

## **THE MINeworkERS' STRIKE 1984-5: THE ROLE OF THE SCOTTISH AREA AS BANKER TO THE NATIONAL UNION**

*Eric Clarke with Bob McLean*

### **FOREWORD**

The idea of this article was born when I suggested to my comrade and friend, Eric Clarke, that he should not allow the 20<sup>th</sup> anniversary of the 1984/85 Miners' Strike to pass without comment. Eric served as the General Secretary of the National Union of Mineworkers Scottish Area throughout that titanic industrial struggle, and his background qualifies him to add to the record of what we already know about the distinctly Scottish aspects of the strike.

What follows is Eric's account of:

- the differing approaches taken to the courts by the NUM north and south of the border
- the divergent rulings of the Scottish and English judiciary
- how the NUM Scottish Area, and he in particular, acted as the banker to the NUM throughout the United Kingdom.

***Bob McLean***

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### **INTRODUCTION**

'What's with the Mickey Mouse Money?' That was the cheeky quip from several members of the National Executive of the NUM as I paid out their expenses in Scottish banknotes. Before outlining the circumstances which led to me boarding trains for Sheffield, with as much as £50,000 in the overhead luggage rack, I would like to summarise the journey that led me to that destination.

I was born into a working class family in the Gorgie district of Edinburgh. At the age of 16 I entered the mining industry and joined the workforce of Roslin Colliery in 1949. In 1951 I moved to Lingerwood and found digs in the Midlothian village of Arniston. My mother had died when I was young and the relationship with my father was not always an easy one. The move to Arniston reduced travelling time and, more importantly, brought me under the wing of the Weir family who introduced me to the values of responsibility and solidarity that distinguished Midlothian's mining villages. In my early years in the industry I attended Ramsay Technical College in Portobello, and was among the first intake of students at the new EskValley College, entertaining notions of becoming a mining engineer.

On each faceline, NUM members nominated a 'leading man' to voice their complaints and problems, and I joined the NUM committee at Lingerwood on that basis. Before long I began to realise that I was not receiving the opportunities and encouragement extended to other students. I began to wonder if that was due to my Union activities, a suspicion that was confirmed when colliery management suggested to me that I was not behaving as a potential candidate for junior management should. From that point the Union became my priority. The closure of Lingerwood led to a move to Bilston Glen where I became President of the NUM Branch.

Activity in the industrial wing of the movement introduced me to the Labour Party. I became a councillor on the old Midlothian County Council and eventually became vice chair of its Planning Committee. With local government re-organisation in 1974, I was elected to represent Mayfield and Gorebridge on the new Lothian Regional Council, and held the Planning and Economic Development portfolio throughout Lothian's first term.

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### **ACTIVE AT A NATIONAL LEVEL**

Back on the industrial front I was first elected to the NUM's Scottish Executive in 1970, and I was at the heart of the 1972 miners' strike as Treasurer of the Lothians' Strike Committee. In 1973/74 I served on the NUM National Executive, a vantage point that provided a fascinating insight into the second miners' strike of the 1970s. My second National Executive meeting took place in No. 10 Downing Street, with Prime Minister Ted Heath, while my fourth meeting was with Willie Whitelaw in St James's House.

I recall being in our national headquarters, in London, one morning when then President, Joe Gormley, reported on dinner with Opposition Leader Harold Wilson at Westminster the previous evening. Joe informed us that he had floated with Wilson the idea of a 'portal to portal' agreement, which would settle our claim for more money for underground workers without setting a precedent for workers in other sectors. Joe fully intended to try to sell the formula to the Heath government at the earliest opportunity. Wilson, however, rose from the dinner table, proceeded to the House of Commons and presented the idea as his own. It was shot down in the crossfire of partisan political debate. Joe was not a man to use strong language but on that morning he was bursting with expletives. Joe was furious, and the country was heading for the three-day week.

Following the strikes of the 1970s, NUM membership in Scotland fell below 20,000, depriving the Scottish Area of an automatic second representative on the NUM National Executive. Being the 'junior' member, I stepped down in favour of Bill McLean, the Scottish Area's General Secretary and a member of the Communist Party.

