

## Chapter XI

## NATFHE's Debased Coinage Remains in Circulation

## (a) Ten Days and More of Motor Cycle Maintenance

When Bis Weaver received notification on the 6<sup>th</sup> December of a change in the date and venue of the Industrial Tribunal, the tension associated with appearing at the hearing did not diminish. Tension was a constant companion in Bournville College and in dealing with NATFHE in the West Midlands and head office as it had been for a long time. Those in NATFHE involved from the beginning and those who later entered the fray were keen to rally new conscripts for what was in the pipeline.

The scheme set up for Bournville College was innovative in that the architects designed it to intensify the pressure on Bis Weaver and the star role required a particular type of person to perform it. One particular person, known to Hartland and a few other NATFHE/Labour Party members in the Sparkbrook constituency, fitted the bill. He became involved around the beginning of November when he was looking for work as a part-time lecturer. On the 27<sup>th</sup> November, he had a conversation with Bis Weaver during which he raised the issue of her 'problems' with Gates. The way he went on to perform his role and the fruits of his labours did not amount to much and were insufficient to achieve the desired result, which turned out to be entirely different to what was envisaged. Notwithstanding this, the *kernels* were able to make the most of the resulting situation to put considerable pressure on Bis Weaver at this crucial period and for many months afterwards.

When the script of this drama was being finalised between the 1<sup>st</sup> and 5<sup>th</sup> December, Bis Weaver, with me alongside her, was pursuing a course of action to see if the *Pirsig adaptation* was verifiable. Could right, justice and principle actually be discovered among NATFHE's paid and unpaid bureaucrats? The *Pirsig adaptation* was about to achieve some measure of confirmation in two ways. Firstly, in what became known as the *Beider affair*; and, secondly, Cynthia Deeson's haste in running from pillar to post to avoid appearing as a witness at the Industrial Tribunal. \*

\* The information covering the events of the next eight days came from direct involvement by Bis Weaver and me; and from information acquired within days of their occurrence. The roles played by Cave, Hartland and Beider are reproduced from the evidence they provided at an internal enquiry conducted by management between the 5<sup>th</sup> and 8<sup>th</sup> December.

Day 1 – 1<sup>st</sup> December 1986:

Before the *Beider affair* swamped Bis Weaver's attention, the Industrial Tribunal was uppermost in her mind. Still searching for someone to confirm to the Tribunal that racism had been raised as a possible motive for Gates' behaviour, she wrote to Cynthia Deeson and Nedjat. For several days she had tried to reach Ms Deeson with diminishing hope of her attending the hearing following her decision to seek the views of head office officials. She eventually reached her early in the morning (10.30 am) and asked if she had "decided to make [herself] available for the Industrial Tribunal." Ms Deeson had apparently phoned head office "to speak to David Triesman" without success but would try again in the afternoon. She then asked "what the Tribunal was about and why it was in London"; and if it was about local officers not assisting her? The grounds of the application had already been explained to her during their initial discussion but Bis Weaver repeated them. Ms Deeson promised to give her decision as soon as she heard from Triesman, which Bis asked her to put in writing to keep everything formal.<sup>1</sup> Formality was one reason for requesting a written response; another was to see if she would disclose what NATFHE officials might say. Bis Weaver had little doubt this was as near as Ms Deeson would ever get to setting foot inside the Industrial Tribunal hearing.

With the shutters about to be brought down on Ms Deeson's attendance, Bis Weaver turned to Shuk Nedjat - the fifth time she had tried to elicit information from him in writing.\* Not expecting a reply from Nedjat; the letter was for the record and to test the *Pirsig adaptation*, but it included three additional points. One point dealt with the allegation Gates made accusing her of "expecting both management and NATFHE to 'discipline' [him] for alleged harassment"<sup>2</sup> and of Nedjat's reply to Gates stating he had "asked for a meeting with management to clarify the position." \*\*<sup>3</sup> She asked why he did not inform her of Gates' allegation or give her an opportunity to address it before approaching management. Nedjat appeared to be another of those officers unaware of the criteria to be followed when allegations were made against union colleagues, as stipulated by Day in his 'Report'. \*\*\*

The second point covered the ever-present never-answered questions of the circumstances surrounding Ms Welch's intervention. The final point concerned the Bis

\* The other letters were dated 10<sup>th</sup> & 31<sup>st</sup> March 1986; the 9<sup>th</sup> May 1986; and the 22<sup>nd</sup> September 1986

\*\* Two documents that came into Bis Weaver's possession on the day in April 1986 when I had access to her union file unknown to Branch officers.

\*\*\* Day said "the first person to be informed of any...allegations is the one against whom the complaint is directed"<sup>4</sup>

Weaver-Nedjat conversation in July 1985<sup>5</sup> and for him to confirm what she perceived was the motive for Gates' behaviour. She also reminded him of his stated intention not to answer her questions in their discussions on the 24<sup>th</sup> September. In conclusion, she offered him the opportunity to act in a principled manner and show he was "committed... to the right of the individual...to have access to important information regarding matters...concerning that individual. Or is the principle of accountability merely rhetoric."<sup>6</sup> Bis Weaver had no expectation whatsoever that raising 'right' or 'principle' would have any effect other than to add another piece of validation to the *Pirsig adaptation*.

Day 2 - 2<sup>nd</sup> December 1986:

Bournville College governors resumed the adjourned 11<sup>th</sup> November meeting at 10am. Gates was back in the college for this meeting; the constitutional position had obviously not been sorted out. \* Gates' contribution to the meeting, supported by a fellow-governor and comrade of Gates in the Communist Party, addressed staff absences in the college. He expressed concern "that no adequate formula had been determined to cope with absences caused through long-term sickness." How the rhetoric gushed out. Did Gates not reflect on his own behaviour and its contribution to Bis Weaver's successive absences from work over many months due to ill-health? Did Downey, also in attendance, not see a contradiction between Gates' rhetorical concern and his actual practice? Downey's contribution to the meeting was to criticise Geoff Hall for suggesting at the November meeting "that Staff Governors should consider whether they were able to participate in the debate on the Collective Dispute because of a pecuniary interest."<sup>7</sup> Interestingly, Downey did not criticise 'Hall's suggestion' in November when it was made but waited until Geoff Hall was absent to do so.

At the time when the governors held their meeting, Bis Weaver met up with the branch secretary and raised the unresolved issue of the withdrawal of the April motion. We knew the branch committee had intended to invite us to a meeting but had since learned of the committee's decision not to pursue that option. This decision was of little consequence for we would not have attended because our rights were not up for discussion but for restoration – pure and simple. Bis Weaver drew attention to the "simple principle of justice"

\* This was the last governors' meeting Gates attended because the LEA ruled that he no longer qualified to be a member of the governing body while on study leave.<sup>8</sup>

and pointed to “Cave and Hartland, [with] obvious interests in the matter” being present during the discussion and “Hartland...[had] .actually referred to a complaint against him in the City.”<sup>9</sup> She thought the branch secretary should have made “a stand for a just procedure...[and stated] categorically that neither Cave nor Hartland should be present in [those] discussions.”

It seemed that every action by Bis Weaver or me was interpreted by the *kernels* as part of the Bis Weaver grievance, and recent events in the committee, surrounding the ‘removal of our rights’ – the ‘on-off’ proposed meeting, followed the same pattern. There was no justification for the committee maintaining this charade. Its action was indefensible because the ‘rights’ issue’ was distinguishable from Bis Weaver’s grievance and from the Industrial Tribunal hearing as was my issue with Cave.

The branch secretary also revealed she knew of the monitoring having heard of it from Roy Benjamin, a Birmingham city councillor, \* who described it as racial harassment. The monitoring was also known to liaison committee members; and one committee member, Nigel Barnicle, with whom the secretary discussed it, wanted it taken up as “this has never happened before and it could set a precedent.” \*\*

Bis Weaver expressed the hope, knowing it was likely to be a forlorn one, that NATFHE would show concern considering the monitoring had happened to a Black woman, “who had been harassed for taking a complaint of abuse and harassment against another union member...” She also thought “it will be interesting to see which way [the Liaison Committee] move because there is a strong possibility that the Labour movement may have been responsible...”<sup>10</sup> There was little chance of the liaison committee doing anything and this was confirmed as nothing was done. All that the Broad Left Coalition’s and fellow travellers’ lobbyist-in-chief had to do was wave Triesman’s dictat of the 24<sup>th</sup> March 1986 in the face of anyone seeking to act. Birmingham NATFHE’s failure had offered employers a way to declare open season on any employee - NATFHE and the Labour Group had embraced the ways of the authoritarian state.

In response to the branch committee’s decision, we wrote to it seeking the immediate withdrawal of the April motion and a retraction of Ms Pattinson’s statement as they were in breach of our trade union rights and contravened our common law rights to natural justice.

\* Roy Benjamin, Labour Party, member of EMLC who was to support Bis Weaver wholeheartedly during her travails against the city council, was tracking down the source behind the monitoring of her movements

\*\* ‘Never happened before’ – threw cold water on Downey’s claim of being monitored by the city council when trying to debunk Bis Weaver’s claims twenty days earlier

The main point of the letter was to put on record our reservations about Cave and Hartland participating in a discussion of our rights as this introduced the likelihood of bias and “In the interests of impartiality and justice, it is a necessary pre-requisite that any discussion...should have excluded interested parties.”<sup>11</sup>

In the late afternoon, Ms Deeson’s attempts to contact NATFHE officialdom succeeded and, following on from that conversation, she went to see college management for advice on how to avoid giving evidence on behalf of Bis Weaver. Ms Deeson was described as being very agitated. She was apparently ‘feeling under tremendous pressure’ about appearing as a witness on something to do with procedures, which she claimed to know little about. She was not sure whether her evidence would benefit Bis Weaver’s case or damage it and her “appearance as a witness might be damaging to David Gates, who might get the sack.” Nor did she want “to appear to be against the interests of NATFHE.”

Apparently, Ms Deeson disclosed that she ‘had been told that if she gave evidence on behalf of Mrs Weaver she could not expect the support of the union, but if she gave evidence on behalf of NATFHE she would have the full legal advice and protection of the union.’ Requiring NATFHE support was irrelevant for Ms Deeson because she had recorded the details of the complaint, produced the relevant documentation and a questionnaire in accordance with NATFHE procedures. Subsequently, a proposal by the regional official, was communicated to her by a more senior lay officer, Mackney, who advised her on the procedures to be used following his discussion with the regional official. She submitted the official’s offer to the branch committee, which voted to place the complaint in the hands of a paid official of the union. She reported back to Bis Weaver and then handed over the post of chair to Nedjat and played no further part. Therefore, Ms Deeson was not responsible for any irregularities surrounding Day’s ‘enquiry’ but it appeared someone had put this prospect to her and made her believe otherwise. If Ms Deeson’s account of her recent discussion with a NATFHE official was an accurate version then she was being duped – or in NATFHE newspeak, she was ‘showing loyalty to the union.’ This was NATFHE’s interpretation of a witness protection programme.

Management informed her that “the Tribunal had nothing to do with Gates [as] it was a different case altogether.” She was advised to go home and think about it and come back in the morning.<sup>12</sup>

Seeking management advice was an unusual way of responding because she was asked to appear in a trade union capacity, as chair of the branch at the time of the original complaint, to give evidence in a case involving the union. The only feasible reason for going to

management was because NATFHE's response had really caused her concern. Bournville officers certainly had a tendency to involve management in purely union matters when seen to be in their own interests – as Cave had done with my anti-racism letter.

Ms Deeson's reference to procedures and Gates getting the sack suggested that the Tribunal case was misrepresented to her by the union official or that she misunderstood what he said because Bis Weaver had already told her the Tribunal case was not against Gates but the union's discriminatory policy. Perhaps, as a participant in the early stages of the initial complaint against Gates, she thought or was told she might be culpable if an adverse finding was made against the union. Was that why one of the points Ms Deeson referred to concerned the support available to her for appearing as a witness for NATFHE? Ms Deeson's only use to NATFHE at the Tribunal would concern the issue of Bis Weaver raising racism as a motive; and to give evidence on behalf of NATFHE could only mean that she was required to contradict Bis Weaver's claim. There was no possibility of Ms Deeson having any culpability because the Tribunal case was to deal with NATFHE's discriminatory policy regarding the 1986 grievance. Furthermore, Ms Deeson had conducted herself appropriately during the two weeks of her involvement - 10<sup>th</sup> June to 25 June 1985.

Day 3 – 3<sup>rd</sup> December 1986:

In the morning, Ms Deeson visited management again, apparently, in an agitated state and uncertain of what to do. Still not wanting to appear at the Tribunal, she was advised by the Principal that she “could be subpoenaed...” Ms Deeson felt unable to raise matters with Bis Weaver and management detected that she had become increasingly antagonistic to Bis Weaver for putting her in this position. Furthermore, she was reluctant to put anything in writing – a condition that seemed contagious in NATFHE. As a result of the two meetings, management came to the conclusion that “pressure was being put on [Ms Deeson by] NATFHE to prevent [her] from attending [as Ms Deeson]...was always a strong person [and]...Bis Weaver could not have put this kind of pressure on her.” With this in mind, Management offered to speak to Bis Weaver about how Ms Deeson felt and she agreed to this.<sup>13</sup>

Later that morning, Bis Weaver, oblivious to what was taking place around her, experienced another part of the soon to be revealed NATFHE cluster-bomb involving the Asian ‘stranger.’ She made an off-the-cuff visit to a colleague in a staff room on the top floor of the college well away from the general mill of people; an office she had not been in for many months. While she was there the phone rang and the caller asked for Bis Weaver. The

colleague, when handing the phone over, queried how the caller could possibly have known she would be there, adding, tongue in cheek, that Bis' movements were being closely watched. The caller was the 'stranger', who was in the college, calling to remind her of the invitation for him to attend the meeting arranged for the 7th December and was it alright for him to attend. She confirmed it was and gave him the time and place of the meeting.<sup>14</sup> Afterwards, when telling me about the call, she was unable to figure out how the 'stranger' knew she was in that room well away from the second and third floor where the business studies department and the Access course office were located. However, not even this 'coincidence', coming on top of the 'Pizza House' revelations alerted us to what was to descend on her.

Gates' appearance at the college on the 2<sup>nd</sup> was followed on the 3<sup>rd</sup> by a visit from Penny Welch to bring the branch up to date on negotiations taking place between NATFHE and the employers over pay and conditions.<sup>15</sup> After the union meeting, Ms Welch had coffee with Nedjat, \* perhaps it was just to have a social chat but given the one-sided correspondence Bis Weaver had with both parties it was a near certainty the Weaver case would enter into their conversation whatever else they might discuss. Unless this was just another of those coincidences that were becoming part of the norm!

Bis Weaver ran into Nedjat shortly afterwards and he was, initially, not so reluctant to speak to her than he had been previously, perhaps, this was due to his imminent departure from the college to take up a post at South Bank Polytechnic. Nedjat actually apologised for not contacting her when on study leave and now recognised his decision was based on "only listening to one side." He claimed to have "nothing to hide over" the Welch issue and was not sure who was present when Ms Welch made the offer or in what context the offer was made but it was prompted by information provided by Day that his investigation would not be carried out until late in the year. Another indication of the low level commitment of NATFHE officials in matters relating to allegations of racist harassment!

Nedjat turned Bis Weaver's 'ignorance' on the circumstances surrounding Ms Welch's offer back on to her (Bis), by accusing her of being at fault for not questioning him (Nedjat) about the offer when he put it to her in July 1985. Did Nedjat really expect Bis Weaver to be clairvoyant and foresee the union was preparing a *Whitewash* with Day as 'decorator-in-chief' or that Ms Welch was tightly bound politically to Gates and likely to carry out an IPD-inspired enquiry? Of those people knowing of the connections between Gates, Day and Ms Welch surely Nedjat would be among them.

\* I noticed them when I went in for a coffee after the union meeting

Nedjat had not informed Bis Weaver of this expected delay in dealing with her complaint when he phoned in July 1985; nor did he mention Ms Welch's offer when writing to Day enclosing correspondence between Bis Weaver and the branch in order for Day's file "to be kept up to date."<sup>16</sup> Furthermore, Nedjat's letter to Day was sent on the day Nedjat contacted Bis Weaver about Ms Welch's offer, so it would hardly have slipped his memory. \*

Nedjat adopted the usual branch position by saying he would not answer her questions on grounds that it would contravene the branch motion, which suggested there was more to reveal about this particular sub-plot than the amnesia-ridden comments he made. She jumped at the opportunity to tell Nedjat that the aim behind the branch motion was to prevent her from collecting information and did he not "believe in the right of individuals to have access to information concerning themselves." Curiously, Nedjat's answer was that "by giving [Bis her rights] there are a lot of other people's rights it would contravene." She asked him to identify "these people whose rights would be contravened" and received an even more curious response as it appeared to include the whole branch membership, who were apparently of the opinion that her actions were "taking away their trade union rights." Nedjat had spent little time mulling over this assessment because what had she done to threaten the trade union rights of every branch member? There could be little doubt from where this drivel came. When lying down with 'the Bournville dogs' it was inevitable to get up with some of their fleas.

When she revealed the way the motion was put to the branch when she was off sick and no one was allowed to speak against the motion, Nedjat asked why she had not protested to the branch. Further confirmation of the one-sided account he had swallowed and she suggested he consulted the branch files to see the number of letters she sent to the branch committee on the issue. Nedjat's remedy was for her to "take it to the Branch because the Branch took away [her] rights [and] No amount of letters to the Branch Committee can change what a Branch has passed." It was difficult to see which union Nedjat was talking about because this remedy was not available in NATFHE. Nedjat had not seen how easily the branch was manipulated, especially the performance by the *kernels* at the May branch meeting when it orchestrated the branch to refuse to give her a right of reply. Nedjat again tried to fasten the blame onto her by accusing her of being "unapproachable;...jump[ing] to conclusions; and tak[ing] a one-view perspective." The value of this comment should be assessed in the light of his own admission of acting solely on the basis of one side's account – an extremely jaundiced account not capable

\* Day had not been informed of Ms Welch's offer, prior to it being made, which was evident from his reply to Bis Weaver after she wrote to him about it<sup>17</sup>

of substantiation on one single point. He should have reflected on his response to her letters to him, which solely sought information without ‘jumping to conclusions’ or ‘taking a one-view perspective’. What had been Nedjat’s response? To ignore them! Was he not the one who was ‘unapproachable’?

It was her turn to enter the field of accusations; accusing him of implying she was stupid but, on the contrary, “all [her] points are logical and fit in with principles of democracy”, which Nedjat was “supposed to subscribe to but strangely enough seem unable to perceive today.” She also questioned his objectivity in not consulting her “to get the other viewpoint” and she challenged him, as he was “all for democracy and the rights of individuals and for fighting racism”, to raise the issue of her rights in the branch.

Nedjat declined to do that because he was leaving the college in two weeks’ time. She rejected this as a *bona fide* explanation as it would not take two weeks to do it. She let him know that he “did not fool [her for] one minute” since he had shown where he stood when chairing the branch meeting (2<sup>nd</sup> October) with his opening remarks about Cave and Hartland and leaving her out, which opened the way for comments from the floor about the pressure on Cave’s and Hartland’s health “resulting from the complaint made against them.” Nedjat defended himself by claiming not to know she would also be going to the LEA and he had allowed Gordon (me) to make his point. But as she pointed out “it was all very biased” which did not escape the attention of the only other Black woman at that meeting, who came “directly after the meeting to say how biased she thought it was.”

Nedjat still considered the issue would have to go to the branch as a motion but she rejected this on the grounds of not recognising the branch’s ‘right’ to pass motions taking away basic trade union rights. Nedjat wanted to know what rights were these and was told “rights to ask questions and have them answered by [those]...elected to represent [her]...; to be informed about matters...and to have access to information concerning [her].” Nedjat was also informed that the procedures used were not part of union rules; and disciplinary action was taken against her without being told what she had done wrong; without revealing the procedures used; and without a charge. Nedjat’s reaction was to repeat that she should have protested at the meeting but she reminded him she was off sick on the day of the meeting; did not know the meeting was to take place; and the first she knew of it was when told what had taken place by Gordon (me), whereupon she phoned Triesman. Nedjat claimed not to have known of this and he thought she had “grounds to complain about the treatment.”

Bis Weaver gave Nedjat everything he had missed while away from the college – from Ms Pattinson’s statement being hawked around the region to the incident at Birmingham liaison

committee about having a Black chairperson; the context in which it was made; and the names of three people outside the college to contact for confirmation. Nedjat refused to believe this incident because Gates was “a very astute, sharp, competent and skilful trade unionist [and he could not] imagine him saying that within earshot of anyone.” Nedjat had an interesting way of putting it. Bis Weaver queried his assessment of Gates as she thought telling “a Black woman in a meeting with management – those words [she] told [Nedjat] last year” was more the mark of “an idiot” and not “an astute trade unionist.” His reaction was to say if Gates “is such an idiot why [did Bis] bother” about it and why not “just forget it?” It looked as if she would have to draw pictures for what should have been obvious to a ‘radical activist’. Therefore, she sketched a picture of Gates, as Nedjat knew well enough, “hold[ing] important positions in the union...[however] the issue here is no longer Gates, it is...about democracy, justice, fairness and taking principled positions.” Nedjat maintained a defensive stance, raising the old nutmeg of Bis Weaver rejecting Day’s report after, so he recalled, she “had agreed to abide by the findings” – at least his memory was not completely faulty unless he had spoken to Downey since Day released his ‘report’. She explained about the Day - Gates meeting and the collusion surrounding the investigation but, according to him, she was “mixing up what is a social meeting with a formal investigation.” This at least revealed he knew of the Day-Gates meeting and of it being described as a ‘social meeting’ around that time or, perhaps, this was transmitted to him in a subsequent discussion after he went on study leave and when she began campaigning against Day’s ‘report’. She might not be getting answers to her questions but she was getting additional confirmation of the lobbying against her taking place between January and June 1986.

Bis Weaver repeated that he was making her out to be stupid and she agreed that she could not object to Day meeting with Gates since they both belonged to union committees but she objected to them discussing the complaint and Day giving Gates advice about it. She told him there was no doubt about advice being given because Day referred to it in the ‘report’ and Mackney had also confirmed it. Nedjat also took the line Downey adopted when she objected to Gates identifying his own interests with those of the branch committee when accepting the ‘report’. Nedjat thought it to be fair comment on Gates’ part because Nedjat would have done the same had the complaint been against him. Her answer to Nedjat was the same one given to Downey.

She reminded him of the correspondence from Ms Deeson and himself referring to an initial enquiry but when another person complained to the regional official about being

harassed by the same person in October 1985, “the enquiry was rushed and the rules...were disregarded.” The initial enquiry had turned into a final one.

Her mind was working overtime as this would be the last time she would be able to confront him. She revealed the comments Ms Welch made to a Black friend and colleague of hers after a TUC Regional meeting when this colleague was told “to support Gates...because he [was] a man of the left and [not to do so] would weaken the left in the union.” Nedjat, who for some time had swallowed everything told to him without question by extremely partisan interests, cautioned her about believing people. He really must have thought Bis Weaver was really stupid for this was the third time he had given the impression she was not competent of assessing information that came her way. Nedjat’s comment cut no ice and it was made clear to him this source was extremely reliable as she would “believe this person more than...Welch, or people in the Branch,” including him. She raised the incident involving Nedjat and Downey in a pub, after which Nedjat’s behaviour had dramatically changed as “ever since then [he has] been defending Gates.” Nedjat accused her of assuming he had been influenced by that to which she responded that she did and referred to a number of incidents to show why she came to this conclusion.

He commented on the amount of information she had acquired and she pointed out that the information came from a range of people. Her penultimate point was to speak of the importance of the case to show “how a rank and file member, a Black woman, is prevented from bringing a grievance about an officer and a National Council member, and how the Union machine was used to try to crush [her].”

