offer; or why she refused to provide answers to any questions from Bis Weaver.

This was yet another Broad Left Coalition member expressing a similar view to the one allegedly given to Gil Butchere, by a comrade of Ms Welch's, nine months before, about

* This attitude towards Black people anticipated by at least eighteen years a similar attitude attributed to the Pope on women. The Pope was described by a women's rights activist in Mexico as "present(ing) women as people with limited consciousness, who do not know the difference between right and wrong, and [his attitude] ignores those who are abused and have no access to justice."⁵⁵

** This was one of many similar statements from a host of feminists about the oppression of women, especially Black women, to be found now on Ms Welch's website in the 1990s and 21st century

splitting the Left. * The similarity of the alleged views of Ms Welch and Mackney, who had been in contact with each other over the Weaver case, in September 1985, might be coincidental and not shared with each other. However, one thing was certain Bis Weaver never received any support from the Coalition in the West Midlands whether operating in the REC, women's panel or WMARC, unlike Fernandes, a member of the Outer London region, who did get vocal support. 'Anti-racist pundits' in the West Midlands Broad Left Coalition must have all been weaned on the same embalming fluid. **

Every revelation from NATFHE's so-called 'anti-racism' brigade in the West Midlands region merely confirmed that political expediency outweighed principled action on behalf of Black people. Machiavelli had found a comfortable roost in NATFHE's chicken run.

* A comment similar to this view was later made to the Labour Party by Triesman. In 2002, he gave a "warning that left wing union demands could open a schism in the party and allow the Tories to regain power." Ex-NATFHE officials and future ones seemed joined by the hip or the tongue

** The Weaver case had a different flavour for the Broad Left Coalition activists since the harasser of Bis Weaver was an influential member of the Coalition, whereas the Fernandes case gave the Coalition the opportunity to attack the natural enemies of the 'Left' – the police

¹ BW to Ch of Govs & DG, NC & BH 25 Jun 1986 Reg Del H 859653; H 859647; H 859651; H 859646 BW IT Bundle 74

² BW to PMT 25 Jun 1986 File N 5

³ BW to JC 25 Jun 1986 Reg Del H 859654 File N 4

⁴ BW to KA 25 Jun 1986 Reg Del H 859652 File N 6

⁵ Notes & Mins BMtg 26 Jun 1986 File R 6 – 9; Mins BMtg 13 Nov 1986 File R 27

⁶ SB to BW 29 June 1986 File N 7

⁷ GH to BW 30 June 1986 File N 8

⁸ McGoldrick v London Borough of Brent [1987] IRLR 67

⁹ BW to PD 30 Jun 1986 Rec'd Del V 411238 BW IT Bundle 76

¹⁰ Deman v AUT [2003] EWCA Civ 239 para 51

¹¹ AD to DTr 30 Jun 1986 File D 37 - 38

¹² DTr to BW 1 Jul 1986 NATFHE IT Bundle 182

¹³ DTr to BSec 30 June 1986 NATFHE IT Bundle 175

¹⁴ DTr to BW 30 June 1986 BW IT Bundle 75; DTr to DG 30 Jun 1986 NATFHE IT Bundle 176

¹⁵ DTr & BCtte 12 Jun 1986 in T/p Conv BW & HS 12 Jun 1986 File Q 46 - 49

¹⁶ WMWP Agenda & Mins 30 Jun 1986 File X 10 - 12

¹⁷ Notes BCtte Mtg 2 Jul 1986 File R 10 - 13

¹⁸ HS to BW 1 Jul 1986 File D 39

¹⁹ BW to B/V Br 3 Jul 1986 File D 41

²⁰ Agenda, Notes & Mins, BMtg 3 July 1986 File R 14 – 17 & File D 41

²¹ T/p Conv, BW & RDty 22 May 1986 File Q 30

²² Mins, BLCARC Mtg 3 July 1986 File T 30 - 34

²³ Conv BW & DL 4 July 1986 File R 18 - 20

-
- ²⁴ Conv BW and 'Wraggie' July 1986
²⁵ T/p convs KS & GW 5 Jul 1986
²⁶ DG to KS undated but before 5 July, File D 44
²⁷ Mgt to DG, NC, BH, DH 9 Jul 1986 File D 50
²⁸ BW to KS 1 Jul 1986 File D 40
²⁹ T/P Conv KS & GW 5 Jul 1986
³⁰ DTr to KS 14 July 1986 File M 18
³¹ BW/GW to DE 28 Jun 1986 File D 32 - 33
³² BW to DC 29 Jun 1986 File D 34
³³ BW to GH 5 Jul 1986 Rec'd Del V 407303 File N 9 - 10
³⁴ BW to DTr 4 Jul 1986 Rec'd Del V 411074 BW IT Bundle 77
³⁵ BW to DTr 6 Jul 1986 Rec'd Del V 4007376 BW IT Bundle 78
³⁶ PD to BW 9 July 1986 BW IT Bundle 80
³⁷ NJ March 1979
³⁸ T/p Conv BW/GW & DTr 4 Jun 1986 File Q 36 - 39 ; BW & DTr Mtg 12 Jun 1986 File Q 41 - 45
³⁹ DTr to BW 8 Jul 1986 BW IT Bundle 79
⁴⁰ Harrison B, Sex Harassment, NJ Jul/Aug 1984
⁴¹ BW to DTr 10 Jul 1986 Rec'd Del J 632265 BW IT Bundle 81
⁴² BW to PD 10 Jul 1986 Rec'd Del J 632266 BW IT Bundle 82
⁴³ BW to DTr 11 Jul 1986 Rec'd Del J 632265 BW IT Bundle 83
⁴⁴ AD to SN 13 Aug 1985 File A 19
⁴⁵ BW to TUC Reg Ctte 14 July 1986 File D 46 - 47
⁴⁶ BW to ASTMS 11 Jul 1986 File D 45
⁴⁷ ASTMS to BW 16 Jul 1986 File D 48
⁴⁸ BW to ASTMS 13 Sep 1986 File E 1
⁴⁹ WMARC Doc, 9 Jun 1986 File W 21
⁵⁰ BLG Conference 27 Jun 1986 File U 6 - 13
⁵¹ Agenda, Notes & Mins WMARC Mtg 9 Jul 1986 File U 14 - 16 and File Z 10; see also GW/BW to KS 24 Jan 1987 File U 33 - 35
⁵² BW/GW to DE 10 Jul 1986 File D 43
⁵³ Conv AB & PW, AB Signed statement, 17 July 1986 File D 49
⁵⁴ Smith B [1982] Racism and Women's Studies, in Hull G. Scott P & Smith B (eds) All the Women are White, All the Blacks are Men, But some of us are Brave, Feminist Press, New York
⁵⁵ Chavez E, Guardian 4 Aug 2004