### **CLACKMANNAN**

In the general elections of February and October 1974, George Reid, now Presiding Officer of the Scottish Parliament, captured and held Clackmannan and East Stirlingshire for the SNP. In 1975 I was selected as Labour's prospective parliamentary candidate to regain the seat. My opponent away back then was Richard Simpson, a young doctor with local connections. Almost thirty years later he represented the largely equivalent Ochil constituency in the first term of the Scottish Parliament. Injudicious

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comments about striking fire fighters contributed to his defeat, at the hands of George Reid, in 2003. What goes around comes around. The margin of my selection could not have been closer. It was reduced to just one vote when the NUM delegation from the local Bogwood Colliery was ruled out.

I nursed the constituency for two years but in 1977 Bill McLean died and I was encouraged to stand for election as the General Secretary of the NUM Scottish Area. The Communist Party was very influential in Scottish NUM affairs and my candidature was endorsed by Mick McGahey. I had known Mick since I first attended NUM schools in the 1960s and we forged a close working and personal relationship. Mick's support, and my earlier decision to stand down in favour of Bill McLean, had created a reservoir of CP goodwill towards me. Accordingly, I became the Scottish Area General Secretary, and Scotland's representative on the NUM National Executive. I gave up my seat on Lothian Regional Council in 1978, and withdrew from Clackmannan. I suggested to former student leader and Labour Party activist, Martin O'Neill, that he should put his name forward in Clackmannan. He took my advice and was adopted to replace me as the Labour candidate. A short while later, Leith MP, Ronald King Murray, announced his decision to retire at the next general election. If Martin had not already taken up the standard in Clackmannan, he would have been well placed to be selected for the safer Leith seat. The Leith nomination went to Ron Brown whose subsequent election was one of the more colourful consequences of my becoming the Scottish Miners' General Secretary. In May 1979 Martin and Ron were both elected but Labour candidates across 'middle England' were scattered like skittles. Enter Margaret Thatcher and a government with scores to settle with the NUM.

### **UNDER ATTACK**

In 1980 the incoming Tory Government introduced the Coal Industry Act, which set the National Coal Board the target of financial self-sufficiency by 1983/84. The NUM responded with the threat of industrial action, and the government withdrew from the field of battle to regroup for a fresh offensive. On our side, Joe Gormley retired as President. Under rules introduced by Gormley, Mick McGahey was deemed 'too old' to stand for the position, although he carried on as Scottish President, and National Vice President. Arthur Scargill succeeded Joe.

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Thatcher's Conservatives were re-elected in 1983. Later that year she appointed the trouble-shooting, Scottish/Canadian entrepreneur, Ian MacGregor, as Chairman of the National Coal Board with the remit of 'rationalising' the industry. The key players were in position. In 1984 the MacGregor-led NCB offered us a wage increase of 5% on the condition that we accepted a reduction in coal output that equated to the loss of 20 pits and 20,000 jobs. We viewed this move as an all-out onslaught on the mining communities of Britain, and by the early weeks of March 1984 an overwhelming majority of Scottish and British miners were on strike.

In this 20<sup>th</sup> anniversary year, much has been written about various key aspects of the 1984/85 strike, e.g. the solidarity of mining communities, the role played by women, relations with other unions, the TUC and STUC, the state's use of the police etc. I want to take this opportunity, however, to add to the record on a particularly Scottish aspect of the strike with which I was closely involved.

#### **FIGHTING THROUGH THE COURTS**

My first court appearance of the strike took place on 29 March 1984 when, along with Mick and three other Scottish Area officials, I faced a petition brought by Stirlingshire coal merchants who maintained that their businesses were threatened by picketing. Our legal representatives successfully argued that the picketing was not directed by the Scottish Area, from our headquarters in Edinburgh's Hillside Crescent, and therefore the action did not apply. Throughout the strike the NUM Scottish Area was represented by Edinburgh solicitors, Thomsons, which replaced a myriad of smaller firms inherited from the old County Federations. Thomsons deferred fees until the end of the strike and often acted above and beyond the call of duty. Their actions went a long way to restoring the Labour movement's faith in lawyers and, to a certain extent, the judicial system.