As she was about to leave, feeling re-energised, she made her final comment by telling him that she “still expect[ed him] to answer the questions” but she knew he would not.<sup>18</sup> She had arrived in another cul-de-sac in the search for confirmation of raising racism as a factor. Nedjat hid behind the branch motion to avoid accountability \* – an anarchist form of *Freire neutrality*.

So much for this one-time anarchist, prepared to do nothing when the only Black woman branch member had her trade union rights unconstitutionally removed. Perhaps, this was a NATFHE-style form of anarchism - being prepared to surrender to bureaucratic, undemocratic dictats and abandoning right and justice. The *Pirsig adaptation* shows evidence of its existence in various parts of the radical movement!

\* At a later date, the regional secretary claimed that the Bournville motion did not affect Bis Weaver’s rights.<sup>19</sup> The merry-go-round went around and around

Shortly after parting from Nedjat, she was to learn more about the people in whom she had once put her trust as she was invited to meet senior management to be informed of Ms Deeson's two visits and their purpose. After listening, she put the situation into context by explaining "the sequence in which Deeson was approached, [which was] not as a staff member but as...the Chair of the Branch, a position she voluntarily took, and...who [had] advised [her] about the procedures..." Her "request to Deeson...was entirely in this capacity and...to report the truth according to how Deeson remembered it." Ms Deeson had given her, seventeen days later, "a written explanation of [her] need to contact NATFHE" as she "felt it necessary to ask NATFHE's position," which implied Ms Deeson was not averse to attending the Tribunal.

Ms Deeson's apparent tête-a-tête with a NATFHE official suggested she had revealed that Bis Weaver had raised racial harassment and the information was passed on to the regional official - an undoubted threat to the main pillar in NATFHE's defence. The jig was up and NATFHE could not stand and watch its case fall apart. What Bis Weaver heard brought it home to her that Ms Deeson would not venture anywhere near the forthcoming hearing.<sup>20</sup> Neither the ex-chair nor the ex-vice chair, involved in the early stages of the procedures, were *kernels*, nonetheless, they were prepared, like the *kernels*, to leave Bis Weaver to her own devices rather than fall foul of the NATFHE bureaucrats by ruffling their feathers or by inconveniencing themselves.

At the end of the working day, Ms Deeson went back to management still allegedly upset and in an agitated state. She had not altered her position of "not want[ing] to give evidence on Bis' behalf" or to put anything in writing. Management suggested that if she wrote down her recollection of the meeting with Bis Weaver, including a caveat about the length of time that elapsed since then, she might not be called. She was also advised to speak with an FESC officer.<sup>21</sup>

In the evening, Krishna Shukla phoned to let her know of the manoeuvrings in the REC. The regional secretary, on behalf of the REC, had 'reprimanded' those on the WMARC for meeting more than once a term and informed him of the REC's decision to investigate the workings of WMARC.' \* On the Clarke issue, the regional secretary had a word with Clarke and appeared to accept Clarke's puerile excuse as a credible response because he passed the

\* The resignation letter from Ms Pattinson was not referred to in Evans' letter to Krishna, so we still remained in the dark. It could be argued in Evans' defence that his letter to Krishna was dated the same day as Ms Pattinson's letter, therefore, he was unable to inform the WMARC Secretary of this. However, given that Evans did not send his letter to Krishna until the 26<sup>th</sup> November and there was a handwritten apology inserted for sending the letter out late, it might be argued that Evans had the opportunity to inform Krishna but failed to do so

letter of 'explanation' to Krishna to bring to the attention of the WMARC.<sup>22</sup> Krishna provided the gist of Clarke's letter and promised to send a copy.<sup>23</sup>

The REC's contentious 'reprimand' meant very little since if it tried to restrict WMARC meetings, then its members, minus the boycotting Broad Left Coalition members would still meet whenever and wherever they chose to do so. The only procedural disadvantage was that any decisions of the committee would never have REC approval for presenting any proposals to the regional council but that 'benefit' was not available in any real sense anyway.

Day 4: 4<sup>th</sup> December:

This was to be another day of intrigue in Bournville College with the implementation of a scheme against Bis Weaver and the carrier of the poison chalice came from, what to her, was a totally unexpected source. She would remain in the dark about it until the following day.

In the morning, Cave trod the path to the Principal's office to allege Bis Weaver made derogatory remarks about Gates, Hartland and himself to a prospective visiting teacher named Haris Beider. The alleged remarks consisted of calling Gates a 'racist bastard' and Hartland and Cave 'racists'. At the same time, Hartland trotted off to their deputy head of department to deliver the same allegation. The Principal, on hearing Cave's reported claims, told him she "would talk to [him] at the first opportunity," which turned out to be the following morning. Cave took the opportunity to enquire if the Principal "knew when [she] would be receiving any written communication from Geoff Hall with reference to the LEA enquiry." Her response was to say, she "would be receiving something but...was not sure when." Was Cave preparing the ground for linking these new allegations with the LEA's enquiry as the findings must have already gone through the NATFHE bureaucratic grapevine in a similar way Bis Weaver obtained information through her rather limited network of 'informants'.

Cave and Hartland's movements were well synchronised as, almost immediately after Cave left, the deputy head of business studies arrived at the Principal's office to relate Hartland's story. The Principal responded to the two visits by ringing the LEA for advice. Geoff Hall was not available and she asked the officer she spoke to about the expected release date of LEA enquiry. He told her she "is likely to hear something in the next few days."<sup>24</sup> Cave and Hartland went beyond the Principal and sent details of the allegation to Geoff Hall.

Oblivious to what Cave and Hartland were up to, I sent off a letter to joint-union recipients - the liaison committee secretary and the anti-racism officer, resurrecting what must have been thought of as a forgotten issue as it had disappeared in the wake of the April motion.

I made the point that this letter referred to a matter distinct from any issue involving other members of the branch. The issue was Cave's criticism of my anti-racism views to management, which could not be raised with Bournville branch due to the April motion. The recipients were urged to re-read my previous letters where it was pointed out that "once NATFHE officers start criticising to Senior Management other members' anti-racist political views, the union will be unable to defend the trade union rights of the victims..." As events had shown, "in my case it was the union not Management, which subverted my...rights..." I requested them to take up the issue, to ensure "there is not one rule for one set of members and another rule for others...[as] it is about time NATFHE started uniformly protecting the interests of its members." \*<sup>25</sup>

Neither were expected to do anything; the letter was to let the two liaison officers and Cave, to whom a copy was sent, know Cave's actions had not faded from memory as well as demonstrating that the liaison committee's 'anti-racism' was mere posturing. One more step along the path confirming the *Pirsig adaptation*.

Things were also beginning to move again on the Industrial Tribunal front with the OIT informing the solicitors for the party's involved that the application had been listed for the 14<sup>th</sup> January 1987 in Birmingham.<sup>26</sup>

Day 5 - 5<sup>th</sup> December:

Geoff Hall, having received Cave's and Hartland's letters, returned the Principal's call. His advice to her was to carry out an immediate enquiry. When Cave, together with Hartland, turned up at the Principal's office as arranged they were informed of Hall's advice and were asked to return in the afternoon to be interviewed about the allegations. Apparently, they had not expected Geoff Hall to respond in this manner but that he would consider the allegations as additional material for his enquiry.<sup>27</sup> It was difficult to see in what way the duo, and whoever was in league with them, could link recent alleged 'developments' to what was an already completed enquiry. Or, how the allegations could be accepted without interviewing the source of those allegations - Beider, or the one supposed to have called them racists – Bis Weaver. Before leaving the Principal's office, they informed her of their intention to get in touch with

\* I could have added how removing Bis Weaver's rights had allowed the city council to get away with monitoring a member's movements with no action from the union but it was wiser to stick to the disability imposed on me and distance it from Bis Weaver, therefore, preventing them from having grounds to connect my complaint to hers

the regional official, Alan Day.<sup>28</sup>

With an enquiry on the cards and Bis Weaver completely in the dark, management called her to a meeting to inform her of the allegations. The name Haris Beider was mentioned to her and she was asked if she knew him but she not recall the name. The reason behind the question was then disclosed and she denied making any such remarks. She pointed out the care taken over the terms racist and racism and referred to her response to Geoff Hall's request to comment on Cave's and Hartland's behaviour, when she replied that Hartland was "inexperienced and easily influenced", and Cave was "a very weak person and easily influenced." Unable to place the person making these claims, she asked what he looked like and was told he had dark hair and a moustache, which made it no easier to recall him.<sup>29</sup>

After returning to her office it occurred to her that the only person, other than Downey, to raise the case with her was the stranger, an Asian, who had a moustache, and had escaped consideration when asked because she was trying to place a White person named Harry Beider, not a name normally associated with an Asian male.

To follow up this possibility, the Access Course coordinator was phoned and the coordinator supplied the name of Haris Beider.<sup>30</sup> The identity puzzle was solved but the conundrum now was why did this stranger, who had solicited her help for his research and received it, make these allegations against her. The loose ends would eventually knit together to produce a noose into which her head was expected to be placed for a NATFHE-style lynching.

Having partly unravelled the mystery, she phoned me and I went to her office to be acquainted with the latest twist in the NATFHE corkscrew. We then went off to see management and she gave an account of her conversation with Beider. She also drew attention to the comments made by a colleague when the 'stranger', now known as Beider, telephoned her in the colleague's office two days before.<sup>31</sup> All that Bis Weaver could do now was to wait and see what emerged from the Principal's interview with Cave and Hartland to figure out what game was being played.

During the lunch break Bis Weaver attended a meeting of the Bournville women's group arranged to discuss sexual harassment but only three other women (branch committee members) turned up, so the meeting did not last long before they dispersed. The issue of her rights in the branch was raised. It was made clear that she was speaking to them not as branch committee members but as women colleagues. This was to forestall any attempt on their part to hide behind union roles. One member (Cynthia Deeson) soon left to attend to other matters. The remaining two were reminded of the circumstances in which the motion was bulldozed through the branch and she asked if women in the branch were "going to stand by and allow

another woman to be treated in this way.” This had become Bis Weaver’s own *Groundhog Day* reliving a constant nightmare of reminding people what had happened to her while they stood by and did nothing to help. The monitoring issue was introduced to show the wider implications of the April motion and how the motion prevented her from raising it in the branch to get union support.

The two members were not unsympathetic and suggested raising it at the branch’s women’s group meeting next week. This seemed unnecessarily laborious for Bis Weaver as she thought the issue clear cut. All it needed was for one to propose a branch motion, the other to second it, with the proposal being spoken to by Bis Weaver and if anyone failed to see its significance, she could address that too. It certainly did not require a free-for-all discussion in the women’s group as its members already knew of it. The suggestion fell on deaf ears and the two plumped for a further discussion on the grounds that many of the women who voted for the original motion did not know the details.<sup>32</sup> A remarkable revelation! Women in the branch had voted for a motion of which they knew nothing and did so when the person against whom the motion was directed was not even present or represented. This was an interesting way for women to defend the rights of women colleagues. A spin off from the way the NATFHE West Midlands women’s panel conducted its affairs.

Little mileage was expected to be travelled by the women’s group on this issue, even if the next meeting was better attended than this one on sexual harassment. In the coming weeks, the members of the women’s group and other women branch members would gravitate to a position against Bis Weaver.

In the afternoon, Cave and Hartland, the immediate instruments of the latest escapade to discredit Bis Weaver, arrived at the Principal’s office. They produced an extended version of what was naught but hearsay evidence, rumour, college gossip; and extra-college rumblings to advance their own cause while presenting Beider’s situation as a matter of concern: (i) for the image of Bournville College and its Access course in the wider world; and (ii) to protect the interests of a prospective part-time member of staff, especially as he was a member of a vulnerable ethnic minority group. \*

The transgressors reincarnated themselves as defenders of the disadvantaged. It was an extra-ordinary story, brewed from NATFHE’s witches’ cauldron, to outdo all previous efforts to discredit Bis Weaver. While their latest production would score *nil point* on reliability and performance they would obtain maximum points for their ability, shortly, to harvest

\* Their account will be presented in the next section *The Beider Enquiry*

overwhelming support from branch members who still seemed incapable or unwilling to distinguish fiction from reality. This was another specimen from Bournville *kernel*s' repertoire of 'dirty tricks' for them to promote in a manner more reprehensible than hitherto. NATFHE's Industrial Tribunal submissions had spawned its progeny in the Bournville branch and, like its predecessors, what Cave's and Hartland's accounts lacked in fact was compensated for in artifice.

While Cave and Hartland were following their own interests, NATFHE's solicitor had been instructed to despatch a request to the OIT requesting a postponement of the Industrial Tribunal hearing.<sup>33</sup> Could the request for a postponement have anything to do with the latest events in Bournville College, after all it might be useful to NATFHE if 'evidence' could be produced to show that the applicant, Bis Weaver, had been cautioned by the LEA for broadcasting to all and sundry that the Bournville 'trio' were racists prior to any conclusion being released by the LEA. NATFHE solicitor's action and what became known as the *Beider Affair* occurring concurrently may be purely coincidental but there always appeared to be an overabundance of coincidences in NATFHE.

As the day wore on, she became increasingly angry, although this type of incident was hardly a novelty, and she went to speak to management to let it be known she was contemplating phoning Geoff Hall. Her intention was to tell him that the assurance given in October about being able to work had ceased to be applicable because the "constant interference" and back stabbing was "not conducive to a good working condition." Management suggested she held back as it was dealing with the issue and had been trying to contact Beider to arrange an interview but without success other than to leave a message with Mrs Beider for him to contact management after the weekend. She mentioned the arrangements made with Beider for Sunday and management suggested that, if he turned up, to ask him to contact management and a number for Beider to phone was provided.<sup>34</sup>

We thought it might raise problems if she spoke to Beider bearing in mind what he was alleged to have told Hartland and Cave because if he subsequently denied making the allegations or retracted them it might look as if he had been influenced into taking that action. Shortly afterwards, I spoke to management and confirmed Bis Weaver's comments at the LEA enquiry on Cave's and Hartland's behaviour, which showed the absurdity of the present allegations because "If Bis was going to call anyone a racist it would be there [at the enquiry] where it mattered [and] not to some aspiring part-time lecturer who [she] did not know." Management then disclosed that Cave and Hartland, who were interviewed together, were claiming she had been calling them racists to other members of staff and she may have to be

interviewed about these allegations. It occurred to me that if she had made the same or similar comments to others why had the ‘dynamic duo’ not approached management earlier instead of waiting until now. However, my response was confined to the fact that she kept records of every conversation when NATFHE or the grievance was raised with her and only Nedjat and Downey had discussed related matters recently. Apparently, Downey’s name had arisen in Cave’s and Hartland’s evidence as having been a recipient of similar remarks made by Bis Weaver.<sup>35</sup>

The light came streaming in and it became apparent “why Downey kept on insisting [to her] that Gates was not a racist in his conversations with [her]. It looked as if he wanted her to respond” in a particular way. Now Downey had been drawn into the affair it was certain she would be interviewed whatever Beider might say. Interestingly, Beider, whom she did not know, and Downey, whom she knew only too well as a partisan supporter of his erring fellow *kernels*, were both claiming to be privy to remarks allegedly made by Bis Weaver that no one else in the college or elsewhere over a period of twenty months had ever heard. Downey’s persistent reiteration to her of his belief that Gates was not a racist, twenty-three days earlier, may have been the first overt act in a scheme to compromise her.

The Weaver-Beider conversation had rapidly circulated around the college since the early morning – the *kernel* version of course. The college became awash with Beider’s allegations and there were few in the college who were unaware of the issue. Cave, Hartland and the *kernels*, ably assisted by the branch committee as a whole, were to exploit the situation to the full but in a different way to what appeared to be their original intention. The propagandists in the *kernels* lobbying machine were ploughing fertile ground for launching an attack on Bis Weaver.

Before the end of the working day, Ms Deeson left a written note of her decision in Bis Weaver’s pigeon-hole. She wrote of dwelling “long and hard on [her] request” but as her memory of the 10<sup>th</sup> June meeting was “not sufficiently accurate to give authoritative evidence about what was said in what order [she felt] on those grounds [she] should not appear. Nor obviously [could she] make a written account as this would suffer from the same lack of certainty.”<sup>36</sup> Ms Deeson chose a route freeing herself from appearing as a witness for either Bis Weaver or NATFHE by deciding to stay neutral in the struggle between the powerful and the powerless - confirming *Freire’s maxim*. Ms Deeson’s evidence might have enabled the powerless to topple the powerful but instead she had reinforced the position of the powerful. This refusal coming alongside the *Beider Affair* suggested someone with considerable influence was pulling strings from outside and anything was now possible.

Ms Deeson's excuse of a fragile memory was a cloak to cover reality because her memory was extremely sound a few weeks before, on the 24<sup>th</sup> October, when first approached otherwise there would have been little point, if her memory was uncertain for Bis Weaver to formally ask her to attend the Tribunal hearing nor would it have been necessary for her to contact NATFHE head office about it. Furthermore, when Bis Weaver had been putting together the background events to Day's enquiry, Ms Deeson, in February 1986 eight months after the event,<sup>37</sup> remembered quite clearly the procedures that were discussed by herself, Nedjat and Mackney on the 11<sup>th</sup> and 18<sup>th</sup> June 1985 and had not known of the Gates-Day 15<sup>th</sup> June discussion. She also recalled in October 1986, when Bis Weaver outlined her case against NATFHE, a discussion on that type of complaint taking place at a NATFHE Conference at Stoke Rochford in the 1984/85 academic year.<sup>38</sup> Nor did she seem to have any trouble with her memory, according to management, when she spoke to the Principal two days earlier.

Bis Weaver was not the only one smarting under the jaundiced views of NATFHE officials and officers. Krishna Shukla had come into the firing line after declining to advise Gates, in July 1986, following Bis Weaver's submission of a grievance against the Bournville 'trio'. Or was this another coincidence.

After receiving the regional secretary's 'advisory' letter, Krishna Shukla hit back at his detractors. In his inimitable style, he expressed his gratitude to the secretary for conveying the October REC decision and for confirming, in the secretary's last paragraph, that "it is not an attempt at ensuring the correctness of procedures followed by the Anti-Racist Committee." However, Krishna did think that matters concerning the anti-racist committee "ought to have been raised in [his] presence" at the October meeting, and "not after [he] left," which to Krishna was "a simple question of courtesy." Krishna had courteously dispensed with the REC's all too obvious intention of excluding him at a time when the committee was producing a blue print to nail to the wall, as it turned out, not only Bis Weaver but also her supporters on the WMARC – all two of them; Krishna and me. Krishna cut to the chase by recognising that "the real reason behind the decision for asking for a full report from the 'erring?' Committee Secretary is the discomfort some of the Executive members are feeling at the direction Black members want the Committee, (and for that matter...NATFHE as a whole), to take." For Krishna, "The reaction of the REC is proof enough, if proof were needed, that the Anti-Racist Committee has been functioning effectively."<sup>39</sup>

The Broad Left in the REC had been 'sussed out' but the depth of its vindictiveness had yet to be seen and it would not be until the New Year before the full extent of its malicious intent became clear.

This had been an eventful day for race relations in Bournville College and NATFHE in the West Midlands. Cave and Hartland, together with collaborators, gathered from the ranks of NATFHE officers and officials, could not have chosen a more appropriate day to lay to rest the comatose body of anti-racism in NATFHE.

While they were pursuing their scheme to try to lynch a Black woman, Birmingham City Council's Race Relations and Equal Opportunities Committee were discussing 'Violence Against Black Women'. The committee concluded that

Black women are likely to be at risk of violence both on sexual and racial grounds and their particular needs should be taken into account when developing measures to combat all forms of violence against women. In addition any internal procedures developed within the Authority to deal with harassment should be sensitive to the particular pressures on black women which may deter or prevent them from making or pursuing complaints of racially or sexually motivated abuse or harassment, and offer appropriate support where necessary.<sup>40</sup>

This policy was far in advance of anything trickling out of NATFHE West Midlands, whose membership seemed incapable of understanding the particular pressures heaped on Black women; and whose officers had created a unique way of interpreting the harassment of Black women with its surreal definition of 'interpersonal dispute' – the mystical means of defining racist harassment out of existence. NATFHE's approach was so insensitive that it pushed one Black woman to ditch the union's 'procedures' and go outside the union. However, like NATFHE, the city's anti-racism and anti-sexism commitment was another still-born policy to be suffocated by the cant and hypocrisy of the Labour group, whose leader Dick Knowles was already showing what he thought about the council's policy.

Day 6 – 6<sup>th</sup> December:

Bis Weaver's own anti-racism programme took her to meet Tony Rust. He confirmed a change of venue to Birmingham and a new possible date of the 14th January 1987 after having faced opposition from NATFHE to the changes. He suggested concentrating solely on the issue of NATFHE's discriminatory policy, namely the non-provision of assistance, which might provide the best chance of success. The other issues such as Gates' harassment and Day's discriminatory 'enquiry' and recommendations could provide supportive evidence to challenge NATFHE's defence of no merit.<sup>41</sup> Unknown to Tony Rust, NATFHE, on the previous day, sought to defer the hearing until after the 14<sup>th</sup> January. From trying to get the Industrial Tribunal heard before the LEA's report was released - a NATFHE priority, this had changed. What was it that prompted NATFHE to take its foot off the throttle?

On our return home, we were greeted with a reply from the Birmingham liaison committee secretary with the message that my letter on the Cave issue had been sent to head office as he felt “it [was] inappropriate...to comment.” \*<sup>42</sup> Either the Bournville branch motion was being extended to cover every issue under the sun concerning the ‘Weavers’ or Triesman’s March *dictat* was ruling the roost. Triesman was certainly being kept informed of all things happening in the West Midlands domain - NATFHE’s *politburo* was all encompassing and its administrative *cadres* acquiescent. NATFHE did have some operating practices that seemed to work. The liaison secretary was displaying sound bureaucratic practice and that was enough for me to take up the cudgel to spell out a few home truths to this loyal son of the union; a task I would direct myself to over the next couple of weeks.

Day 7 - 7<sup>th</sup> December:

The day of the Black Section meeting arrived. I had already advised Bis Weaver not to speak to Beider but to leave that to me if he turned up, which we thought highly unlikely if he had made the claims attributed to him. When we arrived at the Council House, he was already there and she pointed him out. I asked a colleague, a lecturer and a member of NATFHE’s Black Lecturer’s Group, Alton Burnett, to accompany me while I had a word with Beider. Introducing myself and my companion, whom I explained was to witness what was said, and saying as little as possible, I told Beider “he must not speak to Mrs Weaver.” Looking surprised, Beider asked why and I told him to phone Bournville management and gave him the manager’s number.<sup>43</sup> He appeared taken aback and turned away in what could be described as a sheepish manner before making for the exit. This conversation, such as it was, was written down, dated and signed by me. Alton then read it and witnessed it.<sup>44</sup>

After leaving the meeting, Beider phoned Bournville management and agreed to be interviewed the following morning. Beider also contacted the Bournville branch secretary, whom he knew socially, and although he was not a union member at the time – soon to be remedied, the secretary agreed to represent him at the meeting. Instant membership appeared not to be unique in lecturer’s unions in situations when a union wanted a non-union member to

\* He was not asked to comment but for the liaison committee to take action

give evidence to discredit a union member bringing complaints against the union.\*

Day 8 - 8<sup>th</sup> December:

On the Monday morning with the ink still not dry on his union card and with the Branch Secretary in tow, Beider gave his 'evidence' to the internal enquiry. As a result of Beider's 'testimony', Bis Weaver was called to provide her account of the conversation.

(b) The Beider Enquiry

The following is an account of what was alleged to have occurred during and after Bis Weaver's conversation with Beider as recorded in the verbatim notes of the evidence provided by Cave and Hartland (together); Beider; Bis Weaver; and the Access Coordinator taken by the Principal's secretary on the 5<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> December 1986. Observations are also made on these contributions.

The examination of Cave and Hartland is presented as it was given to the enquiry based on their recollection of events. Beider reported his conversation with Bis Weaver to Cave and Hartland as described to the enquiry. If their recollection of events did not correspond with the facts, or there are deficiencies and contradictions in their evidence then it would give weight to an alternative hypothesis, namely, that the sequence of events presented by Cave, Hartland and Beider was a piece of fiction invented to cover up a pre-arranged scheme that did not turn out as expected.

(i) The Evidence of Cave and Hartland (5<sup>th</sup> December 1986)

Cave and Hartland were seen together by the Principal and Vice Principal; the interview commenced at 2.20pm. Cave had no relevant evidence to submit about the Beider-Weaver

\* A similar situation of rapid union membership occurred in the AUT when Triesman, its general secretary, was involved in a case. The EAT stated that Dr Deman, the applicant, "was discouraged from pursuing his race discrimination complaint against the Queens University Belfast, which contrasted with the vigorous assistance given to Ms Carroll in relation to her allegation of sexual harassment [against Dr Deman]. However, Ms Carroll never believed that she had been sexually harassed or discriminated against by the appellant (Deman) and her complaint was eventually dismissed or withdrawn. Yet her representative Dr Jay had vigorously pursued those allegations. The speed with which Ms Carroll was given union membership raised questions as to whether the real reason for giving her application preferential treatment was in order to assist her in her complaint against the appellant (Deman)."<sup>45</sup> (author's emphasis)

conversation and his contribution was principally concerned with matters relating to the LEA enquiry. Hartland was in a similar position and his presence there was to describe his conversation with Beider and account for his subsequent actions. Everything mentioned by Cave and Hartland on the Beider-Weaver conversation was hearsay.

Cave's opening remark described his initial reaction when informed of the conversation, which was to report it to his departmental head but as his head was teaching he went to the Principal. He linked the alleged Beider episode with Bis Weaver's grievance by referring to a letter from Geoff Hall telling Gates, Hartland and himself that "matters concerning the...[grievance] were [to be] treated as a matter of confidentiality." Cave accused Bis Weaver of breaching this confidentiality without providing anything substantial to back up his claim. He "was quite upset that this confidentiality had been broken and that new members of staff had actually been subject to a complaint or the issue itself which was unsettling for not only us but also for that particular part-timer." A further concern was "that new members of staff have voices and will talk outside college, [and he] was already concerned about the fact that Bournville would become known as an institution which had employees who were racist." \* Therefore, to Cave, it "now seemed serious enough to bring it to [the Principal] direct" \*\*<sup>46</sup>

He explained that his approach to the Principal was "not to register any sort of formal complaint but obviously to seek advice as to how to deal with this particular issue." This had the flavour of the HMIs visit - make the false allegation and then decline to make a formal complaint because the allegation would not stand up to scrutiny. The difference between the HMI issue and the *Beider affair* was that they had written to Geoff Hall and were expecting a letter from him to be sent to all parties containing some form of reminder to, or reprimand for, Bis Weaver for allegedly breaching confidentiality.

Cave summed it up as "a new member of staff,...teaching on Special Access...has been told by Bis Weaver that both (sic) "David Gates, Brendan and myself are racist." Cave had added to his initial claim, of what for him were unheard statements (hearsay), because the Principal reminded him that "on the previous day Cave had reported [only] 'David (G) had been described as a racist bastard.'" Overnight Cave had added Hartland and himself as targets of the allegations. Cave remained silent on this correction but Hartland uttered his first words by saying the comment was "that racist bastard" – yet another piece of hearsay evidence.

\* Perhaps, the Principal should have informed Cave of the letter received from the Black Worker's Group expressing concern at racism at Bournville College then his fear about it being taken out of the college would have been allayed<sup>47</sup>

\*\* This seemed more of an afterthought because he had already claimed to have initially gone to see his head of department

The Principal wanted to establish the chronology of events and, consulting her notes of the previous day, thought the 27<sup>th</sup> November to be the appropriate starting point and Hartland to be the person best suited to relate that chronology.<sup>48</sup> Hartland was uncertain about the date and wanted to “preface anything...by saying...we can try to get exact dates but looking back over a couple of weeks the best person to check it with will be the part-timer” but, notwithstanding this, he “will try [his] best.” Re-directing an account of the chronology on to Beider, who was unlikely to be the best person to describe Hartland’s activities after the 27<sup>th</sup> November, looked as if Hartland wished to explain as little as possible about his involvement in the sequence of events.

Hartland then treated the enquiry to a lengthy preamble of his pre-27<sup>th</sup> November activity. He spoke of Beider being employed in line “with Councillor Les Byron’s promise of the extra Access courses; how the Access course coordinator asked Business Studies Department if someone was available to teach on the Access Course; how 50% of business studies staff were on overtime; how he knew of someone, described as “a member of staff”, who obviously was not a staff member, “looking for part-time teaching”; how this information was passed on to the Access coordinator; how Hartland then met Beider, who was again visiting the department, and referred him to the Access coordinator, who offered him some teaching; and how the coordinator sent Beider to Hartland to be ‘shown the ropes.’ Hartland dated this ‘ropes’ session as taking place on the 24<sup>th</sup> November during the lunch break, but then thought it might have been the 17<sup>th</sup> November with Beider returning to the college on the 24<sup>th</sup> November for Hartland to introduce him to the students. \* Hartland reiterated that his recollections were not reliable because, as he put it, “I was involved in the following thing” but did not disclose what the ‘following thing’ happened to be that interfered with his recollection. However, Hartland knew Beider met the Access coordinator on the 27<sup>th</sup> November “presumably around that time he met other members of staff including Bis.” When confronted with the point that Beider’s meeting with Bis Weaver was only an assumption on Hartland’s part, he retained the assumption but amended the date of the Beider-Weaver meeting to “at some point, probably between the 24<sup>th</sup> November and the 27<sup>th</sup> November.”

Eventually, Hartland arrived at the point he had been asked to address – the period after the 27<sup>th</sup> November, producing an account of incredible intuition, magnanimity and principle. Would this blow away the *Pirsig adaptation*?

Beider apparently went to Hartland on the 27<sup>th</sup> November and revealed that “comments

\* Beider was introduced to the students on the 27<sup>th</sup> November by the Access coordinator

had been passed to him about the Business Studies staff.” Intuitively, Hartland thought “I know what this is about, I don’t want to get involved. I got involved against my wishes before and I said to [Beider] keep out of this thing.” This was an interesting comment, thinking at that early stage in his conversation with Beider that it had something to do with Bis Weaver, although her name had not been mentioned. The recollection of his own reluctant involvement, triggered by Beider’s yet to be revealed account, was almost certainly concerned with those events leading up to the June 1986 grievance. \*

Beider, apparently, went on to say, “David Gates had been vilified or comments had been made about David Gates.” Curiosity aroused, Hartland asked if any comments were made about himself (Hartland) and Beider responded in the affirmative, naming Bis Weaver as the one making the comments. Hartland advised Beider that “whatever [he] thinks, whatever [his] principles are...it is a spider’s web to get involved with.”<sup>49</sup> From this initial account, as would be confirmed later, it was clear that no description was given to Hartland of the specific words allegedly used by Bis Weaver to describe either Gates or Hartland.

Hartland’s self-restraint did not last long and, after reflecting on it, came to the conclusion “it is not really the sort of thing you want to have said about yourself,” although he could not have known what ‘sort of thing’ he wanted to prevent being said as he was not told what comments were allegedly made. The next day, wanting to see if anything could be done about this ‘sort of thing’, Hartland went to see Cave, not as a co-defendant in the Weaver grievance but in Cave’s capacity as branch chair. Cave, displaying an equally magnanimous attitude, advised Hartland to “ascertain the facts” as he could not act “just on the assumption of something somebody said.” Taking into account their actions following the HMI visit and their involvement in other incidents, for example, when Hartland tried to assume part of Bis Weaver’s role on the Access course and Cave’s interference with the Race committee’s minutes, they were demonstrating a truly amazing level of fairness, open-mindedness and restraint unrecognised in their previous conduct. Or maybe their previous behaviour and the lack of management action had been a learning curve for both of them! After receiving Cave’s advice, Hartland decided to “actually ask [Beider] what was said” the next time he saw him, which he identified as the 1<sup>st</sup> December.

Showing the same measure of restraint, Hartland re-assured Beider that he was not hounding him “but could [he] tell him what was said” in the Beider-Weaver conversation.

\* Hartland had made an interesting disclosure about previously getting involved against his wishes and that raised the question of who was responsible for involving Hartland in the Weaver case – it certainly was not Bis Weaver so it could only be Gates or one of his acolytes

Beider had no objection and, apparently, answered that “David Gates was referred to as that racist bastard [and] a conversation of some length went on about David Gates and his activities.” Beider also told him that “Both Norman [Cave] and [himself-Hartland]] were mentioned as being racists.” Cave’s name was now on the score sheet; not mentioned at all by Beider in his previous meeting with Hartland but now described as a racist. Hartland let Beider know that he was “not happy with that for a variety of reasons and [thought] it is not fair to [Beider],...not fair to the College or the course” and that he “might want to try and get it stopped for everyone’s sake.” Beider was asked if he would be prepared to repeat that conversation; adding that if he declined it would not be mentioned again and the issue would be dropped. Obliging, Beider agreed “to say that to anybody.”

On the strength of Beider’s agreement, Hartland decided to raise it with his head of department and went to see John Scott, who was in fact deputy head. Hartland’s revelation of seeing the deputy head as his first act in involving management put the date of his alleged second meeting with Beider as most likely to be the 4th of December and not the 1<sup>st</sup> because the 4th was definitely the day Hartland saw the deputy head, at the same time Cave went to the Principal. \* This discrepancy in Hartland’s account made it unlikely for the meeting with Beider, as claimed by Hartland, to have taken place on the 1<sup>st</sup> December. If it had, Hartland exercised considerable restraint in waiting three days to act on something he wanted “stopped for everyone’s sake.”

Hartland shifted attention from the main issue to extraneous matters. In what came over as a somewhat disjointed account, Hartland wanted to

preface all that by saying that [his] recollection was to begin with, it is like water off a duck’s back. A number of people have come to [him] and said [his] name was being mentioned in that forum and this forum. [He] was not really taking much notice of it.

However, he explained why it was no longer ‘water off a duck’s back’ as “this time it is the College and it is a new member of staff and this time [he is] going to raise it.” Interestingly, Hartland spoke of what could only be the grievance against the ‘trio’ being discussed in many fora, presumably outside the college; whereas Cave was claiming that his concern was that a part-timer might take the situation at Bournville out of the college and ruin the college’s reputation. Both expressed their concern for the college, the course and the part-timer rather than their own interests. Exceptional magnanimity! Right and principle at the fore! If their claims could be taken seriously, it was a definite strike against the *Pirsig adaptation*.

\* Hartland confirmed to the Principal that the 4<sup>th</sup> December was the day he saw the deputy head

Hartland recalled that when attending the LEA enquiry, he asked Hall “what are the possible parameters of protection for a person’s professional and personal integrity” and Hall replied “when the report comes out we will discuss that then.” Perhaps Hartland should have reflected on the kind of ‘parameters of protection’ Bis Weaver had when he, alongside Gates and Cave, had, on a number of occasions, attacked her professional and personal integrity. His next comment was a real eye-opener showing that little thought had been given to the words coming out of his mouth. After repeating “what sort of protection it is possible to get”, he added “providing of course we were found innocent. If we were found guilty we would not expect protection.”<sup>50</sup> To what extent did Hartland really believe they were innocent when offering up the prospect of a finding of guilt for their actions? Furthermore, for Hartland to seek protection from the LEA was somewhat bizarre given that he failed to give the LEA enquiry any plausible reason why he participated in the harassment of a colleague.

They were then asked when they had shown Beider the two separate letters sent by Cave and Hartland to Geoff Hall in connection with the recent alleged incident. This sparked off another overture, this time from Cave. He used a similar ploy to Hartland when asked a straight forward question by spending much of the time providing irrelevant information.

Cave’s lengthy preamble in response to this question was that:

In order to counterbalance all the distortion that had been made it was necessary to balance the issue, not to place any valid judgement upon the issue but for people to make up their own minds on it. Obviously with the part-timer now involved it would seem sensible that they would see the other side of the story. Considering that this member is a Black member of staff and it puts us in a very uncomfortable position when allegations of racism have been levelled against us to that individual.

Cave had not answered the question and needed prompting, which did produce an answer. Cave said “He (Beider) saw the documents. We made no valid judgement on it whatsoever or talked about the case whatsoever.” \* The disclosure of the documents “happened on the Thursday. The part-timer was in the staff room. [Cave] then went down to see [the Principal].” This again pointed to the 4<sup>th</sup> December.

This was enlightening because Hartland claimed that after finding out that racist references were made against Gates, Cave and Hartland, he went to his departmental manager. His ‘evidence’ above showed that it was unlikely for him to have established that the alleged remarks were made until the 4<sup>th</sup> December, yet in that meeting with Beider, they showed him

\* He may have meant ‘value judgement’. They may have ‘made no valid or value judgements’ but they showed Beider the grievance submitted by Bis Weaver in June 1986 without disclosing that action to the enquiry. The letter of grievance was a tool that Beider could also use when giving his evidence

the letters in which the alleged accusation of racism was included. How was it possible for Cave and Hartland to have written out letters to Geoff Hall containing the allegations prior to the 4<sup>th</sup> December – the date when Beider was said to have revealed these allegations for the first time, before they despatched the letters to Geoff Hall. The likelihood is that the events between the 1<sup>st</sup> to the 4<sup>th</sup> December, and the contents revealed of the meetings with Beider did not happen in the way presented to the enquiry.

Cave and Hartland had apparently shown Beider these letters to “counterbalance all the distortions” and allow him to make up his own mind. They also seemed unusually sensitive to what a Black part-timer might think of them but had previously shown little concern for what Bis Weaver might think when they were making her life extremely stressful. They went on to combine this newly-found sensitivity with a level of objectivity that was completely at odds with anything on display before. Could any reasonable person, given their previous track record, believe they took such a fair-minded and disinterested position?

When asked if Beider mentioned any witnesses to the Beider-Weaver conversation, Hartland replied in the negative but added he had not asked him. Management asked why, when the conversation was brought to their attention, did they not go to the source of the comments, meaning Bis Weaver. Cave justified his decision not to verify the conversation with her, by saying:

Given the nature of the fact that that individual has brought a complaint not only to the Governing Body but also at city level, \* given the fact that she was in breach of the situation I felt it only right that management should be informed of my seeking advice on how to deal with that issue. It would be illegal for example within any normal law trial for a defendant to go to a plaintiff and check out things before progress is made in that trial<sup>51</sup>

When asked if his actions had been based on his legal knowledge, Cave replied:

On the understanding that the matter has been dealt with at a senior level in the City and that in such circumstances that is where my priority lay. To have such damning accusations made against the individuals concerned, personally it is very difficult to go to an individual who has said that you are a racist, to ask that person to explain what she meant by that and therefore I thought the people who were better equipped to deal with the problem would be yourselves (management)

Cave used the term ‘damning accusations’ and acted as if Beider’s allegations were already proven instead of an enquiry being carried out to establish whether or not Beider’s allegations were substantive. Management described the situation as “allegations about an allegation” and that when the truth of the allegation was discovered “somebody will ask the

\* The grievance went to the governors; the chair of governors delegated the grievance to the LEA

question why didn't [Cave and Hartland] check-up whether these things had actually been said."

Cave should also have known that representatives often negotiate between the parties involved and that an approach to a union officer to seek advice on a matter involving another member, which Hartland had claimed to have done when approaching Cave in his capacity as branch chair, should be examined by the union officer before making representations to management. Cave had it open to him as Hartland's representative to approach either Bis Weaver or myself, as her representative, to find out if a conversation actually took place and, if so, ask about its content. If Cave felt too closely involved, he could ask the branch committee to delegate responsibility to another branch officer to undertake this task. Cave had also ignored Day's observation that "the first person to be informed...is the one against whom a complaint is directed."<sup>52</sup>

The shortcomings in their claims should have been obvious to both Cave and Hartland, since nothing of substance was provided and what 'evidence' was introduced had little to do with the Beider allegations and everything to do with the LEA's enquiry. As if to prove this point, Hartland decided to venture back to June 1986, "to the start where [he] became involved with this." Hartland should have ventured back several months earlier when he actually became involved and, without any justification for doing so, participated in Gates' attacks on Bis Weaver. However, Hartland's starting point was his recollection of a letter – the grievance, nine pages long where on page seven he discovered his name and accusations "of a whole variety of things." He conveniently overlooked that this "variety of things" were substantiated by the complainant and he had, apparently, not disputed their having occurred when appearing at the LEA enquiry. He complained that at no time did Bis Weaver or anyone tell him that his "activities [were] offending us;" \* and his justification going to management with the Beider allegations was because she "never came to see him" concerning the grievance. \*\* When he went to his deputy head "to register that I understood an event had taken place which I would like someone to look into", he "was doing what [he] had been told to do." Another reason was that "If [he had gone] down to see her with no witnesses on what has been said it could be

\* The 'us' meant Bis Weaver. Brummies, as I am myself, often used 'us' colloquially for 'me' and 'our' for 'my' - one of a number of local dialects to be found North of Watford.

\*\* Bis Weaver had made it clear that his behaviour was unacceptable on the 10<sup>th</sup> February and the 23<sup>rd</sup> April – did he expect this to go on interminably. Furthermore, a woman, irrespective of her ethnicity, being subjected to harassing behaviour by three males cannot be expected to risk further harassment by approaching any of them to discuss the prospect of submitting a grievance against them. She was unable to approach them through the union branch because she had become a *persona non grata*

misinterpreted.” What could be misinterpreted and by whom? If he was concerned “it could be misinterpreted”, why not take a witness with him, someone not connected with either the grievance or the branch committee? Furthermore, who told him to go to his departmental management?

Hartland was using a feeble comparison to justify why he failed to approach Bis Weaver for her comments. She had provided in the grievance proven examples of Hartland’s behaviour towards her while all Hartland could muster was an unwitnessed allegation from someone Hartland claimed to hardly know. Not quite of equitable standing. He went on to say that despite Bis Weaver making allegations about him he “tried to have a normal professional working relationship” with her and he seemed to think it successful because they sat and discussed a Black student without ever mentioning the grievance. Such a professional relationship surely offered Hartland a basis on which to approach Bis Weaver about Beider’s allegations but he did not take it.

Hartland followed up with the ‘concern for others routine’, introduced by Cave, by saying “that it hadn’t ought to be happening for the College and for the course.” In the next breath, having gone through this rigmarole, he blew away his whole case by admitting that “For all I know Haris (Beider) could have got the wrong end of the stick.” The Cave-Hartland case was based solely on what Beider had apparently told Hartland and he was now saying that Beider may have got it wrong. Was any further proof needed to show the likelihood of the *Beider affair* being a set up? No wonder, like Cave before him, Hartland said he was “Not necessarily making a complaint.” Hartland seemed hell-bent on sabotaging whatever case they were trying to establish.

Cave was asked if he had spoken with Beider about the issue and he admitted to not having talked with Beider until the day they showed him the Hall letters with Beider’s allegations in it, which, as previously noted, must have been the 4<sup>th</sup> December, according to the sequence of events being trotted out. Cave went on about the Beider allegations being “an issue concerning the Authority, the College management and the individuals concerned [and] not the business of members of staff at this stage.” Cave was revealing that on third party hearsay information from Hartland, he had written to Geoff Hall, prior to his first meeting with Beider, describing these allegations without consulting either party (Beider or Weaver) to the conversation. This displayed a determination to repeat allegations without establishing their veracity.

Cave was still not finished; he had a NATFHE ace up his sleeve – one that was needed because the Beider allegations looked like a lost cause given the lack of relevant evidence and

the contradictions in the information being supplied. The time had arrived to present a balance of probabilities argument and draw someone else in as a back-up. Cave introduced a new actor when he said “comments have been made on a similar nature to other members of staff” and Downey was identified as the recipient of these comments.<sup>53</sup> The Principal pursued this claim and wanted to know the comments and the date such comments were made. Cave was not sure when they were made but it was either the 21<sup>st</sup> or 28<sup>th</sup> November “in the corridor on the 4<sup>th</sup> Floor” and were “About the three of us but chiefly...directed at David Gates but [also] Brendan (Hartland) and [himself] as [they] were party to that complaint.” \* Apparently, the ‘similar comments’ said to Downey were only about Gates but Cave included himself and Hartland solely on the grounds that they were parties to the grievance even though they were not specifically mentioned.

Management then summed up the situation as consisting of “a report of a conversation to which there were no witnesses.” This prompted Cave into what was his closing speech but, like the pattern of previous contributions, contained nothing of substance and he appeared to be looking for the sympathy vote. Cave thought:

this is a problem area and therefore I would urge delicacy in the way it is handled because obviously there are no witnesses to it. However, the mere fact that I could substantiate that similar comments have been said to a number of staff would indicate to me that there is something legitimate in what has been alleged and that I find quite worrying.

Like Hartland, who was prone to making serious gaffes when unable to make a case out of thin air, Cave gave the game away at the 11<sup>th</sup> hour when he stated that “The personal stress not only on we as individuals but on our families is becoming too much to bear.” As expected, the stress put on Bis Weaver by all three did not appear to enter his consciousness. He then pressed the self-destruct button with the forecast that “Sooner or later this thing will stop because I will make it stop one way or the other.” This was a rash ‘threat’ in the circumstances as it was an admission of being prepared to do anything to stop the circulation of information on the complaint. If only Cave had shown such doggedness, as a union officer, to stand up for Bis Weaver when she was being harassed!

At the end of their appearance, Cave accepted Management’s request not to discuss this issue with other members of staff. Hartland also agreed to abide with the request and then displayed an inability to connect his comments with his actions. He revealed having told the Access coordinator of his intention to see the Principal as “something happened with Haris

\* Cave should have known that Bis Weaver kept records of everything and both conversations with Downey were recorded in considerable detail

(Beider)” because he always told his “Senior Lecturer what is going on.” \*<sup>54</sup> Hartland had not always been so concerned to inform the Access coordinator/senior lecturer because he failed to tell Bis Weaver of his intended trip to meet the Principal over the HMI visit; or about his February 1986 unilateral decision to take over part of her job description – the latter being a very enterprising act on the part of a probationary lecturer, as Hartland was at the time.

The *Beider affair* began with Beider; extended to include Downey and a “number of staff”, none of whom it seemed could produce witnesses to their conversations with Bis Weaver. which was the basis of Cave’s case. Cave had portrayed Bis Weaver as confronting Downey and unnamed individual members of staff to call Gates, Cave and Hartland racists but both Cave and Hartland had waited until a virtually unknown ‘Asian stranger’, whom they wanted to protect, came up with the same story before they decided to approach management? Did Cave not know that as a result of lobbying by the *kernels* many members of staff had become increasingly distant from Bis Weaver and conversations about the ‘trio’ and the grievance would be virtually impossible even if Bis Weaver had been inclined to discuss them? Cave and Hartland had been trawling in a shoal of red herrings but, perhaps, they never expected to have to give an account of their actions. If they had read the grievance more carefully, they would have seen they were not accused of racism. In effect, they had allowed themselves to be joined at the hip to Gates.

Towards the end of their appearance, Cave revealed that he had not been able to reach NATFHE’s regional official but was hoping to contact him over the weekend. Cave had taken on the role of acting on behalf of Hartland and himself and as the “allegation is substantially pointing at David Gates,” he would be acting for all three, suggesting that Gates had been in touch over the *Beider affair*. During this period – claimed as the 1<sup>st</sup> to 4<sup>th</sup> December, Gates was in the college on the 2<sup>nd</sup> December attending a governor’s meeting and it would be unlikely for the ‘trio’ not to have discussed Beider’s alleged disclosures or other matters relating to Beider. As the most influential person in the branch, despite being on study leave, Gates would expect to have an input into the action to be taken. On an issue Cave presented as being directly aimed at Gates, no reference was made to any meeting with Gates, especially as Cave was acting for him, and Gates somehow failed to figure in the chronology of events that Cave and Hartland were asked to relate. Perhaps, Gates just came into college for the governors meeting and left without linking up with his fellow accused to discuss the impending release of the LEA’s report

\* The Access coordinator spoke of Hartland and Cave seeing her for the first time on the 8<sup>th</sup> December with a different purpose in mind

or without discussing the Beider incident! Another omission was Beider's presence in the college on the 3<sup>rd</sup> December unless they did not see him – always a possibility but someone found out where Bis Weaver was located in an out-of-way room in the college and supplied Beider with the internal phone number of the occupant of that office.