On September 1984, I found myself in court once again. Three 'working miners' from the Lothians, Harry Fettes from Leith and two Midlothian men, John Pupkis and Tom McConnell, applied to the Court of Session to grant an interim interdict to halt picketing in Scotland until a ballot was held. Harry Fettes, widely known as 'Super Scab', was a strange character. The leading

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voice among 'working miners' in the Lothians, he had apparently shown interest in the Communist Party!<sup>1</sup> While we were facing-off in court, Fettes was campaigning as the Conservative candidate in a by-election in the Inch/Gilmerton division of Lothian Regional Council, the vacancy having been created by David Martin's elevation to the European Parliament in June 1984. Labour's Ken Harrold scored a runaway victory but Fettes came to within one vote of beating the Social Democrats for second place.

Back in court, Lord Hunter rejected the application from Fettes et al. The applicants' lawyers had argued that the NUM Scottish Area was hiding behind the rules that governed area strikes while it was involved in a national strike. As little of this was likely to change in a 24-hour period it did not fall within the interim interdict procedure. I left the court happy and relieved but convinced that there were clandestine forces behind Fettes and co.who were described in court as 'men of straw'.

### **THE EMPTY CHAIR STRATEGY**

South of the Border meanwhile, two Yorkshire Miners, Ken Foulstone and Bob Taylor, moved a writ at the High Court calling for:

- a National ballot within 28 days
- declaring picketing unofficial
- the Union to desist from attempting to dissuade men from working
- the Yorkshire Area to hold branch meetings and elect officials
- a legal ban on the recently amended rules governing discipline within the NUM.<sup>2</sup>

In line with Arthur Scargill's view, which was supported by the National Executive, the Union was not represented in court. The outcome was a writ compelling us to attend a full hearing scheduled for early October 1984. The pace of events increased, however, when Arthur appeared on Channel 4 News to declare that, regardless of the courts, our strike was national and

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<sup>1</sup> *The Scotsman*, Friday 28 September 1984, p.9.

<sup>2</sup> *The Scotsman*, Wednesday, 8 August 1984, p.1.

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official. NUM members or officials who defied Union rules ran the risk of disciplinary action.

Foulstone and Taylor's lawyers seized on Arthur's comments as the basis of contempt of court proceedings. Orders issued by the High Court were served on Scargill, Mick and General Secretary Peter Heathfield as our delegation gathered in Blackpool for the Labour Party Conference. Arthur convened a meeting of our National Executive in the Lancashire seaside resort at which he sought, and received, endorsement for his policy of ignoring the courts. I remember that meeting well, and the emphasis that Arthur placed on the chances of his ending up in prison.

On 10 October 1984, Justice Nicholls fined an absent NUM £200,000 and an absent Arthur £1,000. More alarmingly, he also threatened to sequester the NUM's £9m assets if the fines were not paid within two weeks, in the case of the NUM, and four weeks in the case of Arthur. Scargill delivered his response from the steps of our Sheffield headquarters. The strike was official and would continue. On 25 October Justice Nicholls, faced with another empty chair, ordered sequestration of the Union's funds and appointed four partners from Price Waterhouse to carry it out.

### **LEGAL, AND THAT'S OFFICIAL**

Back in Scotland meanwhile, Fettes, Pupkis and McConnell failed on 6 November in a second attempt to force the Scottish Area into holding a secret ballot. This time round it was Lord Jauncey who considered the issues. Jauncey accepted that the Scottish Area was 'an associated trade union' under NUM national rules. In March 1984 the Scottish Area sought and received NUM National Executive permission to strike under Rule 41, which governed the calling of area strikes. In addition to obtaining the permission of the National Executive we had taken the strike call to pit head meetings, Branch meetings and a Scottish Area delegate conference. Looking back with hindsight, I wish, on balance, that we had organised a ballot, both at Area and National level. In doing so we would have protected ourselves from repeated attack on what turned out to be our Achilles heel. Back in 1984, I sincerely believed that a national ballot would result in miners in the centrally located, highly productive coal fields of Yorkshire, Nottingham, Derby, Leicester and the Midlands voting to cut jobs in the peripheral coal fields of Scotland, South Wales, Kent, Durham, Northumberland and Cumberland.