By the end of this hearing, the purpose behind the *Beider affair* appeared to be to obtain a letter from the LEA reproaching Bis Weaver in some way that could be flashed around Birmingham when the LEA's enquiry was raised. But what possible use could it have, as it had no relevance to the already completed LEA enquiry and the organisers of this exercise could not seriously expect the LEA to accept unsubstantiated 'evidence' from a stranger and then reprimand Bis Weaver.

In any court of law, to use Cave's terminology, the fifty minutes Cave and Hartland had spent prosecuting the case had brought it to the point of dismissal unless Beider's evidence could produce a miracle by bringing life into this decomposing carcase. Nonetheless, despite the dubious account provided by them and the seemingly impotent objective, the Holy Trinity and their *kernel* allies moved into the driving seat in Bournville College. The *Beider affair* became the means to completely isolate Bis Weaver in the college and subject her to increasing pressure in the run up to the Industrial Tribunal.

#### (ii) Beider Makes an Appearance

On the 8<sup>th</sup> December at 10am, after his fleeting encounter with Bis Weaver's representative the evening before, Beider appeared on stage at the internal enquiry accompanied by the branch secretary. Management explained to him that Cave and Hartland had "described...something that [Beider] told them" and he was asked to begin his account from there. He began by speaking of visits to the college on a few occasions to familiarise himself with the Access course he was to teach from the 8<sup>th</sup> January. During those visits, he had spoken to a few people including Brendan Hartland, Norman Cave and Bis Weaver, whom he met "a couple of weeks back just out of coincidence." He was unsure of the date but it was "in [his] diary, which [he had] not brought with him." In Beider's version he recalled speaking to her about the Access course and she mentioned seeing his "face a few times before," to which he replied he had been a student at Bournville, adding he "was taught Economics by David Gates." The conversation remained on "David Gates...and she said a few things about [him]", referring to him as a "racist bastard." She then "went on to speak of Norman Cave and

Brendan Hartland, in less abusive language but she mentioned them in the same breath and [he] quickly found out what had been going on at Bournville.”

Bis Weaver was alleged to have described the “people [he] would be teaching with...in the Business Studies component [as] racist.” Following this conversation he went to the business studies department to see Hartland because “obviously if accusations of this type have been thrown around by Bis Weaver” [he wanted] to know whether people [he] will be working with, as a black member of staff,...are racist.” \* He told Hartland “this is what has been said to [him] and [he felt] very uncomfortable about it.”

Beider was asked “how long after the conversation with Bis [Weaver] did [he] go to see Brendan [Hartland] or Norman [Cave] or both.” Beider replied he went immediately after the induction and told Hartland “this has been said about [him] and obviously...want[ed] clarification of [his] position because as a new Black member of staff coming to teach...[he] want[ed] to find out.”<sup>55</sup>

When asked if the words ‘racist bastard’, used to describe Gates, were also used to describe Cave and Hartland, Beider replied that “she described them as racist [and] are...shall we say [in] collusion with David Gates.”<sup>56</sup> But when the question was put to him again for the sake of accuracy, Beider replied “No [i.e. Bis Weaver did not refer to them as racists] but I got the impression that she equally thought of these 3 people in the same sort of way.” Beider had gone from saying she used the words ‘racist bastard’ against Gates, and ‘racists’ against Cave and Hartland to now admitting he only had an impression of her thinking of them as racists. According to Hartland, Cave was not mentioned at all when Beider initially discussed the matter with him and that Beider only mentioned ‘vilifying comments’ against Gates and some undisclosed comments about himself, nothing about ‘racist bastard and racists’. Was Beider a mind reader making presumptions of what she meant from words not uttered? This was in the same mould as Hartland, who claimed to have known what Beider was about to say before being told anything. Beider’s initial contribution was unconvincing and his rephrasing of the alleged contents of the conversation would be unlikely to convince an independent arbiter that she used the terms attributed to her. Beider had withdrawn the key plank holding up Cave and Hartland’s hearsay evidence.

Furthermore, if Beider felt so uncomfortable about working with possible racists on the

\* Gil Butchere and HC – the member of staff who went to management to register his concern over the ‘fucking finger’ incident, both taught students on the business students component and Bis Weaver would hardly refer to Gil, one of the few people supporting her, or HC as racists. Beider’s explanation for seeking out Hartland had a hollow ring to it

Access course and wanted clarification of their attitudes what was the point of asking Hartland? Beider was clearly aware of the grievance, so what kind of response would he expect from a member of staff who was already being investigated for involvement in a complaint filed by the very same Black woman? Surely the most fruitful approach would be to make a few discrete enquiries and he had immediately available someone he could ask - the Access coordinator, an ethnic minority member and not involved in the grievance, with whom Beider spent some time after his discussion with Bis Weaver.

Beider then disclosed having met Hartland during the Summer term of 1986 and Hartland told him about the Access course and promised to keep in touch about any part-time teaching that became available. He also met Hartland on a couple of occasions in the Autumn term seeking Hartland's assistance with the teaching he was offered on the Access course and sat in on Hartland's class. As for Cave, Beider met him "just to say hello to him [as he did not] really know [him] that well." Beider had also sat in on Gates' Access classes, which must have been during the Summer term, but claimed he had not seen Gates since then. The situation was that as Gates had allowed Beider to sit in on his classes and Hartland had promising to let Beider know of any prospective teaching. This established a recent link between the three of them before Beider was offered work temporarily replacing Hartland.

Beider described his meeting with Bis Weaver. He recalled that "Bis Weaver was just passing by [the Coordinator's office] and she saw [him] and wanted to know what [he] was doing at the college." Beider had already admitted never having met Bis Weaver before the 27<sup>th</sup> November and that she "didn't know" him" but in the next sentence, she apparently said "she has seen [him] in the college a few times before." Did Beider fail to recognise the lack of logic in his explanation, since why would she divert into the office to ask someone she did not know and who did not know her "What [he] was doing at the college?"

Beider was unaware that she went specifically to see the coordinator and, therefore, did not divert into the office on seeing Beider. He seemed not to notice that during their conversation she disengaged herself when the coordinator returned to the office a couple of minutes after the Beider-Weaver conversation began in order to invite the coordinator to a conference. Beider reckoned his conversation with Bis Weaver lasted about ten to fifteen minutes and took place while the coordinator was in the room with some students. When asked again about the contents of the conversation, Beider said he mentioned being taught by Gates; and then she "went into this conversation and gave [him] a sort of 'Cook's tour' of what has been going on and made it absolutely clear what she thought of the three of them." Starting with:

Dave Gates, then Brendan Hartland, then Norman Cave,...she used terms like: last year she was ill but she came in to College and she then...talked about the Union...[being] against her and there had been, shall we say, a vendetta against her but she didn't use that word. She said...that David Gates has come to her room and she has found him there. She said Gates used the term 'get your effing finger out.' She made it very clear that he was a racist which I found surprising having been taught by him in College. I have not seen David Gates. I have seen him once since I left the college. During my 2 years at College I was very impressed by his teaching in Economics and it is due to him that I got my place at University. That was the conversation.<sup>57</sup>

A curious feature about Beider's explanation was how Gates' name came into the conversation. Why make a specific reference to him? When Beider was a student at Bournville College for those two years, he studied a number of subjects taught by different lecturers, so when speaking to Bis Weaver why choose Gates, and only Gates, as a person to identify as one of his tutors. Beider's point about Bis Weaver recognising "his face a few times before"; when were these 'few times' supposed to have been. She had not seen him in the college on the few occasions he apparently had been there in the Summer and Autumn term. He had been at university for three years and in the two years he spent at Bournville college before going to university, Beider would be in a different department; having no connection with the subjects she taught; and he would not have stood out at Bournville as many students were of Asian origin. As for the snippets of the grievance allegedly mentioned by her, these points were in Bis Weaver's letter of grievance that Cave and Hartland had shown to Beider, either on the 4<sup>th</sup> December or before.

Beider said they had introduced each other and the conversation got under way with the Access Course and then Bis Weaver's Ph D research. He went on to claim that "her main conversation consisted of these accusations of racism" and it finished on that topic when she left and he went to supervise students. Beider suddenly remembered he asked her if she knew of any meetings as his Ph D was on Asian politics. She informed him of a Black Section meeting and arranged to meet him there for which he thanked her. He omitted to tell management: (i) he mentioned hearing of her problems prior to Bis Weaver's briefest of references to it; (ii) the discussion about her future appearances at Warwick University and his request to attend her lectures; and (iii) of telling her that he saw her at the Pizza House in Birmingham, prior to the 27<sup>th</sup> November meeting. This latter point may have been left out lest it might prompt management to query how he recognised her without ever having met her before. The College was the only likely place he could have seen her, and he might have to explain who pointed her out to him and when.

When asked if the Access coordinator picked up on the conversation, Beider's response was an emphatic "No she didn't. She was on the other side of the room" - very convenient for Beider if the coordinator was asked to attend the enquiry. He admitted coming into the college and while there phoning Bis Weaver to confirm the time and date of the Black Section meeting, which seemed an unnecessary thing for him to do as he already knew the arrangements. He said he "phoned her up in her room...and said to her 'I would like very much to go to the meeting...and... in a jocular way, perhaps you can introduce me to a few people.'" Beider was under the impression he was phoning her in her office but she was in a colleague's out-of-the-way office, which Beider would not have possibly known about. The monitoring of her movements was not confined to out-of-college meetings. The only viable explanation was that someone noticed her going into this office and the only people who might be interested in knowing where she might be were the parties to the so-called allegations or one of their allies. Beider was then supplied with the internal phone number for him to call her. The 'jocular' comment by Bis Weaver's colleague about her movements being closely watched appeared to be spot on. There was definitely something clandestine about this. This was the day when the letters to Hall were being prepared and would be sent after showing them to Beider the next day. That is if any credence can be given to the chronology set out by Cave and Hartland.

Asked if Bis Weaver gave him "any impression why she was telling him these things," Beider's reply was "No impression at all" but somehow he "got the impression that she was very aggrieved by the situation. Perhaps because I was a Black member of staff coming in that made it, she may have seemed more open."<sup>58</sup> He described Cave and Hartland's reactions to the remarks as "Obviously...very shocked by it. Norman said it was wrong for new staff members to have disclosures about other staff members when the whole thing was going on and they seemed, they said you know you should not be a party to anything."

Beider apparently told Cave and Hartland that "all I want to do is teach twelve weeks, that is my brief, I want to help my students." Cave and Hartland "agreed but they thought...they had to take it further because this situation could not go on in the College, people making disclosures...that people are racist..." Beider identified the time of this conversation as prior to when Cave and Hartland went off to see management or make an appointment to see management (4<sup>th</sup> December).

According to Hartland, when Beider first spoke to him nothing was disclosed so Hartland could hardly be very shocked; that must have come later when Hartland decided to find out what was said, which was either on the 1<sup>st</sup>, 3<sup>rd</sup> or 4<sup>th</sup> December. If, as Beider claimed, Cave and Hartland were both shocked when he first revealed the conversation to them and went

off to see management that was on the 4<sup>th</sup> December and, by that date, they had each written a letter to Geoff Hall about the Beider-Weaver conversation and had shown Beider her grievance and other documents. These contributors seemed not to have sorted out their respective versions.

Beider's conversation with Bis Weaver was unwitnessed but he did raise an issue where a witness and a reliable one was available - his meeting with me at the Council House on the previous evening, which should still be fresh in his memory. If any proof was needed to show Beider to be an unreliable witness, his recollection of this meeting was a clear measure of his unreliability. Apparently, Bis Weaver had "seemed quite pleased [he] was going to [the Black Section meeting]." After he arrived there he began "talking to people [when] Bis Weaver and Gordon Weaver arrived and before the meeting started Gordon Weaver [went] up to" him accompanied by another person, someone called Alten, (sic) whom Beider described as "just there as a witness." Gordon Weaver asked if his name was Harris Beider and, coming to the point, Beider said that Gordon Weaver told him "in no uncertain terms that [he] should not talk to Bis at all and should" contact management. He asked for an explanation but Gordon Weaver said he "can't say anything else." Beider claimed to have "felt very intimidated because here [he] was at a meeting in [his] own spare time out of college, looking forward to the meeting" and when "Mr Weaver...told [him] in this intimidating fashion, [he - Beider] didn't say anything [but]...went back home and rang [management]." Beider added he felt "very uncomfortable at the meeting."<sup>59</sup> He could not have felt uncomfortable for very long because the encounter lasted but a few minutes. No doubt his unease was due to realising he had become embroiled in the Bournville race issue.

Beider ended his contribution with a sympathetic plea on his own behalf by presenting himself as the real victim:

I have not been in the college for very long and obviously if there is intimidation of me I want it to stop immediately because I am here to teach students not to get embroiled in anything political. I want to help my students do well. I was very unhappy about yesterday's situation. I wish that to go on record. In the circumstances I think I did very well to restrain myself. I am not accustomed to being intimidated and I will not be. I think Mr Weaver's behaviour was not very nice. That is all. I just want to get on with my teaching. Obviously now I know what has been going on, the LEA investigation. I think it is wrong that people should try to intimidate or pressurise people, especially part-timers, black part-timers. I don't think it was very nice. I don't think I should have been spoken to like that.<sup>60</sup>

Beider looked as if he was grasping for straws. He described Bis Weaver as being 'quite pleased' he was attending the Sunday meeting and that his being a Black person had probably

made her 'more open' to him. He gave the impression of trying to make himself more plausible or he was suffering from an over-inflated view of himself or both. Bis Weaver was on very friendly terms with the only other Black lecturer in the college, the Access Coordinator, and at no time had she ever referred to the 'Bournville trio' as racists, so why would she make Beider - *l'etranger*, an exception? Beider was oblivious to the fact that she knew many Black people in the union, in the Labour Party, both socially and professionally, and had never used the term racist to describe Gates or the others to any of these friends, colleagues and associates and was certainly in no need of a complete stranger, Black or otherwise, to 'throw around' "accusations of this type." What could she possibly have to gain by making these comments, after all, according to both Cave and Hartland, a significant number of people in Birmingham was already discussing the 'trio' in the context of racism? Nor was there any particular pleasure in attending a meeting with Beider; her offer was solely to assist him in his research. Had the situation not changed on the Friday, he would have been on his own after being introduced to people at the meeting. Beider had thanked her for offering this assistance and even spoke to her in a 'jocular' way when he phoned on the Wednesday, but he had an unusual way of showing his gratitude and being 'jocular'.

According to the story told by the three contributors, despite their discrepancies, Beider went to Hartland about her alleged remarks and (i) he was "happy to say [those remarks] to anybody"; and (ii) he knew Hartland and Cave intended to take it further. His subsequent act of meeting up with her as if nothing had happened showed Beider to be either naïve, acquiescent, hypocritical or malevolent. The reasonable person can take his/her pick. Beider's protestation of not wanting to be "embroiled in anything political" would have a more genuine ring to it if he had not participated in it.

Beider was keen to express concern about intimidation or putting pressure on people, "especially part-timers, black part-timers" – a very commendable sentiment. However, considering his claim of being aware of what was going on at Bournville, this was a point he should have directed to those who 'embroiled' him. What did Beider think he was doing to a Black woman lecturer when agreeing to participate in a scheme to discredit her? Beider had read the 'letter of grievance' but had apparently taken nothing on board. Was Beider so naive, having recognised someone was witnessing his brief meeting with me, not to recognise the purpose of that witness' presence, namely to attest to what took place? The only witnessed conversation in the whole sorry saga had shown Beider not to be averse to misrepresenting the facts.

Cave and Hartland and whoever else was involved in this iniquitous charade should explain why an unknown, unmemorable and hardly noticeable outsider like Beider would be chosen by Bis Weaver to be her *confidante* and treated to descriptions of Gates, Cave and Hartland never expressed by her to any other members of staff. Beider's egoism had filtered into his presentation of a conversation allegedly prompted by an interest shown by Bis Weaver: (i) in going into the office to specifically find out who he was; (ii) wanting someone like him to talk to about her situation; (iii) pleased to be meeting him at the Black Section. Even his claim of restraint in the face of intimidation seemed like a 'macho' afterthought to cover his easily perceived sheepishness on the previous evening.

Anyone expecting Beider to provide something substantive to remove the discrepancies in the Cave-Hartland contributions was an erroneous one and his twenty-five minutes spent at the enquiry had made the issue murkier – more toxic waste. Nonetheless Beider stuck with the allegations and although discrediting the claims himself, it would still be necessary for Bis Weaver to attend the enquiry; one more hurdle in the series of hurdles thrown up by NATHE at different levels of its organisational structure.

Neither Bis Weaver nor I fell into line alongside those 'liberal' anti-racists, who, patronisingly, believe every member of an ethnic minority group was prepared to commit themselves to the struggle against racism. Ethnic minority members in colleges in the West Midlands and elsewhere were thin on the ground and extremely vulnerable to workplace harassment and discrimination. At an individual level different people cope with these difficult circumstances in different ways; therefore, it should be expected there was no uniform response to racism, whether the racism was directed at themselves or to others. Homogeneity of action did not embrace ethnic minorities any more than anyone else and their ranks contained a range of ways of thinking and acting from principled action to opportunistic self-interest. Ethnic minorities were diverse and did not always see themselves as sharing a common interest with other ethnic minority groups. This was the reality; just as every White person claiming to be an anti-racist was not in fact committed to anti-racism and NATFHE was confirmation of that.

Bis Weaver had developed an understanding of the different ways members of ethnic minorities' responded to racial harassment over the many years she had been confronted by the phenomena. Beider apparently had not and his perception of Bis Weaver opening up her mind to someone merely on the basis of a similar shade of skin pigmentation was gross simplicity on his part. Perhaps, he might learn something from this experience to help him to teach 'Ethnic Relations' when he replaced Hartland.

What became apparent in Bis Weaver's struggle was that this was an aberrant illustration as the majority of Black and ethnic minority members in NATFHE displayed considerable resilience to racism in the workplace and support came her way from the Black Lecturer's Group in the West Midlands and others nationally when they became aware of her difficulties. However, a minority avoided becoming involved in the real struggle against racism when it meant taking on strong and influential union activists or saw their interests residing elsewhere.

### (iii) Bis Weaver - Setting the Record Straight

Just after midday, Bis Weaver, with me as her representative, appeared at the enquiry. Before making her contribution to the latest performance of the 'Bournville *kernels*' follies,' she produced a case full of documents, containing details of conversations with people whenever the case was raised with her. The documents consisted of telephone conversations; face-to-face conversations; and notes of branch committee, branch and other union meetings. They were shown to demonstrate to management that she treated the grievance with utmost seriousness and the care taken when dealing with matters relating to it. The Beider conversation secured for itself in this 'Hall of Fame' a brief note to say the stranger had mentioned the case to her.

She confirmed having a casual and very short conversation with someone not known to her at the time. Despite a couple of loose ends in that conversation that occurred to her shortly afterwards, "as far as [she] was concerned that was the end of it" when she left the coordinators office.<sup>61</sup> She described her actions to find out if Harry Beider, named by management on the 5<sup>th</sup> December as the one making the allegations, was the 'stranger'.

Management formally disclosed that Beider was claiming she called Gates "a racist bastard" and that he (Beider) would be working "with a collection of racists." This was denied by Bis Weaver.

To confirm the care taken, she produced a document from the brief case and read out its contents. The document (4<sup>th</sup> July 1986) described the incident, a few days after she submitted the grievance, when *Mr Ubiquitous* let her know he was supporting Gates and the others and thought her to be misguided in calling them racists. She put him right by explaining no one was called racist; it was a complaint against Gates, whose behaviour "amounted to gross professional misconduct, and may be construed as racial harassment." She invited management

to check with *Mr Ubiquitous* for confirmation. \* Bis Weaver also revealed to management that at the LEA enquiry she described their behaviour as stated in her grievance, with the additions points of inexperience, weak, and easily influenced, and nothing more than that.” \*\*<sup>62</sup>

She dealt with Beider’s phone call and her colleague’s remark about her movements being closely watched; and her decision not to speak to Beider at the Council House. As the person who spoke to Beider, it was left to me to describe that encounter. After delivering my two-minute contribution, which lasted about as long as my conversation with Beider, management informed me that my recollection differed from Beider’s, who felt intimidated by me.<sup>63</sup> The statement signed by my witness was taken from a file in the brief case and shown to management to confirm the content of the exchange and the brevity of it. There had hardly been time for Beider to break out into a cold sweat let alone feel intimidated, especially as he was a very heavily set man and I was as thin as a rake – a veritable eight-stone weakling. What probably put fright into Beider was in recognising that his flirting with the *kernels* had put him into the firing line.

Like the others, we were asked not to discuss this with anybody.<sup>64</sup> By this time, however, the issue was common knowledge all over the college – of course, the Hartland-Cave-Beider version.

#### (iv) The Contribution of another Non-Witness

The final witness had only a walk on part even though Cave and Hartland apparently had tried to coax her to deliver the decisive blow. The version of the Access coordinator, who had been busy organising student’s induction when the Beider-Weaver conversation took place, varied slightly from Bis Weaver’s description of her short spell in the coordinator’s office. Attending to her duties might explain the differences in her account after Bis Weaver had ‘popped in’ unexpectedly. The coordinator thought she had introduced Beider to Bis Weaver as a new teacher on the Access course before leaving the office to attend to students. She came back after about ten minutes and Bis Weaver and Beider were “chatting” but the only thing she heard was Beider mentioning the Sparkhill area.<sup>65</sup> The coordinator had come back to collect Beider to introduce him to the students and they left the office. During the time Beider was in the company of the coordinator he made no mention of his conversation with Bis Weaver.

\* Was *Mr Ubiquitous* another of those members of staff mentioned by Cave to whom Bis Weaver was alleged to have called them racists?

\*\* When attending the LEA enquiry, she thought it unnecessary to refer to them as racists - it was sufficient to show their actions were likely to constitute racism; more suitable than mere name calling

Despite her inability to throw any light on the conversation, the coordinator revealed two interesting observations and omitted another highly significant one. Firstly, she disclosed never having met Beider until the 27<sup>th</sup> November; all communication with him was by phone or letter. \* Secondly, just before Bis Weaver turned up at the coordinator's office on the 27<sup>th</sup> November, Beider had mentioned her to the coordinator and gave the impression of having "heard of Bis via Warwick University, through his course or something like that." The coordinator then left the room and when she came back Bis Weaver was there and she noticed that when Beider was speaking to Bis Weaver it was apparent Beider did not know her.<sup>66</sup>

The incident omitted involved Cave, Hartland and the Access Co-ordinator. The 'delicacy' Cave urged on management when dealing with the allegations on the 5<sup>th</sup> December only survived the weekend and apparently did not apply to Cave's or Hartland's actions. On the Monday just before she appeared at the internal enquiry, the coordinator received a visit from Cave and Hartland, who asked what she had heard of the Weaver-Beider conversation. After telling them what little she heard, Cave and Hartland suggested that she must have heard what was said and put to her a version conforming to Beider's account. Notwithstanding what might be described as attempting to exert influence on a witness, which seemed to conform with NATFHE practice as shown a few days before with Ms Deeson, the coordinator did not buckle. Apparently, the suggestion made to her was accompanied by a considerable amount of pressure. \*\* These two 'branch officers 'with a long history in the anti-racist movement' had urged an inexperienced prospective Black visiting lecturer, although he seemed willing enough, to make unsubstantiated (and false) claims; tried to influence a Black woman member of staff to provide a particular account of a conversation that she had not heard; for the purpose of discrediting another Black woman. Was this another example of NATFHE's 'divide and rule imperialism' and what NATFHE meant by a 'long history in the anti-racism movement'? The six-month old branch motion in support of the anti-Apartheid movement was dead and buried. What next? In a few days' time that would become all too apparent.

\* As Beider was to teach as a business studies department staff member, the paperwork for his employment would be undertaken by that department and they would make all the preparations for his employment, which by the 4<sup>th</sup> December had still not been completed. It was only after the 'fat was in the fire' that they rushed through a contract of employment, along with union membership, for purposes that will be shown below. The person responsible for processing the application for a job was *Mr Ubiquitous* after which it would go to the head of department to authorise it

\*\* At a later date at a Bournville branch meeting, the coordinator criticised Cave and Hartland, in their presence, for this incident. She described their behaviour towards her as unprofessional, and "it was like brushing up against the law."<sup>67</sup>

## (v) Reports Back: (i) The Accused Receives the Official Verdict

Management reviewed the evidence, such as it was, and, having briefed Geoff Hall of its decision, called Bis Weaver to be the first to receive its judgement. On the 10<sup>th</sup> December, management reported that due to conflicting accounts of the conversation with no witnesses present, the only basis on which a decision could be made, “short of [either] party...changing [its] story,...[was on] the balance of probability.” \* Bis Weaver’s account was the version to be favoured and management went further by saying it did “not believe [she] made these remarks but...cannot prove that [Beider] is lying.” As for Beider, he was considered by management - a view supported by Geoff Hall, to have “not shown qualities of maturity, understanding and sensitivity required of somebody teaching on the [Access] course.” Consequently, Beider would not be employed on Access or “any other course in the immediate future and [Management] hope...the problem will go away.” This was a piece of wishful thinking on management’s part; and not taking into account what NATFHE officers and officials were capable of doing, as had previously been shown, and what might be thrown up in the future as a sequel to the Beider production.

Management recognised that the issue had become public property as Cave and Hartland had discussed it widely, despite a letter from Geoff Hall requesting them not to do so. As far as Cave and Hartland were concerned, it appeared that breaches in ‘confidentiality’ were only cause for concern when Bis Weaver was the alleged culprit but such adherence to the ‘norm’ was not applicable to them.

Management also revealed that despite no one having any direct evidence, members of staff “appear...to believe there is substance to [Beider’s] story.” The past performance of many members of staff had shown a predisposition to believe anything spread by the *kernels* but Bis Weaver still found it difficult to understand how they easily and readily they accepted Beider’s allegation without any evidence to support it, although the version spread around would be unlikely to take lack of evidence into account as a hindrance. She thought branch members might at least question Beider’s allegations on the grounds that the alleged comments were expressed in terms completely at odds with her manner of speaking. Nonetheless, Bournville staff continued to break new ground as a significant number of them, many having known Bis Weaver for years, appeared only too eager to believe a story trotted out by an unknown part-

\* Beider had changed his story when giving evidence. In Beider’s ‘evidence’ his original claim was reduced to a perception on his part of Bis Weaver thinking Cave and Hartland were racists. Hartland also admitted that no such terms were used in his first conversation with Beider

timer, filtered through Cave and Hartland – the latter being a relative newcomer himself, without showing any interest in hearing Bis Weaver’s account. \*

The eager acceptance of the ‘smear tactic’, later to be applied on a national scale by NATFHE officialdom, said as much of branch members as it did of Cave, Hartland and Beider – a telling indictment of Bournville branch’s anti-racism; and additional confirmation of how easy it had been to encourage branch members to participate in the act of throwing her to the Bournville wolves on the first occasion in April 1986.

In view of the staff response, management thought it necessary “to give a clear message for the staff that this sort of activity is unacceptable and the clearest message is not to employ this man who has misbehaved.” \*\*<sup>68</sup>

Bis Weaver described the *Beider affair*, as “yet another indication of the pressure I work under and...am not absolutely clear what exactly I was supposed to have said because...[initially] it was one version, and now there are several versions...”<sup>69</sup> Management said that the only consistent claim apparently put forward was of Bis Weaver calling Gates a ‘racist bastard’ and Cave and Hartland ‘racists.’ \*\*\* A very revealing observation came from management when it said that even if Beider’s claims had been true it “would have been relatively trivial in the context of the climate and the accusations and the language that has been flying around the college,” which, as Bis Weaver had not contributed anything to this climate since submitting the grievance, suggested the *kernels* were working overtime to create such a climate. This image of Bournville College, coming as it did from management, condemned to the waste basket the apparent fears held by Cave of Bis Weaver’s so-called ‘comments’ having an influence on the image that outsiders had of Bournville College.

Bis Weaver’s final comment was that it came as no surprise when such claims arose because other than “the initial shock and the anger” when first hearing the allegations, it felt no “different from...the last couple of years...[and] the kind of blatant attacks...[and] attempts to discredit [her]” made during that time. Her fear was that the number of times these claims were made might convince people these allegations were true – a fear that was coming to fruition. Management assured her it would not be convinced “by this or indeed any of these other smear

\* Not even the *Mr Ubiquitous* of 4<sup>th</sup> July ‘fame’ approached Bis Weaver to rebuke her for calling them racists but he probably knew better given he was a recipient of Bis Weaver’s more typically expressed measured views on that July date

\*\* On that criterion, the Bournville ‘trio’ could be looking at the college exit when the LEA’s report was released for what had been done to Bis Weaver over an extended period of time

\*\*\* Management had not fully examined the verbatim notes because Beider acknowledged that Bis Weaver had not referred to Cave and Hartland as racists

tactics” and Geoff Hall had come to recognise the circumstances in which she worked. Management, in dismissing Beider’s allegations, saw its role as “to get the message back to staff that this is inappropriate.”<sup>70</sup>

There was an interesting reversal of roles in this Bournville *kernels*’ burlesque or tragicomedy. Usually, the union adopted the line of claiming to defend Black people against management racism but in Bournville, and not for the first time, management, up to a point, had taken on the role of defender. NATFHE, at all levels, had a predilection for bizarre behaviour when dealing with Black members. NATFHE turned the world upside down.

(vi) Reports Back: (ii) Hartland Blows the Gaffe

The findings in favour of Bis Weaver would certainly not find favour with the two heralds serving up the poison fruit of unsubstantiated claims. Hartland turned up, at 12.05 pm, without Cave, who was not available, but he was accompanied by a union representative, Downey. The regional official, Day, had instructed Hartland, by phone, to let him know what transpired “for the record.” Hartland received a further piece of advice from Day, no doubt eager to know anything that might assist officialdom at the Industrial Tribunal hearing. The advice was that if he got “involved in any discussions about anything that may in some way be linked to the report that [he] should always have with [him] another Union person.” One of the reasons for Downey “to sit in on the conversation.”

The presence of a union representative was reasonable enough, despite Hartland not providing any relevant evidence to the enquiry - all he had offered up was nothing more than hearsay and unconvincing information as to his own role after the alleged event. Did the union expect an unfavourable result and wanted a representative, other than Cave – a co-party to the allegations, to witness the findings of an independent enquiry?

Management clarified to Hartland that he was at this ‘report back’ “purely and simply as a...Lecturer I in the Business Studies Department [and] this has nothing whatsoever to do with his position on the union committee.” This reminder seemed necessary because the *kernels* used union roles and college roles interchangeably and presented issues as if union interests were college interests, that is, when they served the individual’s own interest or those of the *kernels*. \*

Management explained that having examined the ‘evidence’ it came down to different

\* Shown by Gates on Day’s ‘report’ and Cave’s approach to management on my anti-racism views

versions of a conversation between two people with no witnesses available. With “the unlikelihood of ever establishing the truth,” management “do not propose to take it any further...[and] will regard the matter as closed, finished, unsolved...” Nor would the ‘reported incident’ establish “any discredit or any smear on any of the people mentioned in it,...[and] that includes Bis Weaver.” As for Beider, he had shown “a degree of naivety, insensitivity and lack of basic understanding of the position...” and the College “will look elsewhere for somebody to provide that teaching.”<sup>71</sup> The negative qualities attributed to Beider could just as easily be applied to Cave and Hartland for putting forward this type of ‘evidence’ and carrying the allegations to management.

Upon hearing the judgement, Hartland found nothing constructive to offer other than to say:

My immediate response is that obviously I would want to talk with other people...My own feeling would be, you are, on the one hand, saying that we do not give any credence to and we can ignore the thing and then say that one individual will not be employed.

Management expressed some concern about full-time staff being involved [Gates, Cave, Hartland and Bis Weaver] and gave Hartland, and the absent Cave, a concession for them to “take on board.” The concession was that they were not thought to be racist. Hartland was also reminded of Geoff Hall’s request to him and Cave not to “discuss the incident and anything related to it...” Hartland agreed but management knew only too well that the *Beider affair* was resonating throughout the college. Hartland reserved the right to discuss it with the regional official, Day, who had already shown himself to have a capacity for making false allegations when he produced the *Whitewash* ‘report’.

Hartland’s further comments gave an impression of nobility by showing concern only for Beider and for fair mindedness. But he sounded flummoxed when saying:

I have no opinion to venture other than as I would say before it is surprising, what worries me and I would find surprising that a member of staff who was appointed to [Access] as a part-timer as I understand, not having discussed it with him at all but just raising the issue.

After that meaningless foreword, Hartland made an interesting point by disclosing that:

Actually what I said to [Beider] was I have got no proof this conversation took place. I feel it is unfortunate if it did take place but I think it would also be unfortunate that a part-time member of staff comes back to me, no axe to grind, has met me possibly no more than 3 times, comes to me and says I have been told certain things about you and I am upset about it, to say that person is acting inappropriately in that respect.

Hartland then thought

the person (Beider) acted very appropriately by actually coming to say I have been told such and such and I feel upset about it. Now the thing is I would say is what protection can we offer to anyone coming on to Access who gets involved in a discussion...I think we would have great trouble finding people to work on Access. This person needs protection. One of the reasons we mentioned is that because this person, he didn't want to be involved in this thing. He does not want to be involved with Bis Weaver arguing with her or falling out with her. He was looking for protection as a person who had been appointed. I would have thought that last piece of information would be very disappointing.<sup>72</sup>

Hartland had failed to mention when appearing earlier at the enquiry what he was now claiming, namely that Beider had said he did "not want to be involved with Bis Weaver arguing with her or falling out with her." This seemed spurious because if Beider was in the frame of mind suggested by Hartland, he would have avoided Bis Weaver like the plague rather than turn up on the Sunday, at the Black Section meeting, with a big smile on his face. Furthermore, Hartland's memory was of short duration as he completely overlooked his own actions alongside Gates and Cave over the HMIs' allegations. At that time, Bis Weaver was the Access co-ordinator and Equal Opportunities coordinator, who sought protection from the union and ultimately the governors. Hartland need only look at the letter of grievance, which he and Cave had so readily shown to Beider, to see how his verbal concern for protecting Black staff compared adversely with his actual practice.

It was pointed out to Hartland that he was expressing a 'private opinion' and that management also had "views on the behaviour of Harris Beider" and "he (Beider) was very unwise to present the issue in the way that he did...showing a degree of naivety and lack of sensitivity." Hartland thought that could be said of "any new part-time member of staff...[without] teacher training experience." Hartland was undoubtedly speaking from experience as his own behaviour had led him into a similar situation – something he had failed to learn from.

The Beider issue was over for management other than to see Cave to give him the report back but Hartland wanted to carry on and it seemed as if he had lost control over his tongue. Hartland wanted his comment minuted, which was an unnecessary request because everything was being taken down verbatim. He said:

I personally, as a personal feeling, feel that the person who is most innocent in all this, regardless of counter accusations, the person who is most innocent is the person who has got his head chopped off. I feel that is very unfortunate, very sad for the fellow. I mean I don't know him that well. \* For this to happen to anybody is criminal.

\* Hartland provided a reference for Beider's application for Access course teaching - the sole referee. Why would he do that if he did not know him?<sup>73</sup>

The use of the word ‘criminal’ brought Hartland a caution from management to choose his words carefully. Nonetheless, ‘tongue still wagging’, Hartland said

it is sad for anybody to find this, coming into a situation like this. That is my personal feeling as an individual. It is very unfortunate that the most innocent party gets the head chopped off.

Hartland should have divested himself from ‘personal feelings’ when examining the evidence or lack of it. For someone not knowing Beider ‘that well’, Hartland gave the impression of believing his every word in preference to Bis Weaver’s with whom he admitted sharing a normal professional relationship. If ‘criminal’ described the treatment of Beider - a person making claims that Hartland admitted might not be true, how would he expect the reasonable person to describe Hartland’s own behaviour towards Bis Weaver, who had acted reasonably and professionally to him during the academic year. By June 1986, she decided that the appropriate action to take in view of Hartland’s behaviour was to submit a grievance against him.

Hartland was again reminded that the innocence or otherwise of the parties involved was not known but what management did make known was that its first duty was to full-time staff. However, appearing to be grasping at straws now the spurious claims against Bis Weaver had sunk beneath the waves, Hartland ventured forth with what looked to be a hypothetical situation. He said

Let us say we (Hartland and Cave) have not talked to anybody, this person comes into the College, they are appointed by [the Access Co-ordinator], \* they know nothing of the things that are going on, then they have been in the College for one day and suddenly they are in full knowledge of the facts. They know everything about the thing, about Bis, David, Norman. \*\*

He went on with an unconvincing sleight-of-hand by postulating that:

Unless we are presuming Haris Beider is a mind reader then how he came to be in command of these facts I think is something....

Hartland checked himself momentarily but continued to ramble on and appeared to suddenly realise he should not make accusations without evidence as he went on to say “I am not prepared to make an accusation against anybody.” But he seemed incapable of halting his

\* Beider was appointed by the business studies department, not the Access coordinator, who did not meet up with him until the 27<sup>th</sup> November to introduce him to the students. In fact, at that time, his appointment had yet to be approved by the head of business studies.

\*\* Hartland omitted himself from this grouping. Beider had also been in the college on several occasions and spoken to Hartland. Beider also knew about the ‘problems’ in the college before he spoke to Bis Weaver

diatribe as he went on to say:

What I am saying I think it is very unfortunate that the person became aware of these facts and I think that it put that person in a bad position. Any inexperienced person in that position would have probably done what he did. I think it is very sad.”<sup>74</sup>

Hartland was right about “Any inexperienced person...probably do[ing] what he did” as this was what Hartland had begun to do in February 1986 in his probationer-year. Hartland’s babble-come-accusation did not pass without comment as management pointed out that he was making two assumptions: (i) that Beider “had no other way of getting information about the circumstances within the college.” And (ii) that Beider had got hold of “information about the circumstances in the conversation” with Bis Weaver. On the basis of the evidence in the investigation, management concluded Beider did not get the information from Bis Weaver and the alleged remarks were not made.

The gamble, and it was a slim one, of getting at Bis Weaver had failed but Hartland seemed unable to let it rest and produced, off the cuff, a third assumption, which did not quite get to grips with the deficiencies in the evidence. Hartland produced a confusing account to serve as the basis for this additional assumption while flitting back to the issue of protecting Beider. His hypothesis was put thus:

if everybody was playing the game by the rules and everyone had been sticking to the rules as we were told to then I cannot see any way. I am not saying that there are other ways he could have got the information. Everybody has been playing the games by the rules and has not been talking about this incident either inside or outside the College, that would be a third assumption but I still feel, personally that the person who needed our support, needed to be protected, has not got that.

What was Hartland rambling on about? Had he forgotten his contribution in his first session of this enquiry when he mentioned a number of people going up to him to say his name was “mentioned in that forum and this forum?” In fact the issue was known all over the place and did not have its source in the Weaver-Beider conversation. As an afterthought, Hartland decided to “withdraw the remark criminal as it was too strong.” Perhaps, Hartland should dwell on the inappropriateness of the term rather than its strength.

A few more irrelevant and disconnected sentences by Hartland entered the record starting with general concern about

people (students) who are going to come on to Access, because of the problems, most of the incidents happened on Access before I was appointed and I made that point to Geoff Hall, the majority of the problems on Access happened before I was appointed. When I was interviewed [for the Access post] no-one told me about that (the problems). I was left to find out things later on.

In the midst of this, Hartland gave an insight into the influence exerted on him to get him involved in the Weaver v Gates complaint in the union when he said he

was getting telephone calls and I was telling people that I didn't want to get involved... Now that happened to me so I can understand how a part-timer could easily become involved.

This was an interesting and significant disclosure. At no time did Bis Weaver or I ever phone Hartland, so who was trying to involve Hartland against his will. This pressure on Hartland came during the period when support was being mobilised by the *kernels* against Bis Weaver after she rejected Day's 'report'. Even so, whatever pressures were applied to Hartland, he did not have to embrace the *kernels* cause with such enthusiasm and then bemoan the consequences. Was he forced in February 1986 to claim he was in charge of Access business studies option; or to participate in the attacks on Bis Weaver in the EOC (Race) February meeting? Was he frogmarched up to the Principal's office to make false claims over the HMIs visit? He may have told Geoff Hall of his reluctance to initially get involved but did he explain why he subsequently became a willing participant? Perhaps it was his inexperience that prompted his participation in an act that constituted, at the least, professional misconduct.

Hartland went on to propose that "in the future people on Access need protection from this type of thing and if that means issuing a letter to me, to David Gates, to Norman [Cave] and to Bis Weaver...telling us not to approach new members of staff, [he] would be quite happy to accept that as a person because [he thought] new people...need protection." Hartland had put Gates alongside Cave and himself over the Beider affair, otherwise why suggest sending Gates, who was on study leave, a letter not to speak with new staff members about the grievance. Was Hartland inadvertently providing a glimpse of the *Beider affair* being engineered by the 'trio', after all Gates was in Bournville College sometime during the period of the 1<sup>st</sup> and 4<sup>th</sup> of December?

To get Beider to participate there would have to be an assurance of no fall out from this affecting him and that he would be in the clear. Was this why they insisted they were not making a complaint, therefore, without a complaint there would be no hearing and Beider's allegations would not be put under the microscope? Were they expecting a letter from Geoff Hall criticising Bis Weaver for what Cave described as a 'breach of confidentiality?' \* No wonder Beider looked surprised at the Council House when he realised his participation in the

\* Such a letter from Hall might be of considerable benefit to NATFHE officials, who could wave the letter in front of the Industrial Tribunal to claim Bis Weaver was prone to using the term racist, thereby, elevating NATFHE's 'no merit' codicil as relevant to her complaint

‘scheme’ might have come to light.

Downey, sitting there, launched a few questions at management pre-fixing his queries with the comment of being “very unfamiliar with all this so they may be very naïve questions.” But naïve he was not. Downey asked if Beider is employed as a part-time member of staff and was told he had not taught or been given a contract. Downey followed up by asking if the college had intended to employ Beider and the answer was it “was in hand.” Downey was now aware, if not previously so, that the employment process had reached senior lecturer level with an offer but a full interview process had not taken place. He further asked when Beider would have started teaching if the full process for prospective staff had gone through and was told next term.<sup>75</sup> Downey, recognising that Beider would not now be offered a contract due to his ‘naivety and lack of sensitivity’ over this matter, came into his element as a union officer by saying the Beider contract:

may well be an issue regardless of other issues. NATFHE will presumably have something to say about what I see is something very vague at this stage. I think I have witnessed every member of staff in this building demonstrate such characteristics (naivety and lack of sensitivity) especially on such a tortuous issue. From my position I can see that this is a tortuous issue. The thought that one does not get employed because one demonstrates those characteristics.<sup>76</sup>

If Beider’s type of action was indeed the case with ‘every member of the staff’ it was little wonder that Bournville College was a seething vortex of tortuous conflict but, of course, this was arrant nonsense. But nonsense or not, Downey appeared to see an advantage as this hotch-potch scheme was falling by the wayside. The answer to his questions gave rise to another scheme that would begin to bear fruit a few days hence. Downey was the person with green fingers planting the seeds on barren earth. Bournville’s NATFHE branch, advised by the regional official, guided by Downey, with Gates, Cave and Hartland playing an active part, would milk this issue to the full for several weeks. \* ‘Anti-racism’ was still alive in Bournville college and so say all of them!

\* Downey had worked closely with Bis Weaver on a number of occasions for well over ten years and knew her as a professional, as well as being a one-time ‘close friend of the Weavers’, but he had his own king size axe to grind. Downey had travelled a circuitous route since mid-1985. He began in July 1985 by disparaging Nedjat for accepting that Bis Weaver had a case against Gates; criticised her in September 1985 for a non-existent incident told to him by another *kernel*; voted to restrict her correspondence in April 1986 – correspondence, which amongst other things, tried to get Downey to account for his actions; resigned from the Birmingham liaison committee in June 1986 because the committee would not support the April 1986 motion; and persistently tried to get Bis Weaver to respond to his claim that Gates was not a racist. Eighteen months after his first bout of partisanship had arisen, when an ‘unknown’ prospective Asian teacher alleged that Bis Weaver used the term ‘racist bastard’ and ‘racist’ in November 1986, Downey, bent over backwards to accommodate to this particular Asian and finished up by supporting him.

## (vii) Reports Back: (iii) Cave Dons the Legal Wig

There could be little doubt that the result of management's deliberation was communicated to Cave before he went back to officially receive the decision two hours later, also accompanied by Downey.

Cave received the same report back as Hartland and afterwards focussed on an alleged event occurring during the enquiry, which might have some relevance if there was an ounce of truth in it. Another piece of hearsay was about to be launched as fact – a claim made by Beider that was merely a figment of his imagination. Cave referred to “certain reported incidents, including Sunday”, referring to my approach to Beider at the Council House, and not Cave's and Hartland's approach on Monday to the Access coordinator. He asked management “What is [its] view of the fact that an individual came up to Harris Beider and gave him [a senior manager's] telephone number and for the individual, Harris Beider, to contact [him] immediately.” There was a simple and obvious answer to that – management had asked for the number to be given to Beider so he could contact management about the allegations – QED. The choice was entirely Beider's whether or not he phoned. Management did not initially make that point but suggested there were “2 different reports of that meeting...on Sunday” that conflict and without management having “access to any witnesses...” In essence, this was accurate but management did have a signed statement from a witness as to the contents of the conversation. Cave's next comment took the form of a rhetorical question, “Even though we have a piece of paper which has got your [manager's] name on it?” \* He went on to say:

Obviously I am quite worried when...[management] either by implication which cannot be verified or substantively which can be verified is involved in an issue such as this. I do not, I am not saying that you [management] are involved in this...What I am saying is that it is obviously perturbing if your [management's] name is dragged into this, which if I have reports that it is in such situations I am worried.<sup>77</sup>

A note for Beider to contact management; what was so worrying about that? And Cave's attempt to muster support from two members of management by decrying their being dragged into this affair fell by the wayside. But dragged into what? Cave was told he “need not be worried on [management's] part...[although] it is very kind of [Cave]...but [management's] involvement...was following up the reports that [Cave] made.” Cave's ploy seemed not to impress management. Telephone numbers changing hands on a Sunday evening at a Labour Party Black Section meeting in the Council House in Birmingham. John Le Carre step aside.

\* This was my note giving Beider the telephone number of management.

Cave appeared to be afflicted by a convenient bout of amnesia by forgetting that it was he and his subaltern, Hartland, who brought Beider to management's attention in the first place by re-cycling remarks allegedly made by Bis Weaver. What did Cave, the lawyer, expect to happen in these circumstances? Did he expect the accused (Bis Weaver) and the accuser (Beider) to converse with one another before the enquiry had taken place? Cave, who was not included as a party in the Beider allegations at any time until the 4<sup>th</sup> December, according to the Hartland and Cave versions, had been in a position to approach Bis Weaver, or her representative, to seek her comments but declined to do so. This was a decision Cave chose to make and he should have pondered on the fact that I was Bis Weaver's representative with a responsibility to advise her not to run the risk of compromising herself by speaking to Beider and for me to bring that to Beider's attention.