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The key question for Lord Jauncey, however, was whether the strike in Scotland was a legally called area strike or an illegal national strike? He was not minded to rule that an area strike and a national stoppage could not run in parallel. He settled for the former.

While things were going our way in Scotland, further legal action in London led to the removal of the National Union's Trustees. Arthur, Mick, Peter Heathfield, Notts Area Secretary, Henry Richardson, and Yorkshire Vice President, Sammy Thompson were removed and the Union's assets passed to the control of a receiver on 30 November. Receivership proved to be our wake-up call and we were represented in the High Court by William Stubbs QC. When Justice Mervyn Davies asked if the NUM was prepared to recognise the authority of the court, Stubbs had no option but to reply that he had received no instructions to that end. From 30 November 1984, the NUM no longer had control of its own funds under English Law.

### **'I WOULD BE PREPARED TO GENUFLECT'**

On Monday 3 December, a special delegate conference met to discuss the Union's financial position. By a margin of 139,000 to 80,000, we voted against purging our contempt of court or paying the £200,000 fine imposed upon us. We, the Scottish Area and our tradesmen's section SCEBTA, were among the sizeable minority. Prior to the conference, the National Executive voted by 11 votes to 6 to allow the receiver to repatriate our funds from overseas so that we could pay the fine and purge our contempt. The Scottish stance was influenced by the fact that the strike in Scotland had been declared legal and official. Our position was articulated by Scottish Area Vice President, George Bolton, who argued that the return of the £9m lodged abroad would 'take the heat off the Union'. The conference's rejection of the Executive recommendation has been put down to a particularly powerful speech by Jack Collins, Secretary of the Kent Area.<sup>3</sup> Kentish rhetoric aside, the outcome of the special delegate conference confirmed different approaches to the courts north and south of the border.

During the Strike, the NUM's main source of income came in donations and loans from other unions, particularly the Transport and General, the National

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<sup>3</sup> *The Scotsman*, Tuesday 4 December 1984, p.1.

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Union of Public Employees (now part of Unison), the National Union of Railwaymen, the GMB, ASLEF and SOGAT. Donations also came from abroad, but it is unclear if any financial support resulted from NUM Chief Executive Roger Windsor's desert mission to Gaddafi's Libya.<sup>4</sup> Whatever money may have come from Libya, it was counter-productive in political terms, and led to a breach with the North American miners' organisations, which we had managed to keep on side until that point. What was clear, however, was that all loans and donations paid into the NUM national bank accounts were immediately seized.

It is claimed that much of the money was paid in cash, stuffed into carrier bags and handed over to Arthur at the Barbican flat which the NUM retained for him.<sup>5</sup>

ore was paid through Scotland. As the only NUM Area legally on strike, Scotland became the Union's, and the strike's, banker, with me as chief cashier. The large loans from the T&G, FBU, GMB and others were paid into the Scottish Area bank account and dispensed by me. I paid out money to people forwarded to me by our national headquarters and carried money to Sheffield to finance the work of the National Executive and our Sheffield headquarters. Often my colleagues would joke about the preponderance of Scottish banknotes, describing them as 'Mickey Mouse Money. My riposte was '48 hours notice for English notes!'

Joking aside, I was administering serious sums of money. I regularly travelled to Sheffield with an attache case in the overhead luggage rack that could contain anything up to £50,000. Twenty years later, I cannot recall the total sum of money I administered but it was substantial. After leaving the NUM I was called on to assist with an inquiry as to whether or not the Derbyshire Area had an outstanding debt of £75,000. Derbyshire was in the clear, but that one case puts the sums involved into perspective.

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<sup>4</sup> When later asked to investigate if the NUM had received money from Libya, Gavin Lightman reported that he could neither confirm nor reject the allegation. See Gavin Lightman QC, *Report of Gavin Lightman QC to the National Executive Committee of the National Union of Mineworkers*, 3 July 1990, Penguin, London, 1990, p.122.

<sup>5</sup> Martin Adeney and John Lloyd, *The Miners' Strike 1984-85: Loss Without Limit*, Routledge and Kegan Paul, London, 1986, p.174.