Did Cave not recognise she had as much right to seek advice from her representative as did Hartland when consulting Cave as branch chair? Perhaps, he was under the impression the April branch motion had a writ extending well beyond the confines of NATFHE to exclude Bis Weaver from having any right to advice, assistance or representation, union or otherwise, in any location. It certainly looked that way. However, unlike Hartland and Cave, Bis Weaver did not seek to influence Beider before any possible meeting with management by showing him the 'letter of grievance'. Nor did she, unlike the 'dynamic duo', try to encourage the Access coordinator to provide evidence she did not possess to the enquiry. To assist Cave's understanding, management should have told him that it asked Bis Weaver to give Beider, if he turned up, the phone number; or it could have revealed the existence of a cast-iron witness to the Gordon Weaver-Beider conversation. Had it done so, Cave could have been relieved of the futility of pursuing a dead-end.

The Beider claims were buried and there was nothing left for Cave to wave from the battlements except a flag of convenience previously waved at the first session of the enquiry. Cave wanted to know who was contacted "in terms of the information" he and Hartland provided. Management provided the five names of the people interviewed. Cave responded to the Access coordinator's name by saying they did not mention her but apparently that did not stop Cave and Hartland from their unsuccessful attempt to influence her. The impression coming across was that only those embracing their version should be given an entrance ticket to appear as a witness. Was that the reason for querying the coordinator's attendance at the enquiry? Almost like a quiz game, Cave posed a question "but we also mentioned someone else didn't we?...And that person has not been seen."

Cave's next step was to tie this other 'recipient' of alleged comments (Downey), in another unwitnessed discussion, to a confidentiality clause attached to the LEA's enquiry. Cave's effort went as follows:

The complaint, information, whatever you wish to record it as, we regarded it as information, is that somebody, since the enquiry and the letter that was sent, it was made quite specifically clear that there is a confidentiality clause that the issues pertaining to that enquiry should not be raised. We have brought to your attention a number of people who say the issues have been raised. I can bring more if necessary and I am quite angry about the fact that in this incident you have looked and listened to what Haris has said which I think is quite proper and correct and yet there is another individual who has not even been spoken to.<sup>78</sup>

The allegations had moved from the redundant Beider account to Downey and on to embrace an indefinite number of other people. Whether or not the so-called claimants were members of staff at Bournville did not get a mention nor did it really matter as this was all grist to the mill. Cave underestimated his own and the *kernels'* influence because the majority of those branch members attending meetings and voting on branch committee-sponsored motions had adhered to the April branch motion more diligently than was required and were steering well clear of her. If she had entertained any desire to raise the grievance with any of them she would have found it virtually impossible to get within listening distance. Neither Cave nor Hartland seemed diligent enough to connect up the dots. This was indicative of NATFHE in the West Midlands and at Hamilton House.

Cave received a rebuff by being told that the recent enquiry concerned the claims made by Beider and that Cave only mentioned Downey "in a general context [and not] in connection with the Haris Beider involvement." Nonetheless, Cave stuck to his guns when they should have been spiked and repeated the 'clause within a letter' (Hall's letter) and linked it to "the issue [being] raised". He promised to bring this letter to management but what the production of this letter would have achieved was known only to Cave because it did not in any way determine the content of the Beider-Weaver conversation, and was merely to advise them against discussing Bis Weaver's grievance. Did Cave not realise that he was assuming a 'letter' from Geoff Hall had been sent to Bis Weaver when no such letter found its way to her. In the months since the grievance was submitted she found no necessity to discuss the case - there was nothing to discuss; the only issue of importance was the LEA's report and any discussion by her would not affect the report's conclusions.

The so-called link between a 'confidentiality clause' and the Beider-Weaver conversation was an irrelevance. Cave tried to make a connection but all he accomplished was to end up in a cul-de-sac. He then went "a stage further" by delving into law but his effort

produced the same irrelevancy wrapped in a different costume. Cave wanted it said that “In any course of enquiry the matters under discussion would be regarded as *sub-judice* and as a consequence of that should not be aired elsewhere.”

With the enquiry over, Cave wanted to extend the terms of reference and, from somewhere, had discovered a cache of hidden evidence or what passed for evidence in NATFHE circles. He claimed they were “not bringing the issue of Haris Beider as the only specific incident. [They] brought a range of evidence which whilst [it] would not be substantiated because of proof in terms of witnesses but can together add some legitimacy to the claims made.” On what he obviously believed to be circumstantial evidence, he raised the spectre of Bis Weaver assailing numerous members of staff with allegations against them. It would be interesting to know where this ‘range’ of evidence was located. Cave should know that he would be hard pushed to find anything genuine, unless a horde of people could be induced to perform like Beider but that would be unlikely to include Downey, who sat listening to Cave and saying nothing about what Bis Weaver was alleged to have said to him.

Downey was unlikely to get himself involved in the enquiry, not on the grounds of procedural protocol because concern for procedures and rules had played no part in his repertoire of practices. It had more to do with not entangling himself in what was turning out to be a misguided and mangled course of action. To risk being exposed in full view of management in a college enquiry seemed not to be on Downey’s agenda; but performing in NATFHE Bournville branch theatre would be something else altogether for Downey.

Management, referring to the transcript, reminded Cave that only one incident was brought to its attention and in the course of the enquiry he had mentioned one other person, which was in an entirely different context. But Cave was off again covering a range of issues and his original concern for Beider was forgotten until an afterthought brought Beider back into the picture. It began with Cave saying:

I don’t want to involve a lot of other people. I am quite concerned about this college. I am quite concerned about my position within it.

He then moved on to say:

I am quite concerned about members of staff who come up to tell me what is going on who themselves are sick to death of it as well as me. Having my name dragged all over the place. I am sick of it. I came to you because the Haris Beider was the straw that broke the camel’s back.

Had Cave forgotten his role alongside Gates and Hartland in packing straws on the back of a Black woman and had come close to breaking it? But notwithstanding that, five days earlier

Cave had cited that the main reason for bringing Beider's claims to management was to protect the image of the college lest it became known "as an institution which had employees who were racist." Cave was now claiming his name was being dragged all over the place, which, unless mass publicity had accompanied the 'Beider disclosures' within the last five days was a clear indication of the Bournville grievance being known widely before he turned up at the Principal's door. His belief that Bis Weaver was broadcasting to all and sundry was wishful, or woeful, thinking because numerous people in Bournville college; NATFHE; the Labour Party; the Communist Party; and Black and Asian groups, knew what had been going on at Bournville College for months. Had Cave forgotten the April branch statement hawked around the region by Gates for support - a statement shown to many other people, including Phil Murphy, who raised the issue in a city council meeting? Bis Weaver did not have to tell anyone, least of all *l'etranger* Beider, who already knew about the case, nor the highly partisan Downey, as there were dozens of communicators openly doing it. In six months time the names of Gates, Cave and Hartland would become part of the public record available for anyone to see.

Cave plodded on by referring to "other incidents, remarks made. Things have been said to Richard (Downey)." Any attempt to draw in Downey was not having the desired affect and was met by a silent Downey. Cave referred again to the 'clause of confidentiality' being broken and said "In terms of believing that the clause has been broken or not it is necessary to look at all the evidence pertaining to that breach." With this, he opened the door for Downey to enter directly but this did not induce Downey to make an appearance as a participant in support of a *kernel* comrade. The Downey cavalry division decided to stay in the barracks. Cave then moved on to Beider.

Giving an impression that the terms of the enquiry were determined by negotiation, he claimed that

I also said to [management] at the time and this is why I am upset is that I do not want a part-timer dragged into this, to get himself into a right mess and I was told by [management] this would not happen.

Cave's riposte led management to remind him that he knew Beider would be seen because it came up in the discussion between management and Cave and it was essential to see Beider. At that same meeting, Hartland recommended that management spoke to Beider to seek clarification on the sequence of events following the alleged conversation. Cave did not seem to remember what he or management had said at the initial meeting; therefore, could he be sure of what he had said to Beider or what Beider had told him?<sup>79</sup>

What kind of legal system – criminal or civil or even internal institutional procedures did Cave study if he did not know that the accuser would have to be interviewed before any judgement could be made. He should have taken a glance at the section on ‘evidence’ before embarking on this argument. This misunderstanding of procedural forms relating to enquiries was probably why Cave and Hartland expected a ‘judgement’ against Bis Weaver reliant solely on hearsay evidence of an allegation arising from an unwitnessed conversation and an abundance of irrelevant ‘evidence’ rearranged to suit the occasion – a case of guilt by innuendo and evasion; not unknown in the mishmash of activities passed off as procedures in NATFHE’s domain. Perhaps, this was taught in NATFHE training sessions. Fortunately for Bis Weaver, NATFHE had no jurisdiction over these allegations.

Cave then flashed his legal background to deal with Beider’s thwarted lectureship, by stating

I am a law lecturer, I do know what constitutes a contract of employment. I also know what can be implied and what cannot be implied. The point is you (management) were talking about a NATFHE member.

Why would being a NATFHE member effect the contractual status of Beider – it was either a breach of contract or not. But after all they do things very differently in NATFHE as when the *kernels* launched an attack on Bis Weaver’s contract of employment in March 1985 and the regional official tried to pave the way for another attack on her contract by the branch committee in November 1985. \*

There was more to come with Cave saying

that a person who is new to the College and in my view has done the honourable thing and told people of the allegations, has allowed the line management to deal with it in terms of pursuing it should then be the subject of sanctions...

Honourable appeared to be a word slipping easily off the tongue when seen in the context of Cave and Hartland slinking to management earlier in the year to make false allegations against Bis Weaver. The best lines came immediately afterwards when Cave remarked

after all we are an equal opportunities college. We do not employ racists. We like to get to the root of racism and therefore, I would have seen that as being his duty to have informed people.

This came from a person, who six months before, was warned by management alongside Gates and Hartland for refusing to comply with the college’s equal opportunities policy

\* Cave voted in favour of removing most of her functions in the March 1985 course team meeting

coordinated by Bis Weaver;<sup>80</sup> and had tampered with the minutes of the equal opportunity committee chaired by Bis Weaver in order to attribute comments to her that she did not make. If Cave subscribed to the sentiments now being expressed to management, how did his and Hartland's actions during 1986 support the claim they "like to get to the root of racism." \* Cave should have read Birmingham city council's policy on protecting Black women in its employ, released on the 5<sup>th</sup> December; the day Cave and Hartland showed their commitment by conveying to management unsubstantiated allegations attributed to a Black woman employed by Birmingham city council. Perhaps reading this document might have enabled Cave to understand what was meant by the term 'to get to the root of racism'. If he had asked Bis Weaver, a specialist in that area, she would have been able to advise him.

Cave was offered the opportunity, if he was not satisfied with the outcome of the enquiry, to return to management with details of his dissatisfaction. However, that would require producing evidence and that was thin on the ground. Instead, he adopted the tactic of attacking the outcome as "essentially...an instruction from the City (LEA) not an instruction from the management of the college." Cave and Hartland had initially written to Geoff Hall wanting action for a purported 'breach of confidentiality' by Bis Weaver on the unsubstantiated word of a stranger. When the decision went against them, Cave bemoaned the fact that Geoff Hall may have approved the course of action taken by management. Cave certainly wanted it both ways.

He was reminded that when first approaching management, he made it clear he was "not bringing a complaint,...not making an allegation...[but] asking for advice." Management now told him that "On the face of [his] request for advice [management] have looked at the matter further and is advising...it is best closed." Hanging by a petard of his own making, Cave turned once more to the plight of Beider, which to Cave "is the upsetting thing." He added that "Right from the beginning I have stipulated time and time again that I did not want a part-timer being put through this and what has happened is that the part-timer has been put through this and lost security." If Cave was really concerned about Beider, he should have left him out of it but, of course, without him whatever 'scheme' they had in mind was unimplementable. The Principal, now that Cave was stepping very close to her domain, made it clear that contracts were signed by her and anyone behaving in a way thought not suitable for the college was a decision for her to take whether Cave liked it or not.<sup>81</sup>

In the first session, Cave and Hartland emphasised they went to management to protect

\* In the LEA's report, their behaviour was described as contrary to their claims being made here<sup>82</sup>

the college's image, therefore, they should have willingly embraced management's advice since this was what they had asked of management. However, was their concern for the college merely window-dressing?

Not yet finished with the legal implications, Cave could not accept the decision as "a natural consequence of measuring the balance of probabilities" and went on to say that "what it means is that no member of staff can come to [him – Cave] saying that somebody is saying things which are detrimental to [Cave] or anybody else without fear of being disciplined...[even when] using the proper processes..." Cave was making a quantum leap from 'balance of probability' to 'freedom of expression;' which might draw the inference that he was advocating the 'freedom to slander' and was deriding management for restricting this new freedom. The procedural format advocated by Cave appeared to be to allow anyone to have the freedom to report anything they liked and those taking advantage of that freedom do not have to substantiate their claims. The person against whom the accusation was made would be convicted without any substantive evidence being produced.

The myth had been exposed and the reality was that the actions of two of the Bournville triumvirate, had led to a collaborator losing his opportunity of employment. One straw that Cave did not mention was that Beider was the one who drew the short straw. Cave did not give up and he asked why management felt that the "consequences of employing that part-timer would be detrimental to the College," however, management refused to travel down that path again. Cave decided he had nothing more to say.

This gave Downey the opportunity to speak but he did not comment on Cave's claim that he was a recipient of similar statements to those Beider was alleging. Downey was there not only to represent Cave but also as a representative of the professional association (union). This was another issue involving specific college employees to be converted into an issue where the union was used against one of the parties just like the complaint between Bis Weaver and Gates. When leading lights in the *kernels* and their acolytes were involved in any issue it seemed always to be presented as a case against the union's interests or, at least it did when Bis Weaver was one of the parties.

The union was about to rally to the cause of Beider, which it masqueraded as a case of an ethnic minority being discriminated against by management and the LEA. Perhaps Downey, and his adviser, should have looked at the situation of a non-union member (Beider) making unsubstantiated allegations against a member of the union (Bis Weaver) and that allegation went via the branch chair, Cave, to senior management and to a senior LEA officer before the

accused member was informed. Now that could be considered an issue for the union to take on board but there was no chance of that in a union such as NATFHE.

Downey wanted to be placed on record as having heard things causing him

to be further dissatisfied with the way the process has been explained to the new potential member of staff. Whether the process has been explained to that member of staff that has now resulted in him not being offered a contract of employment, then I have further concern about that process.”<sup>83</sup>

What did Downey expect to happen when prospective part-time teachers were inducted into the college? Should they be told not to be drawn into schemes to discredit a full-time member of staff by those against whom a grievance had been made? Perhaps Downey meant something else but it did not come out too clearly.

If only Downey had displayed similar concern for procedures when supporting the use of unofficial and inappropriate procedures to deal with Bis Weaver’s complaint against Gates then, perhaps, Bis Weaver’s difficulties might have been resolved speedily and appropriately. Needless to say, Downey did not come forward to pull Cave’s over-roasted chestnuts out of the fire by discussing the contents of his conversation with Bis Weaver nor did he even mention having had a conversation. Downey was his own man when in front of management. It would be different in front of a packed branch meeting when the need to substantiate claims was not a requirement and he was soon to take full advantage in that entirely different forum.

At the end of the session, Cave was told that management did not consider him to be a racist, for which Cave, like Hartland, was thankful but after expressing his gratitude, Cave said “Of course, I have known it for a long time now.” Unfortunately for Bis Weaver, there had been no “of course” about Cave’s actions towards her throughout 1986. Beider had slipped out of view as Cave licked his own wounds. His final contribution was to reverse the roles between Bis Weaver and the other parties in the grievance, so typical in cases of this *genre*. Cave said:

I have been having to put up with this for quite a long period of time now. I still want protection. I feel that in seeking protection somebody has been penalised and as a consequence of that I am quite unhappy about it. The whole damn situation. I am very unhappy....I just think the most vulnerable people always get it.<sup>84</sup>

Cave should have shown as much concern for the problems faced by Bis Weaver instead of lining up behind Gates when Bis Weaver looked to the union for protection. He was absolutely right on one thing - “the most vulnerable people always get it.” He put it very well but as usual had expressed his eloquence in favour of the wrong party, as Bis Weaver was the most vulnerable person in Bournville College and had been for a long time, wanting protection but

not getting it and “very unhappy” about the “whole damn situation.” Cave, alongside Hartland, by following in Gates’ footsteps, had succeeded in putting himself on trial, in October 1986, and had responded with an unsuccessful attempt to hang Bis Weaver out to dry. All they had produced was a whole heap of self-serving and self-justificatory drivel. Self-interest appeared as the backcloth to these claims.

The wonder of the *Beider affair* was the fuss it caused. Cave and Hartland were in no real position to complain if, as they were already claiming, allegations were being made about them all over Birmingham. Along with Gates at the LEA enquiry, they did not refute the incidents described in Bis Weaver’s grievance nor did they provide any explanation to account for their behaviour. If they had not wanted to attract the description of racist among the Black and Asian communities, they should not have behaved in the way they did towards the only Black woman in the college while showing no such predisposition to act like that to any other woman in the college, other than Gil Butchere \* Sow the wind and reap the whirlwind!

Twenty-two minutes after it started, the report back was completed and Cave and Downey went on their way to prepare for the next phase in NATFHE’s illuminating approach to anti-racism. Their activities would surface at the beginning of the following week but not before the propaganda machine was turned on to full volume.

If Beider, when given the grievance to read by Cave and Hartland, had appreciated the way the grievance had been constructed and the language used in it, he would have known that a ‘Cook’s tour’ and the use of swear words were not part of Bis Weaver’s style of communication. But with a reward of six hours teaching per week for one term, neither Cave nor Hartland could have expected much more from Beider than an amateurish performance unless it was the script that was at fault.

Why did the initiators need someone like Beider to fly this particular kite? The answer seemed to be to gain more plausibility for the allegations. The scheme required someone not associated with the *kernels*, preferably not White and not a NATFHE member at the time, \*\* to provide the ammunition and, therefore, avoid producing an image of another conspiracy involving White union members. NATFHE’s ‘anti-racism crusaders’ were at least innovative by using an Asian man to try to give a veneer of credibility to the spurious allegations made

\* Gil Butchere, married to a Trinidadian, was an exception but only Gates was involved in the bitter experiences that she had faced

\*\* Few, if any, ethnic minority members in NATFHE would be queuing up to perform the role required of them. Some NATFHE ethnic minority members did not rally to Bis Weaver’s cause but expecting them to perform this type of action was a bridge much too far

against an Asian woman.

Beider was an ex-student of Gates, sitting in Gates' classes, and moving around the Sparkbrook political arena where Hartland was active; as well as looking for work in a college. Sufficient criteria for drawing him into their orbit in the Autumn term, find him some employment, point Bis Weaver out to him, and wait for him to get to know her using any excuse to do so. Beider's request for Bis Weaver to introduce him to people in the Sparkbrook area was unnecessary because Beider knew a considerable number of people in that area, having done voluntary work there, and did not require her to introduce him to anybody. His fortuitous meeting with her just accelerated the process.

The 'evidence' suggests that Beider did not realise what he was getting himself involved in. He must have thought that collaborating with Cave, Hartland and whoever else was involved in this scheme would remain unknown to Bis Weaver or any other staff members in the college and it might have remained so if Geoff Hall had not decided on an internal enquiry into the allegations. Beider's active participation in this scheme can be inferred from his attendance at the council house to meet Bis Weaver on the Sunday evening acting as if he had not been involved in anything detrimental to her. Beider was aware of Cave and Hartland reporting his alleged comments to management on the 4<sup>th</sup> December, therefore, he must have thought it would not involve him further otherwise why turn up to meet her. Hence his surprise when told not to speak to her but to phone Bournville management instead. Beider was suddenly confronted with the possibility that things were not turning out as expected so it was little wonder he felt intimidated, not by me but by the enormity of his action. Thrown in at the deep end, Beider, even if he wanted to, was unable to extricate himself because his allegations formed the basis of the letters already sent to Geoff Hall. Consequently, when called to the enquiry, Beider had no choice but to run with the hounds only to become the hare.

The inexperienced Beider, as Hartland described him, appeared to have been led into no man's land where there was little for him to gain and when the scheme was 'botched' up he was the one caught in the line of fire. However, the NATFHE officer corps in Birmingham, aided and abetted by the Birmingham liaison committee, were quick to adapt this scheme for discrediting Bis Weaver and to act it out in front of a different audience – an audience softened up for a long time, namely, the Bournville branch membership. This would come to the fore within the next few days. The re-jigged *Beider affair* offered a different means for the union to assist in preventing: (a) the release of the grievance report; and (b) the imposition of disciplinary proceedings against the 'trio'. The ability to mobilise support in Bournville College and across Birmingham in favour of Beider was a warning to the City Council what to

expect if the 'trio' of 'anti-racist' officers were sacked, suspended or otherwise disciplined. Whereas, the stranger, who came from Pakistan when aged six and now sported an adopted German name, had allowed himself to be drawn into the Bournville and Birmingham NATFHE culture and had reaped its rewards.

This sketch drawn from the 'evidence' and other sources, \* is offered up as a more plausible explanation than the account offered up by Cave, Hartland or Beider. But maybe the whole series of incidents during this period were merely coincidences - NATFHE's never-ending hot-bed of life's coincidences.

### (c) The Balance Sheet of the Beider Affair

The Beider 'affair' came like a bolt out of a very shady blue and both Bis Weaver and I were caught by surprise. Even the presence of Gates in the college acting out his *Columbo suspect* routine failed to alert us to the possibility of the reunited 'trio' trying to settle scores with a variation of a not-so-new scheme on a path trodden on a number of occasions by Gates and his allies.

After the internal enquiry was completed, Bis Weaver and I, given the limited information provided to her after the enquiry and report back, believed the *Beider affair* to be a parochial backlash borne out of anxiety on the part of Cave and Hartland with a probable input from Gates. The 'evidence' put to the enquiry by the two parties and others, who made some form of contribution, had not been available for her at the time, therefore, it was not possible to know of the inadequacy of the 'evidence' and the contradictions that riddled the contributions made by Beider and his two backers/promoters.

These inconsistencies; their letter to Geoff Hall; the letter they required from Geoff Hall containing a caveat to the parties; and Downey's intended use of the allegations to convert the situation into a union issue; would have pointed to the *Beider affair* as a scheme that was not carefully implemented.

We were aware of:

- (i) NATFHE's Industrial Tribunal submissions discrediting Bis Weaver in the mould set by Day's 'report'
- (ii) Gates' tactic of seeking to discredit Bis Weaver at all levels of the union
- (iii) Gates' presence in the college just before the 'Beider conspiracy' was set in motion

\* Information also came to Bis Weaver from activists in the Labour Party in Sparkbrook and contacts in the city council

- (iv) local union officers using the ‘smear machine’ to denigrate Bis Weaver in their dealings with the LEA
- (v) the union locally refusing to take up the issue of the city council’s monitoring of Bis Weaver’s movements
- (vi) The recent advice given to Ms Deeson of the consequences of appearing as a witness for Bis Weaver at the Industrial Tribunal hearing
- (vii) the leaked findings of the LEA Enquiry \*

When we put together what we knew it led us to suspect that the *Beider affair* was not just the brainchild of Cave and Hartland but part of a wider effort by NATFHE officials and officers at national, regional and liaison level. The objective being to put the maximum amount of pressure on Bis Weaver before the Industrial Tribunal hearing and to prevent the release of the LEA’s report. When the unknown information eventually became available our suspicions were removed to be replaced by a near-certainty. But to quote again what Triesman eloquently put to her six months before in June 1986, “What did [she] expect.” Exactly! What could Bis Weaver, a Black woman, possibly expect from NATFHE at any level? And, being familiar with NATFHE’s record, she expected nothing!

NATFHE officials had made every effort to isolate Bis Weaver – both Day and Triesman had shown their determination to do this between November 1985 and June 1986 when they played the puppeteers pulling the strings of NATFHE’s marionettes. Was there any reason for thinking they were not still in charge, especially as the needs of officialdom was greater now with the pending Industrial Tribunal? As for NATFHE lay officers, they were involved in seeking

- (i) to defend ‘the Bournville three’ as they had been defending the ‘all-conquering hero’ since June 1985
- (ii) Broad Left solidarity lest the Weaver case damage the unity of the Left in the union
- (iii) to uphold a form of (union) patriotism but probably ignoring Dr Johnson’s observation of it being the “last refuge of the scoundrel

Bis Weaver’s activities had earned her, as my support had also earned me, the title ‘an enemy of the union’ for her audacity in exposing NATFHE’s and the Broad Left’s commitment to anti-racism as naught but hot air. We expected the words ‘revisionists, renegades, petty bourgeois deviationists, moralists and social humanists’ to hit the rumour circuit. And,

\* What we were not aware of at the time was: (i) Day’s contact with Ron Jones to change the statutory grievance procedures; (ii) the REC’s intention to carry out an investigation into the WMARC with the sole purpose of putting pressure on the ‘Weaver faction’ – an investigation that the regional official knew about; and (iii) Ms Pattinson’s resignation as chair of WMARC citing abuse and harassment as the cause

depending on which side of the 'Leftist line-up' was making the accusation, to find ourselves described as either 'Stalinist' or 'Trotskyite'.

Paradoxically, while presenting itself as an anti-racist organisation, NATFHE's shallow commitment to anti-racism was exposed by: (a) threatening to boycott Birmingham city council's equal opportunities programme;<sup>85</sup> (b) trying to discredit a Black woman for challenging NATFHE's discriminatory policy on tenure; and (c) lobbying to prevent the release of a report investigating racism at Bournville College.

The LEA officers had the measure of NATFHE, locally and nationally, and saw the *Beider affair* as a trap set for Bis Weaver. Apparently, NATFHE expected Bis Weaver to react and possibly verbally attack Cave and Hartland in plain view. However, the organisers underestimated her and she drifted into the background at least as far as the enquiry was concerned.<sup>86</sup> The result of this exercise left Beider without a job and Cave, Hartland and the *kernels* howling for retribution. Nonetheless, the period after the Beider enquiry was for Bis Weaver a reminder of most of the time between February 1985 and June 1986 where the oft-repeated *kernel* falsifications ruled the roost. However, despite the dominance NATFHE retained in the branch and locally for several months to come, its chickens, pigmented or otherwise, would one day come home to roost.

#### (d) NATFHE and the Labour Group Prepare pre-Christmas Fare

The 'Beider affair' was just another incident that Bis Weaver had to take in her stride. What else could she expect from NATFHE when searching for right, principle and justice, which were not even yesterday's sound bites; and the absence of those principles seem to confirm that anti-racism in NATFHE fell into the definition of *Pirsig adaptation*. The Bournville branch was about to demonstrate how it interpreted right, principle and justice and we, in our own limited way, continued snapping at NATFHE's ankles. What were little more than pin-pricks were directed at NATFHE's 'radicals' to put their every action under the microscope and then on to the record.

10<sup>th</sup> December:

On the day of the Beider report back, Bis Weaver arranged with the branch secretary to look at her branch file. The secretary turned up without the file offering up the pretext that she (Bis Weaver) had already seen the content. However, when challenged on this, she agreed to

fetch it from the branch office. A short time later, she returned still minus the file having decided that “in view of the Industrial Tribunal” she should seek head office advice. Apparently, she phoned Triesman, who was unavailable, and left a message for him to return her call. The secretary obligingly wrote a note to this effect for the Weaver record.<sup>87</sup> The branch secretary also wrote to Triesman providing him with the latest editions of the ‘Weaver correspondence.’<sup>88</sup> This was confirmation of Triesman being kept up-to-date about developments in the branch, therefore, it was likely he was well aware of the *Beider affair*.

The next item on the Weaver agenda was a proposed trip to Wolverhampton for a WMARC meeting arranged for the 10<sup>th</sup> December. This meeting was cancelled which prevented the *Beider affair* from being raised and having the details entered in the minutes. There was nothing sinister this time about the cancellation as the WMARC secretary had reasonable grounds for re-arranging this meeting. The time off provided by the cancellation was put to good use and another issue was addressed – one we were about to drop after having served its purpose in showing the hidden face of NATFHE’s anti-racists – the Clarke ‘postal affair’.

Clarke’s ‘response’ to the regional secretary came to Bis Weaver via Krishna Shukla on the 8<sup>th</sup> December. A month had passed since Clarke sent his letter to Evans, no doubt appropriately stamped, and, after the passage of that amount of time, it was unlikely Clarke expected a reply. With the *Beider affair* being dealt with when Clarke’s letter was eventually received, it was left in the in-tray for a couple of days before a reply was sent. We did not wish Clarke to think his effort was not worthy of a response from the ‘embroilers’ - a courtesy we could not deny to this ‘anti-apartheid’ spokesperson.

Our joint response, stamped of course, went to the regional secretary for onward transmission to Clarke. We did not envisage Clarke reacting to this by returning an ‘unsolicited’ letter to us unstamped via the regional secretary! We wanted to prevent our postman from being troubled again by delivering unstamped correspondence. We wondered what the ingenious Clarke would pull out of the hat this time.

A necessary input in the letter was to remind this NATFHE amnesiac that Bis Weaver’s “complaint against D Gates was raised at Regional Executive on the 14<sup>th</sup> May, when the Chair of Bournville Branch attempted to obtain support for a motion...[removing] certain benefits, facilities and services from [Bis Weaver]...without formal NATFHE procedures being followed.” Bis Weaver was “given no chance to state [her] case to members of the Regional Executive”, while Clarke, as an REC member, had “access to the subjective information [from]

the Branch Chair.” In fact, it was the Bournville chair, who “embroiled [REC] members in what D Clarke calls ‘a possible dispute between members.’”

We put forward a concept alien to NATFHE, namely, that Bis Weaver had “a right to present her side of the issue, especially as a statement making unfounded allegations...and disclosing confidential information had been submitted to the Regional Executive.” Turning Clarke’s own words back on to him, we pointed to Bis Weaver’s letters as responses to the branch chair’s action in extending “knowledge of [Bis Weaver’s] complaints [and]...D Clarke’s excuse for his actions could only be relevant if he had protested to S Pattinson...for ‘embroiling’ members of the Regional Executive in the issue of [these] complaints.” Surely Clarke recognised “that a statement and motion damaging to [Bis Weaver] had been submitted and support...solicited” for them. We added that “For D Clarke to dismiss [her] attempt to redress the imbalance of a grossly distorted and defamatory document...[which Clarke described] as ‘unsolicited correspondence’ demonstrates the insignificance that D Clarke attributed to a Black woman’s struggle for justice in this union.”

NATFHE’s rules of procedure were outlined for his benefit, as we thought he might not know that “only NEC members would be eligible to be part of a Rule 8 hearing and where it concerns a Regional Officer, members of the hearing could not possibly be from the same Region.”

Clarke was asked to explain how his “deep concern for NATFHE procedures to be exhausted was served by” returning ‘unsolicited correspondence’ in unstamped envelopes “on three separate occasions.” As it was, “Any reasonable person would consider D Clarke’s behaviour...at the least discourteous but, perhaps, Black people are not entitled to even the most limited of courtesies, such as a covering note pointing out why he wouldn’t read [her ] attempts at redressing the imbalance of representation, and at least putting a stamp on the envelope.” Nor did Clarke’s account explain the third returned unstamped letter, “which was a copy of a letter sent to [the Regional Secretary] with a covering letter” sent to Clarke as a matter of courtesy. “The reasonable person,” invoked to provide the punch line, “might conclude that only after D Clarke had been rumbled, from the twenty one different people on the [REC], and after concern was expressed by some people on the [West Midlands Regional] Anti-racist committee...that an ‘explanation’ was forthcoming... - an explanation that serves as a feeble attempt to justify what was unjustifiable.” The final comments, directed as much to the majority of the REC as to Clarke, was that “Actions are indicative of a person’s commitment to any issue and D Clarke has clearly demonstrated by his actions where his commitment lies.

Unfortunately, given the performance of some other [REC] members, it is futile to expect any principled action on issues...concerned with the rights of Black people.”<sup>89</sup>

We received nothing from Clarke in response to this. A few irate mumblings did reach our ears but it seemed Clarke decided to keep his stamp-less envelopes in his brief case. Both NATFHE spokespersons for the anti-apartheid cause in 1984 and 1986 had unusual ways of demonstrating their commitment to Black people in the UK.

Clarke's actions had been too good an opportunity to miss showing the underhanded way NATFHE 'anti-racists' in the West Midlands were prepared to act when showing their disdain for those at the 'pit-face' of anti-racism activity while they set about defending one of their own. NATFHE 'Leftists' pick and mix 'anti-racism' was irrelevant to the real needs of Black and ethnic minority members and their 'anti-racism' only came into play when the interests of the Black victim had the good fortune to correspond with the political and personal interests of the 'anti-racist' activist or his/her allies.

This was an issue Bis Weaver had no intention of following up as she had plenty on her plate and soon that plate would receive further helpings of NATFHE's noxious concoctions.

11<sup>th</sup> December:

With NATFHE Birmingham about to launch itself into an 'anti-racist' campaign over the *Beider affair*, Bis Weaver came across another issue that NATFHE avoided because the victim happened to be her. She ran into Bill Gray, Chair of the Race Relations and Equal Opportunities Committee, who attended a meeting where she was monitored and was initially thought of as a possible suspect for instigating the monitoring. He brought up the issue and told her "It is not his method of working to go in a roundabout and underhanded way." He had said as much to Alton Burnett, who had been trying to locate the source. He intended to write to the chief executive of Birmingham city council asking for a full enquiry.<sup>90</sup> But with the chief executive overseeing the monitoring, via LEA officers, nothing came of that. She had already ruled out Bill Gray because on the day a senior Labour Party figure instigated the monitoring Bill Gray was out of the country.

Apart from the meeting with Bill Gray, this was a fairly uneventful day with no bolts out of the blue – at least none that were visible. This day off from the usual pressure cooker environment, aka Bournville College, provided an opportunity for Bis Weaver to direct her attention once more to Cynthia Deeson, the now lost witness. Ms Deeson's unexpected revelations that were likely to debunk NATFHE's claims in its Industrial Tribunal submission

looked to have rattled NATFHE and her initial willingness to provide evidence had apparently been successfully scuttled by the ‘advice’ received of the possible consequences to her should she appear at the Industrial Tribunal. Perhaps, the prospect of looking over her shoulder in expectation of a taste of the medicine Bis Weaver was being forced to swallow was not an encouraging one, especially as the *Beider affair* was ringing throughout the college. A formidable lesson of what to expect when not toeing the NATFHE line!

Aware of NATFHE head office’s intervention, Bis Weaver put out a feeler to see if she might disclose in writing what NATFHE officialdom had mentioned to her. With this in mind, she dropped her a note apologising for not replying sooner, as she had been “rather busy this week.”

She referred to Ms Deeson’s intention of contacting head office to seek “its comments and advice regarding NATFHE’s position of a member appearing at such a Tribunal.” Ms Deeson was asked if she had managed to contact head office before sending out the letter withdrawing her offer to attend as a witness. To make sure there could be no misunderstanding and that management had no role to play in this issue, Bis Weaver made it clear she was writing “as an ordinary member of NATFHE to [Ms Deeson] in [her] capacity as Chair of Bournville Branch at the time [she] submitted [her] complaint”.<sup>91</sup>

12<sup>th</sup> December

The *Beider affair* provided a new lease of life to the *kernels* and the Broad Left to pursue what was looking like a vendetta against Bis Weaver. Ostensibly promoted as defending the interests of an Asian part-timer, this self-serving project raised the tattered flag of NATFHE’s anti-racism from the balustrade of the Bournville branch in an unconvincing display of concern for Black people. Its real function could only be to mobilise the branch and Birmingham NATFHE for the campaign trail when the LEA’s Report was released - demonstrating to the LEA the kind of support available should the LEA take action against the ‘trio’. By withholding the report and not acting on the findings, the LEA left her wide open to this kind of retaliation.

Branch officers moved into top gear by calling an emergency branch committee meeting for the 15<sup>th</sup> December to rally to Beider’s defence or so it was presented. How reassuring to see NATFHE defending a member of an ethnic minority by calling for his reinstatement to a post not yet taken up and whose union membership could be counted in hours. When, in reality, NATFHE’s track record showed it was prepared to rally in support of

‘one of its own’ who sought to remove another member of an ethnic minority - a union member of ten years standing, from an established post ‘coveted by one-of-its-own’.

When the branch committee’s intentions filtered its way through to Bis Weaver, she contacted the branch secretary. It was inevitable that “issues relating to [her] interests as a member...are likely to be discussed,” therefore, she expected “to have...a NATFHE representative of [her] choice acting as an observer,” which she put in writing to the branch secretary. The secretary, claiming not to have consulted anyone, decided to exclude Bis Weaver’s representative, which was me, from the meeting on grounds that it concerned case work. It was unlikely the decision was solely hers since jurisdiction to exclude anyone resided within the branch chair’s orbit. The secretary maintained this position of exclusion even though it was pointed out that it was impossible to discuss the Beider issue without direct or indirect reference to Bis Weaver’s interests.<sup>92</sup> The branch secretary’s decision, or whoever’s it was, came as no surprise as Bis Weaver’s rights in this branch had ceased to exist many months before.

To guard against having no observer at the meeting, Bis Weaver approached a member of the woman’s group, who agreed to act in that capacity.

The news also made its way to Bis Weaver that the union was considering taking the college to an Industrial Tribunal for racial discrimination in its treatment of Beider<sup>93</sup> and news also reached her that NATFHE had applied and been granted a postponement of the Weaver v NATFHE January hearing.<sup>94</sup>

In the face of a renewed NATFHE onslaught, my response consisted of meagre thrusts aimed at confronting local officers and officialdom, principally members of the Broad Left Coalition and fellow travellers, to let them know they had been well and truly ‘sussed out’. It was unlikely this would bother them as these people apparently saw themselves as the union believing they could do anything and they seemed to be right on that score as we knew only too well.

The time beckoned for another letter to the Birmingham liaison committee’s secretary, although he seemed more in tune with the line taken by the REC, of which he was also a member, than the position of the liaison committee. Liaison committee members had, up until then, refused to be drawn into the Gates sphere of influence and had ‘suffered’ the loss of three Bournville *kernel* delegates as a result. The liaison committee had, however, refused to act on the monitoring issue, although that seemed to have resulted from the influence of the REC/Broad Left members on the committee and head office’s dictat of ‘not to get involved in the Bis Weaver issue’.

I addressed his previous letter to me and wrote that whether or not he thought it appropriate to comment on Cave's anti-trade union action, the issue was raised with him "in order that the appropriate action can be taken by [the Liaison] Committee, or [was he] saying that the [Committee] does not take up issues raised by members within its area?" \* Rules 2.1 and 2.9 were quoted to show a member's entitlement to benefits, facilities and services and I then moved on from the protection of my rights as a member and the problems Cave's actions could have caused me, to invite the secretary to place Cave's behaviour in a wider political context. Not only had Cave discussed my anti-racism views, \*\* but he had "formally conveyed to Senior Management...that the views expressed in my letter were unacceptable to...an executive [officer] in the union." To add weight to my argument, it was pointed out that the "views expressed in my [anti-racism] letter were consistent...with the City of Birmingham's...and NATFHE's" policies and the letter had been distributed to members of BLCARC eleven days before giving it out at Bournville College. I mentioned my request for the Bournville branch committee "to deal with the issue" but instead the committee put a motion to the branch preventing it from being pursued. The liaison committee was asked "what it intends to do about a matter that concerns all those engaged in the anti-racism struggle and the protection of...rights."<sup>95</sup> The answer was only too obvious before the letter went out. A big 'nothing'! Continuing to raise wider political issues in this union was like spitting in the wind.

Aping Day, for the second time, the standard deactivating response was applied by the liaison secretary – a brief ten word acknowledgement learned by heart in NATFHE's school for revolutionaries turned aspiring bureaucrats.<sup>96</sup>

I knew this effort was a lost cause as these entitlements must be channelled through a branch, which could hold to ransom any member falling foul of a dictatorial group, such as the *kernels* in the Bournville branch. The only means of redress was the infamous Rule 8, which was no redress at all. In the meantime, a branch enjoying the support of the regional committee and regional and national officials was in a position to do anything it liked. Nonetheless, being able to hit at their blatant hypocrisy had a measure of satisfaction although nothing short of removing the dictatorship, passing itself off as a democracy or, in some quarters as democratic centralism, would suffice. But that was not going to happen. Too many vested interests and reactionary attitudes prevailed.

\* The secretary had pointed out that member against member complaints were dealt with by the regional official or national officers in April 1986<sup>97</sup>

\*\* As far as I was concerned Cave had that right in the appropriate forum but scuttling off to management to complain was not the way to discuss any disagreement

15<sup>th</sup> December:

I arrived first at the emergency branch committee meeting and watched as a dozen committee members turned up supplemented by other guests, including Beider; Gates in his role as regional chair; Downey as a regional council delegate; and two representatives from the liaison committee<sup>98</sup> - the two who previously boycotted a Bournville delegate for comments made about the prospect of having a Black woman liaison chairperson; and Nedjat, who managed to fit this into his pre-leaving schedule. This outward show of solidarity with a prospective Asian part-time teacher was atypical for this gathering; certainly at odds with previous responses to the interests of an Asian staff member. My attendance, to oversee Bis Weaver's interests, was short and sour as Cave, exercising his authority, had me ousted from the meeting on the grounds it was case work. Aware of the reluctance or inability of Cave, Hartland and Gates to show restraint when it came to Bis Weaver, I drew the committee's attention to the likelihood of matters affecting a long standing member (Bis Weaver) being referred to in this meeting and I was here as an observer to see that her interests were fully protected. Cave described the meeting's purpose in NATFHE newspeak "as not to discuss Bis Weaver but to discuss the processes of management. It is nothing to do with Bis Weaver." Did Cave really believe that?

Cave came up the custom and practice argument of it concerning members' case work and could only be discussed by branch committee members. This must have been the introduction of a new approach to case work because Bis Weaver's case work was discussed on numerous occasions in the presence of not only non-branch committee members (at a branch meeting) but also non-members of NATFHE (at a branch committee meeting and a branch meeting) – a discriminatory condition brought to the branch committee's attention a few days later.<sup>99</sup>

When I asked if my exclusion was on the authority of the branch committee, Cave applied the 'democratic' process – the vote, but in the context of John Stuart Mill's concept of the 'tyranny of the majority'. The outcome was not unexpected and the committee voted unanimously to see my immediate departure and Bis Weaver was to be deprived, yet again, of any representation. As I stood up to bid farewell and follow the path to the exit door, I pointed out that "any reference to Bis Weaver or to any issue...in any way connected with her either directly or indirectly is made without her having a representative...[and] is a contravention of her trade union rights and her rights to natural justice." Cave thanked me "for the threat" but I described my comment as "not a threat" but advice. This seemed to irritate Cave, who snapped

back that the meeting “is to protect part-timers rights” but before Cave could continue, one of the liaison representatives advised “Norman”, not to get involved. That was a pity because who knows what might have been revealed if he had continued.<sup>100</sup>

Beider, Cave, Hartland and others had their say and, despite the likelihood of bias entering the procedures from at least five of those attending, branch committee members took it all on board and in its anti-racist zeal used their vote in favour of putting a motion to the branch calling for Beider’s reinstatement.

After the meeting, the women’s group member, who observed on Bis Weaver’s behalf, reported that she was not referred to by name but the ‘incidents’ forming Beider’s claims were mentioned.<sup>101</sup> There could be no one in the college, let alone the branch committee, unaware of the identity of the person to whom Beider had attributed those allegations.

The branch committee was breathing life into its comatose anti-racism by backing Beider, parading him as a trophy to promote its alleged commitment. He may not have been aware but he was naught but a weapon being used against an Asian woman, victimised for making a complaint against three people, who were in that meeting; and for exposing NATFHE’s racially discriminatory policies and practices.

The *Beider affair*, coinciding with the run up to the Industrial Tribunal hearing, might be another of those NATFHE-style quirks of fate that had a habit of cropping up alongside on-going issues. A sceptical person, or the reasonable person, might consider the convergence of the allegations and the rumour-mongering with the Tribunal hearings were co-ordinated to exert pressure upon her, after all it was well-known that the pressure from the *kernels* during 1986 had caused her considerable stress and ill health.

With Nedjat finding the time to turn out for the branch committee’s Beider parade but unable to do the same to raise Bis Weaver’s rights in the branch, a final address was delivered to him before his departure back to South of Watford. He should by now have recognised how the *kernels* were using the Beider issue against Bis Weaver. In fact, he already knew what the *kernels* were capable of doing after incurring the wrath of Downey for expressing a view that Bis Weaver might have a case against Gates in July 1985. He was also aware of the jaundiced view presented to him about the removal of her rights. A parting shot was aimed at reminding him of their conversation on the 3<sup>rd</sup> December and, as an accountable officer, what had been expected of him. Yet he had chosen to abide by the branch motion and not provide information on his “actions...between June and September 1985”, which made him “a party to refusing [her]...information.” It was pointed out that the information requested from him was not covered by the motion, which applied only to “all FUTURE correspondence” from the 29<sup>th</sup>

April 1986.<sup>102</sup> If Nedjat gave it much thought, which was unlikely, he would see how his *kernel* comrades used NATFHE procedures to settle scores with those who challenged their right to ride rough-shod over rank and file members. There was no request for information from him this time around as that was obviously wasted ink. What it confirmed was our adaptation of *Pirsig*.

The branch secretary made an appearance after the branch committee meeting to inform Bis Weaver that Triesman was asking her to put to him in writing her request to see her branch file as he wanted “advice from [NATFHE’s] solicitor.” \* Bis Weaver did not take up Triesman’s attempt to legitimise his authority, or that of NATFHE’s solicitor, over her right to inspect her own file. This was further evidence of the restrictions placed on Bis Weaver’s rights in the branch while NATFHE in the West Midlands continued to proclaim that no restrictions of any consequence were placed on her by the union.

Triesman certainly had his finger on the pulse of what went on in Bournville branch as all matters appeared to be directed through him and he was still issuing instructions to branch officers. At a later date, in another legal case, Triesman was described as displaying “naivety and ignorance...and complacency” of what went on in the workplace,<sup>103</sup> so it might not have been much of a disadvantage for her if Triesman’s finger was somewhere near to where the pulse was supposed to be but it did raise the question as to how much involvement, if any, head office officials had in the *Beider affair*.

The ingenious way in which a combination of unrelated facts and fiction were being manipulated had a familiar look about them. It was a pity for NATFHE at all levels that the performance would not match up to the script.

16<sup>th</sup> December:

The women’s group meeting, specially arranged to deal with the removal of Bis Weaver’s rights, was again sparsely attended, attracting only four women. The poor attendance was put down to a failure of the administrator to send out calling notices. Bis Weaver had reached the point of recognising that the women’s group, like their sisters in the women’s panel almost a year before, had no intention of doing anything. \*\* She had no illusions and, as far as

\* The branch secretary put Triesman’s ‘request’ in writing and sent it to Bis Weaver.<sup>104</sup>

\*\* The Bournville women’s group’s failure to assist Gil Butchere was sufficient evidence of its lack of interest in real cases

she was concerned, they could please themselves as to what they did. More Black groups were being set up, determining their own agenda and priorities; and if White ‘anti-racists’ wanted to support Black colleagues and follow their lead that was all well and good but, if they did not, she would go her own way.

At the meeting, Bis Weaver’s observer, at the branch committee meeting, agreed something needed to be done and suggested early January as a suitable time to discuss the issue. As Bis sceptically put it, “so that no one turns up!” Nonetheless, a meeting was arranged for January.<sup>105</sup>

NATFHE local officers had, for several days, been flexing their ‘anti-racism’ muscles over the *Beider affair* with the threat of taking the LEA to an Industrial Tribunal. However, the union decided to pursue it through local authority procedures.<sup>106</sup> The Industrial Tribunal proposal would have provided an interesting spectacle, which NATFHE had not really thought through when proposing that as an option.