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In Scotland we called off the strike on 7 March 1985 amid much acrimony. In the weeks that followed there was an understandable drop off in donations and loans, but we continued to cope with the same serious responsibilities. In Scotland alone we had 206 victimised miners to support and we had to deal with the social mayhem created by the National Coal Board's 'scorched earth' approach to the strike. Without access to our national assets, we were in a perilous financial position. I established our own Scottish Trust through which trustees Gavin Strang MP, the late Johnny Walker and industrial chaplain Hugh Ormiston directed money on the basis of greatest need.

In May 1985, financial pressure led to a number of areas pledging that they were not improperly financing the national union as the basis of a deal with the receiver to obtain some of the money being paid weekly to Sheffield. This 'imprest account', as it was known, was essential in keeping some areas afloat.

By early October 1985 those areas which had not reached a deal with the receiver were in serious financial trouble. At an National Executive meeting on 10 October I found myself lining up with George Rees, South Wales, and Denis Murphy, Northumberland, in calling on the Executive to take the action required to regain control of our funds. As has been widely reported, Denis Murphy squared up to Arthur stating: 'If it means bending the knee, you've got to do it.'<sup>6</sup> On a later occasion, Mick McGahey expressed similar sentiments, arguing that he would 'be prepared to genuflect' to regain control of our money. Murphy's 'bent knee' or McGahey's 'genuflection', the metaphor was very clear. On 10 October, however, no vote was taken and Arthur continued to ignore the views of his Executive for a further two weeks.

On 28 October a special delegate conference was held in London's County Hall to discuss how to take the cases of the victimised men forward. Prior to the conference convening, the Executive met. Once again Scotland was at the forefront of the call to release us from sequestration and receivership. Abe Moffat, President of SCEBTA, proposed purging the contempt. His resolution was carried by 11 votes to 7.

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<sup>6</sup> *The Times*, London, 11 October 1985, p.2.

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The Union was scheduled to return to the High Court on 14 November 1985. Unsure of the procedure, the entire Executive stood by at TUC headquarters while Arthur, Mick and Peter Heathfield proceeded directly to the Court. As anticipated, Arthur called on the rest of us to join him and we set off for the High Court in a fleet of taxi cabs.

#### **OUR DAY IN COURT**

Our lawyer, Gavin Lightman, read out the following statement on behalf of the Union: 'We hereby tender the apology of the NUM to the honourable Court for its contempt and request that the writ of sequestration be discharged.' He went on to argue: 'there is no suggestion that the contempt that led to the sequestration has been repeated and there is no question of a repeat as the strike is over.' Lightman argued that it would be unfair to continue to penalise every member of the NUM, whatever attitude they took during the strike. He even cited Foulstone and Taylor's support for the lifting of the sequestration!<sup>7</sup>

Sequestrators, Price Waterhouse, argued for a partial release, arguing that we had only recently conformed and that our attempts to transfer funds, national and area, abroad prior to the strike demonstrated intent on our part. The sequestrators claimed that our cover name for that exercise was supposedly 'Tuscany' while our sophisticated code for Switzerland was 'Cuckoo Land'. I do remember Roger Windsor talking about 'Cuckoo Land'. In hindsight, however, it may have said more about where Roger was coming from rather than the transfer of funds.<sup>8</sup>

Discharging the sequestration, Mr Justice Nicholls left us in no doubt of his assessment of our 'heart-felt' apology. He also scolded those areas and others that had donated/loaned to the NUM south of the border while sequestration had been in force. Things turned decidedly less funny when he estimated the

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<sup>7</sup> *The Scotsman*, Friday 15 November 1985, p.1

<sup>8</sup> Following the strike, allegations were made in the media and the House of Commons that Roger Windsor had been some sort of agent provocateur for MI5. Seumas Milne, *The Enemy Within: MI5, Maxwell and the Scargill Affair*, Verso, London, 1994, p.171.

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total sum of our legal costs, sequestration costs, receivership costs and fines at £1.4m.