The respondent’s would undoubtedly rely on the justification defence and surrounding circumstances would come into play. Bis Weaver might even be a witness to provide reasons as to why the people involved would want to make false allegations against her. It might even make its way into the press. An application to an Industrial Tribunal on the *Beider affair* was a definite non-starter as it was unlikely that either NATFHE head office or the Birmingham Labour Council would want to see this case spread all over the press – ‘Union uses Asian against Asian to protect three Union officers’ was a possible headline.

17<sup>th</sup> and 18<sup>th</sup> December

Bis Weaver had become increasingly isolated, since April 1986, from the majority of NATFHE card-carrying members attending Bournville branch meetings; and from members of NATFHE’s regional and liaison committees. However, this was no time to dwell on the absence of support; as support was never going to materialise from NATFHE. The only weapon available, such as it was, was to continue to plod along the path of building up a complete record of how NATFHE’s ‘anti-racists’ were the principle obstacles to ethnic minority members looking for relief from harassment. This approach might not get anything directly in terms of justice and principle but if NATFHE’s hypocrisy and cant cannot be exposed one way, it might be exposed in another.

The Rule 8 complaint submitted by Bis Weaver had yet to be mentioned in the branch or at the REC and we wondered if this ‘strike’ at NATFHE via Bournville College was being

kept under wraps. Not wanting to be accused of operating outside NATFHE's rules like the 'enemies of the union' we were accused of being, we drew the regional secretary's attention to the Rule 8 complaint so there would be a good chance it would find its way to the Bournville branch committee. It was a short missive referring to the Rule 8 submitted on the 8<sup>th</sup> October, asking him if, in accordance with the Rules of the Association, "the Regional Officers of the appropriate Region or Regions" had been consulted and if it had been referred to him.<sup>107</sup>

In addition to this, the aftermath of the Beider affair had tipped the balance and Bis Weaver was looking much more critically at those in the liaison committee who had provided snippets of information but had recently become noticeable by their inaction or opposition. If these informants had spoken out at the time then perhaps events from April 1986 might not have occurred or at least might have shown there were people in Birmingham NATFHE prepared to oppose the official line.

News came in from a city contact that the LEA's report was available but the Labour group leadership was sitting on it. However, the findings had been leaked to NATFHE,<sup>108</sup> which did not come as a surprise because, even with her limited contacts, she knew of the findings and that they were favourable to her.

19<sup>th</sup> December

Two days after the contact's information on the LEA report, a leaked city council memo appeared in the Birmingham Evening Mail. The newspaper article brought news of a clampdown on written reports and letters dealing with racism and equal opportunity issues dealt with by the city council. A directive went from Dick Knowles, Leader of the Council, to all heads of department and chairs of committees instructing them

to ensure in future any papers emanating from your departments, either reports or letters etc have been carefully read by chief or senior officers to ensure that they do not contain words or statements which would provide the Press with the sensationalist fodder upon which they seem to thrive. Clumsy treatment of an issue by some officer or committee results in the Press picking up not the positive things we are trying to do but those things which they perceive as controversial...We are all experienced politicians and we know they will continue to operate in the way they have done in the past, no matter what we say to them or about them...We should be presenting to the public the face of a caring, responsible authority that is being done down by this government.<sup>109</sup>

Recent controversial race issues were identified in the directive but these had already been publicised and criticised, therefore, it was the 'unknown' ones that caused concern for

Knowles; issues like the *Bournville College Alleged Racial Harassment Issue*. After the failure of the city council's 'policing' (monitoring) exercise more direct action had come into play from the Labour leadership.

On seeing this in the paper, it became apparent that she would not get the report, at least not in its original form, and a phone call to a contact confirmed that the LEA report on her grievance was covered by this directive and would require vetting before being released. No doubt this 'news' was greeted with joy amongst 'anti-racists' at all levels in NATFHE.

To suppress the LEA's report, or have it censored, as Knowles had instructed, was of considerable benefit both to the union and senior Labour party politicians in Birmingham. NATFHE did not want the report released as it was bound to end up in Bis Weaver's bundle of documents for the Industrial Tribunal hearing and destroy NATFHE's defence of merit being an extraordinary condition covering her grievance against the Bournville 'trio'. Labour councillors similarly wanted the report shelved to avoid a major race scandal in one of its colleges and a possible CRE investigation with potential press involvement. There was also the employer's vicarious liability for allowing an employee to be consistently harassed in the workplace without intervening to protect her. \* The Labour group leadership was a clone of NATFHE; not particularly surprising since both operated within the same Machiavellian and bureaucratic milieu with similar brotherly interests to protect - a veritable band of brothers with the emphasis on brothers.

20<sup>th</sup> December:

The branch committee meeting had provided another chance for Bis Weaver to show the limitations of the committee's equal opportunity and anti-discrimination commitment. Differential treatment in applying casework procedures was the topic. In a letter to the branch secretary, she reproduced the condition made clear by Cave to her representative that "case work can only be discussed by members of the Branch Committee and that no other members can be present when case work is discussed." The secretary was asked to "explain why case work relating to [her] was discussed, in [her] absence, at a full Branch meeting [in April], temporarily chaired by N Cave" – the same Cave who ousted her representative from the recent committee meeting. Furthermore, this April discussion took place in front of "five outside observers, including an observer from the National Union of Teachers" – a non-NATFHE

\* s41(1) of the Sex Discrimination Act and s32 (1) of the 1976 Race Relations Act

member. \*<sup>110</sup> She asked why “differential treatment was applied to [her].” \*\*

NATFHE presented the Beider issue as protecting an ethnic minority member’s employment but avoided mentioning it was at the expense of the interests of another ethnic minority member. Unfortunately, these insights into how NATFHE applied its policies towards ethnic minority victims of discrimination and harassment would not be available for the Industrial Tribunal hearing to expose the union’s undemocratic, spin-ridden bureaucratic interests.

21<sup>st</sup> December

Bis Weaver received information from a Labour councillor that he had tracked down the city official who set the monitoring train in motion. This person was identified as the chief executive of the council, Tom Caulcott. Roy Benjamin, in November, asked him why, after a satisfactory answer had been given about her attendance at the meetings, additional enquiries were made, which the councillor thought was “tantamount to racial harassment.”

The reply he received disputed that racial harassment was a factor in the enquiries (there were four enquiries made) and refused to disclose who requested him to carry out the monitoring.<sup>111</sup> As yet, Roy Benjamin had not been able to find out who was responsible for initiating the monitoring.

The liaison committee secretary had been lobbying the LEA and I decided to let him know that his activities had been monitored. I sent him a note about his lack of “caution and discretion when discussing other issues with which I am involved.” This informed him that his ‘representations’ had not gone unnoticed and his card was well and truly marked.<sup>112</sup> These insights, profound or otherwise, prompted a slightly lengthier post-New Year response from the secretary – all of thirteen words, an increase from the previous ten-word response.<sup>113</sup> The liaison secretary did not display such reticence earlier in the year when supplying information but his previous generosity appeared to have more to do with internal wrangles in the union in the power struggles waging in the NATFHE ‘Left’ rather than in any real intention of assisting Bis Weaver.

\* All the Bournville members at the Beider branch committee meeting plus three of the four outside representatives from region and liaison attended the April branch meeting and must have known double standards were being employed to exclude Bis Weaver’s representative

\*\* This letter was copied to the regional and liaison secretaries, whose committees were represented at the meeting

22<sup>nd</sup> December

A trip to Tony Rust brought news of NATFHE floating an out of court settlement through ACAS. NATFHE's offer was that it "may make a statement before [NATFHE's] Rules Conference that perhaps Mrs Weaver has a point regarding rules on tenure and recommended changes." Aware that the LEA's report had been leaked to NATFHE, this appeared to us to be the reason for NATFHE wanting a deal now that its 'no merit' defence was shot to pieces? Triesman was noted as a skilful negotiator so was this the beginning of a negotiated deal.<sup>114</sup>

Dealing with head office officials in this 'honourable' lecturer's union was an excellent learning exercise, albeit in cynicism, and she had learned that everything associated with NATFHE needed to be approached with extreme caution. Even if it was a genuine approach - extremely doubtful judging from previous dealings with NATFHE, it was not enough to entice her into negotiations since NATFHE was giving nothing away and gaining everything. If NATFHE was serious "then they can undertake to withdraw [Day's] 'report' and make a public statement in the *NATFHE Journal* [explaining that it]...has been withdrawn because the investigation was not properly carried out."<sup>115</sup> This was the least NATFHE could do as vindication for what had happened to her. This was not going to happen, so the only real course open to her was to carry on and even if she lost, NATFHE's procedures would be shown to be inadequate. When supping with the devil it is advisable to use a very long spoon and North of Watford was not far enough away from the gruel being served up at NATFHE's head office.

Rust had also been contacted informally by some Labour Party members advising him not to take the Weaver case; raising with him the spectre of giving the Tories an opportunity to hit the trade unions - a grander scenario than merely splitting the Left in the union.<sup>116</sup> 'Labourites' always seemed capable of doing anything except the right thing.

27<sup>th</sup> December:

When the festivities were over, we began as we intended to continue and that meant 'Target NATFHE'. The Bournville branch officers and branch committee members along with a few odds and ends in liaison and regional executive committees had been having a field day over the *Beider affair*, so it was time to launch a few more irritating pinpricks in their direction. With this in mind, I decided to slap in a Rule 8 complaint against Bournville branch executive and branch committee on similar but not the same grounds as Bis Weaver's Rule 8.

My argument was that “the action of the Branch Executive and Branch Committee has brought NATFHE into disrepute by demonstrating to those outside of NATFHE, that NATFHE is prepared to victimise...those prepared to support Black people in their struggle for justice and dignity in the workplace.” This action was being brought on grounds that a statement was produced which raised six limbs of complaint and that “benefits, facilities and services were withdrawn from me” because of “my support for the struggle of a Black woman...and in view of NATFHE’s declared policy of support for Black people...[it was hoped] that NATFHE approaches this complaint in accordance with NATFHE’s declared position.” There was an additional dimension to the complaint that covered my previous attempts to avoid having to register a Rule 8 complaint. I referred to approaches made to the executive and committee<sup>117</sup> with a request to withdraw the branch statement and issue a retraction – a request that was ignored.<sup>118</sup>

NATFHE’s Rules became a source of entertainment when trying to find out how they actually worked; the secret was not to take them seriously and if a complainant wanted real action take the complaint elsewhere, although not to the local authority.

It was also time to put on the record events at the TUC regional council meeting in July, so a letter went off to Penny Welch. Her attention was drawn to the approach taken when she objected to the Bournville College issue being discussed. She had used her own subjective interpretation of the issue, which was known to consider Bis Weaver’s difficulties as “a conflict of personalities/personal dispute between [her] and one other party.” Ms Welch was asked why she made “subjective remarks which were inappropriate and...lacked substance” in a TUC meeting. Ms Welch was informed that the matter would have been taken up with her when she visited Bournville College on the 3<sup>rd</sup> December but had thought Ms Welch would “appreciate, as a NEC member, that the most appropriate manner...is to deal with the issues formally.”<sup>119</sup> This was to remind Ms Welch that while she was prepared to make erroneous and partisan statements to third parties she constantly declined to disclose information that a directly interested party, Bis Weaver, had an entitlement to know. It was also to let her know that Black people, such as Alton Burnett, were not so easily conned by her simplistic interpretation of the harassment of Black people, and they were much more capable of interpreting behaviour and the various forms that racism displayed than Ms Welch could ever claim to do.

After twenty-two months of harassment, Bis Weaver was the one on ‘trial’, forced into the position of defending herself against slanderous accusations when the LEA/City Council was in possession of sufficient evidence to validate her grievance and blow away these Machiavellian intrigues. We had very little to throw at NATFHE because the LEA, under strict

instructions, was holding back a weapon that would have caused serious problems for NATFHE and the Bournville triumvirate. \*

Whoever was masterminding NATFHE's 'negotiations' with city council officers and/or Labour group members; whether they were NATFHE officials or those local NATFHE officers sharing constituency membership with Labour politicians, they were paying little attention to the one-time youthful Triesman. As leader of students at Essex University, he criticised the university authorities for its "refusal to disclose the nature of the official report on the Dr Inch incident," which had investigated the actions of Triesman and others in student demonstrations in the 'revolutionary' 1960s. \*\*<sup>120</sup>

If the situation had not been so serious it would almost be humorous and it did bring a wry smile to our faces. After all it was better to end the year in laughter than in tears. There would be little enough laughter for Bis Weaver during 1987 but the writing was on the wall for NATFHE aided by the myopia of its officers and officials. We did not see it at the time, nor did NATFHE, but the writing was there all the same in indelible ink.

\* The release of the findings was a condition of the statutory grievance procedures. This condition was implied by Justice Schieman in the Weaver v Birmingham City Council case in the High Court in January 1989. He said the Applicant's potential complaint was that the formal procedures never went as far as envisaged by a formal hearing in front of the governing body or a committee appointed for that purpose in 1986 and that had the application to this court been made on the grounds of the procedures not being applied, he might have viewed the application differently.<sup>121</sup> The application had been made on the city council's failure to release the Report. We relayed the justice's assessment to the Chair and members of the Bournville governors<sup>122</sup>

\*\* Triesman and two other students were "suspended for encouraging a protest against a visiting speaker from the Clerical and Biological Defence Centre at Porton Down – an event that helped to spark the university's student uprising in 1968"<sup>123</sup>

<sup>1</sup> T/conv BW to CD 1 Dec 1986 File W 46 - 47

<sup>2</sup> DG to CD 25 Jun 1985 File A 4 - 5

<sup>3</sup> SN to DG 26 Jun 1985 NATFHE IT Bundle 42

<sup>4</sup> Day's Rept p16 s 6 (xiii) BW IT Bundle 14

<sup>5</sup> T/conv SN to BW 14 Jul 1985 in SN Note File A 14

<sup>6</sup> BW to SN 1 Dec 1986 File E 30 - 31

<sup>7</sup> B/V Govs Mins 2 Dec 1986

<sup>8</sup> B/V college Memo 19 Dec 1986

<sup>9</sup> Conv GB & BW 17 Nov 1986 File Y 14

<sup>10</sup> Conv BW & HS 2 Dec 1986 File R 37 - 38

<sup>11</sup> BW/GW to BSec/BCtte 2 Dec 1986 File E 32 - 33

<sup>12</sup> Conv Mgt & CD 2 & 3 Dec 1986 File W 47 - 48; Mgt note to GH 2 Feb 1967 File W 31; Witness Statement, Mgt to AR 16 Mar 1987 File G 4 - 5; see also GW to NATFHE 12 Feb 1989 File K 59 - 63

<sup>13</sup> Conv CD to Mgt 2 & 3 Dec 1986; & Mgt to BW 3 Dec 1986 File W 47 - 48

<sup>14</sup> T/conv HB & BW 3 Dec 1986, written down 5 Dec 1986 File R 30 - 31; BEVN BW 8 Dec 1986 p 4 File S 17

<sup>15</sup> Agenda B/V Br 3 Dec 1986 File R 42

<sup>16</sup> SN to AD 14 Jul 1986 BW IT Bundle 11

<sup>17</sup> AD to BW 13 Aug 1985; AD to SN 13 Aug 1985 File A 18 - 19

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- <sup>18</sup> Conv BW & SN 3 Dec 1986 File R 32 - 36  
<sup>19</sup> DE, WMARC Mins 17 Jun 1987 File U 71  
<sup>20</sup> Conv Mgt & CD 2 & 3 Dec 1986 File W 47 - 48; Mgt note to GH 2 Feb 1967 File W 31; Witness Statement, Mgt to AR 16 Mar 1987 File G 4 - 5; CD to BW 10 Nov 1986 File E 25  
<sup>21</sup> Ibid  
<sup>22</sup> DC to DE 8 Nov 1986, and DE to KS 20 Nov 1986 File E 27 - 28  
<sup>23</sup> T/con KS & BW 3 Dec 1986  
<sup>24</sup> BEVN, Principal to NC & BH 5 Dec 1986, pp 1 & 3 File S 2 - 7  
<sup>25</sup> GW to RDty & SD 4 Dec 1986 File M 21  
<sup>26</sup> OIT to AR/NATFHE 3 Dec 1986 NATFHE IT Bundle 16  
<sup>27</sup> BEVN, NC 5 Dec 1986, p1 File S 2 - 7  
<sup>28</sup> Ibid, p 6  
<sup>29</sup> Mgt & BW 5 Dec 1986 File R 39 - 41  
<sup>30</sup> T/p Conv BW & AO 5 Dec 1986 File R 40  
<sup>31</sup> Conv BW, GW & Mgt 5 Dec 1986 File R 39 - 41  
<sup>32</sup> B/VWG Mtg 5 Dec 1986 File Z 17  
<sup>33</sup> HP to OIT 5 Dec 1986 referred to in OIT to HP 11 Dec 1986 NATFHE IT Bundle 17  
<sup>34</sup> Conv BW & Mgt 5 Dec 1986 File R 39 - 41  
<sup>35</sup> Ibid  
<sup>36</sup> CD to BW 5 Dec 1986 File E 36  
<sup>37</sup> HS to BW 13 Feb & 2 Mar 1986 BW IT Bundle 38 & File B 23 - 24  
<sup>38</sup> Conv BW & CD 24 Oct 1986 File W 45 - 46  
<sup>39</sup> KS to DE 5 Dec 1986 File E 37  
<sup>40</sup> Min 604, BCC RR & EOC 5 Dec 1986  
<sup>41</sup> Mtg AR, BW & GW 6 Dec 1986 File Y 7  
<sup>42</sup> RDty to GW 5 Dec 1986 File M 22  
<sup>43</sup> Conv GW to HB 7 Dec 1986 File S 1  
<sup>44</sup> AB Witness Statement, File S 1  
<sup>45</sup> Deman v AUT [2003] ECWA Civ 239, sect 20; THE 28 May 1999  
<sup>46</sup> BEVN NC & BH 5 Dec 1986, p1 File S 2 - 7  
<sup>47</sup> BWG to BCFE Govs 28 Oct 1986 File Y 6  
<sup>48</sup> BEVN NC & BH 5 Dec 1986, p1 File S 2 - 7  
<sup>49</sup> Ibid pp 2 & 3  
<sup>50</sup> Ibid p 3  
<sup>51</sup> Ibid p 4  
<sup>52</sup> Day's Rept p16 s 6 (xiii) BW IT Bundle 14  
<sup>53</sup> BEVN NC & BH 5 Dec 1986 p 5 File S 2 - 7  
<sup>54</sup> Ibid p 6  
<sup>55</sup> BEVN HB 8 Dec p 2 File S 8 - 13  
<sup>56</sup> Ibid p1  
<sup>57</sup> Ibid p 3  
<sup>58</sup> Ibid p 4  
<sup>59</sup> Ibid p 5 - 6  
<sup>60</sup> Ibid p 6  
<sup>61</sup> BEVN BW 8 Dec 1986 p 1 & 2 File S 14 - 18  
<sup>62</sup> Ibid p 3  
<sup>63</sup> Ibid p 4  
<sup>64</sup> Ibid p 5  
<sup>65</sup> BEVN AO 8 Dec 1986 p 1 File S 19 - 20  
<sup>66</sup> Ibid p2  
<sup>67</sup> Notes & Mins B/V BrMtg 5 Feb 1987 File R 50 - 56  
<sup>68</sup> BEVN RB BW 10 Dec 1986 p 2 File S 21 - 23  
<sup>69</sup> Ibid p 1  
<sup>70</sup> Ibid p 3  
<sup>71</sup> BEVN RB BH 10 Dec 1986 p 1/2 File S 24 - 28  
<sup>72</sup> Ibid p 2  
<sup>73</sup> HB Application 11 Nov 1986 Bournville College files  
<sup>74</sup> BEVN RB BH 10 Dec 1986 p 3 File S 24 - 28  
<sup>75</sup> Ibid p 4/5

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- <sup>76</sup> Ibid p 5  
<sup>77</sup> BEVN RB NC 10 Dec 1986 p 1 File S 29 - 34  
<sup>78</sup> Ibid p 2  
<sup>79</sup> Ibid p 3  
<sup>80</sup> Mgt to DG, NC, BH, DH 9 Jul 1986 File D 50  
<sup>81</sup> BEVN RB NC 10 Dec 1986 p 4 File S 29 - 34  
<sup>82</sup> LEA's Report, Investigation into Allegations made by Mrs B Weaver Against Staff at Bournville College, Nov 1986, Part 5 sect 7 File N 33 - 34  
<sup>83</sup> BEVN RB NC 10 Dec 1986 p 5 File S 29 - 34  
<sup>84</sup> Ibid p 6  
<sup>85</sup> CRC & BW/GW 27 Nov 1987 File Y 12  
<sup>86</sup> Conv city contact & BW 12 Dec 1986 File Y 7  
<sup>87</sup> Conv BW, GW & HS 10 Dec 1986 File Y 7; Note HS to BW 10 Dec 1986 File E 40  
<sup>88</sup> HS to DTr 10 Dec 1986 File E 41  
<sup>89</sup> BW/GW to DE 10 Dec 1986 File E 38 - 39  
<sup>90</sup> Conv BW & BG 11 Dec 1986 File Y 7; T/p conv RB & BW 21 Dec 1986 File Z 21  
<sup>91</sup> BW to CD 11 Dec 1986 File E 42;  
<sup>92</sup> Conv BW/GW & HS 12 Dec 1986 File Y 8; BW to BSec 12 Dec 1986 File E 43  
<sup>93</sup> Conv city contact & BW 12 Dec 1986 File Y 7  
<sup>94</sup> OIT to HP/AR 11 Dec 1986 NATFHE IT Bundle 17  
<sup>95</sup> GW to RDty 12 Dec 1986 File M 23 - 24  
<sup>96</sup> RDty to GW 17 Dec 1986 File M 25  
<sup>97</sup> RDty to BW 10 Apr 1986 BW IT Bundle 144  
<sup>98</sup> T/conv BW & HS 15 Dec 1986 File R 44  
<sup>99</sup> BW to HS 20 Dec 1986 copied to regional and liaison secretaries File E 48  
<sup>100</sup> GW Notes BCtte Mtg 15 Dec 1986 File R 43; T/p con BW & HS 15 Dec 1986 File R 44  
<sup>101</sup> Conv BW & AW 15 Dec 1986 File Y 8  
<sup>102</sup> BW to SN 15 Dec 1986 File E 44  
<sup>103</sup> Deman v AUT EAT 5 Feb 2002 s 12  
<sup>104</sup> HS to BW 18 Dec 1986 File E 46; BW to HS 18 Dec 1986 File E 45  
<sup>105</sup> Notes B/V WG 16 Dec 1986 File Z 18 - 19  
<sup>106</sup> Conv city contact & BW 17 Dec 1986 File Y 8  
<sup>107</sup> BW to DE 18 Dec 1986 File E 47  
<sup>108</sup> Conv city contact & BW 16 Dec 1986 File Y 8  
<sup>109</sup> BEM 19 Dec 1986  
<sup>110</sup> BW to HS 20 Dec 1986 copied to regional and liaison secretaries File E 48  
<sup>111</sup> T/conv RB & BW 21 Dec 1986 File Z 21  
<sup>112</sup> GW to RDty 21 Dec 1986 File M 26  
<sup>113</sup> RDty to GW 6 Jan 1987 File M 30  
<sup>114</sup> Elliot L M, Guardian 27 Jul 2001  
<sup>115</sup> Mtg AR, BW & GW 22 Dec 1986 File Y 9  
<sup>116</sup> Ibid  
<sup>117</sup> BW/GW to BSec/BCtte 2 Dec 1986 File E 32 - 33  
<sup>118</sup> GW to PD 27 Dec 1986 Rec'd Del F 253169 File M 27 - 28  
<sup>119</sup> BW to PW 27 Dec 1986, with copy to regional secretary, File E 49  
<sup>120</sup> Times 17 May 1968  
<sup>121</sup> The Queen v Birmingham City Council ex parte Weaver B, CO/1692/88 RCJ File V 51 - 53  
<sup>122</sup> BW/GW to SB and B/V Govs 12 Jan 1989 File V 54 - 57  
<sup>123</sup> THES 14 May 1999