#### **AID DIVERTED OR MOSCOW GOLD DIGGERS?**

While we were battling to regain control of our funds, Arthur was installed as President of the International Mineworkers' Organisation (IMO) on 21 September 1985. Expecting the affiliation of some 40 national miners' unions, east and west, it was maintained that the IMO would join neither the Brussels-based International Confederation of Trade Unions nor the Prague-based World Federation of Trade Unions (WFTU). Despite those assurances, the western-orientated Miners' International Federation, to which the NUM had been affiliated for more than 90 years prior to 1983, accused Arthur's IMO of having an 'eastern bloc' orientation. Was it genuine concern or Cold War rhetoric?

The inaugural conference of the IMO was held in the Paris headquarters of the French Communist Confederation General du Travail. The existing WFTU affiliated Miners' International dissolved, and its General Secretary, Alain Simon, took up the same position with the IMO.<sup>9</sup>

In 1990, the **Daily Mirror** and Central Television's 'The Cook Report' levelled a series of allegations regarding the NUM's finances. A subsequent investigation was ordered by the National Executive of the NUM, and conducted by NUM associated QC, Gavin Lightman.<sup>10</sup> He dismissed the allegations concerning Arthur and Peter Heathfield's personal finances, but concluded that between £1m and £1.4m donated by the Soviet Miners' Union (CEU), for the welfare of British miners, had been paid into an account which was under the control the IMO. This finding was consistent with my own experience having been told by Soviet Miners' officials on more than one occasion that they had levied one day's wages from every member for British

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<sup>9</sup> *The Times*, Monday 23 September 1985, p.1.

<sup>10</sup> For a note of Lightman's relationship with the NUM, and Arthur Scargill in particular, see Seumas Milne. *The Enemy Within, MI5, Maxwell and the Scargill Affair*, Verso, London, 1994, p.60.

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miners' welfare.<sup>11</sup> As General Secretary of the Scottish Area, I had people coming to me with mortgage and other financial difficulties, and I heard of many instances of stress, depression and relationship breakdown. I wanted to deploy all available resources to alleviate the continuing difficulties facing many of our men and their families. To this day the suggested 'misapplication' of money raised for relief continues to trouble me<sup>12</sup>. We in Scotland could certainly have put our share of £1m, or £1.4m, to very good use.

As the most available NUM official in Scotland it was only understandable that our members should lash out at me. The pressure took its toll, however, and on many mornings I had to steel myself to go to work. Contrary to some suggestions, I did not run away from my responsibilities nor was any safe Labour seat 'stitched' up for me.

Following the strike the Scottish Area had three full-time officials: George Bolton, Andy Crawford of SCEBTA and me, but we could only afford to employ one. Andy decided to take retirement while I was effectively made redundant. During that period I turned down a nomination in the process to select a Labour candidate for Glasgow Maryhill. In 1989, however, Midlothian Labour MP, Alex Eadie, announced his intention to retire at the next general election. I entered what proved to be a keenly contested selection process and in 1990 I was selected as Labour's prospective parliamentary candidate, achieving the support of the affiliated unions and a clear majority of the individual members of Midlothian Constituency Labour Party. In April 1992 I was elected to Westminster and I was re-elected in May 1997.

During my time in parliament I continued to fight for the miners and the mining industry. They were at the heart of my maiden speech in 1992, and were the subject of my final question to Prime Minister Tony Blair in 2001.

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<sup>11</sup> *Gavin Lightman QC, Report of Gavin Lightman QC to the National Executive Committee of the National Union of Mineworkers, 3 July 1990, Penguin, London, 1990, p.54.*

<sup>12</sup> *Gavin Lightman QC, Report of Gavin Lightman to the National Executive Committee of the National Union of Mineworkers, 3 July 1990, Penguin, London, 1990, pp. 129 and 130.*

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The fight is being maintained by my successor David Hamilton MP, who chaired the Lothians' Strike Committee during 84/85.

I also enjoyed the distinction of piloting private member's legislation to the statute book. Known as the 'Clarke Bill', the Amendment to the Scottish Mental Health Act concerned the access of people with mental health problems to their own funds. It was the final piece of Scottish legislation to be dealt with by Westminster prior to devolution, something I regarded as a cause for celebration. The Scottish Miners have a long Scottish home rule pedigree, but that's another story.

*Eric Clarke*