



Old Hickory's Diary - 8

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This time Old Hickory looks at:
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Firemen's Strike and the Law

On Monday, 25 November 2002 Tony Blair set out to intervene personally in the Firemen's pay dispute after senior cabinet colleagues were accused of sending out mixed messages. By Monday 16 December 2002 the Bain report was out advocating an 11% rise in return for a reform or modernisation package that would cut the workforce down by about 3 to 5 000 over the next few years. Sir George Bain only claimed to put broad principles rather than a blueprint yet he said that change could not be dodged if there was to be a pay rise – or even if there was not to be he seemed to hint. But ever since his earlier summery report, this report was held to be hostile to the union by the strikers and they were attempting to brand it as not relevant over the weekend before it was finally published.

The papers on Tuesday, 17 December 2002 reported Bain as saying the firemen had enough pay already. Maybe a warning on strikes, that they could bring wages down as well as up (similar to the caution investors get with shares) might get unionists to ponder things over responsibly; especially when the workers are in sought-after-jobs. The Prime Minister put the government's case in a live televised address from Downing Street at 11am on Monday morning 25 November and it was repeated on the News at Ten that night. He said that 4% was all that was due without measures

that would cover any extra cost. 4% was well above what others in the public sector had been paid. It was true that firemen were a deserving case but no more so than the nurses or others in the public sector. How could he say to the soldiers, who are doing the firemen's job now whilst being paid way less than them, that they should get less should they push for more. But it was reported on Newsnight that the Prime Minister said he was not in the business of giving the union a bloody nose. The first reaction in the morning from the strikers was sheer defiance. Some said they could be still out in March 2003, if need be, to show the government that they could win. The union spokesmen held that there was not a clear voice from the government; but Blair has haply put paid to that now. However, earlier on Monday the cabinet minister Peter Hain said that Blair hoped to create "a very clear understanding that we want the fire-fighters to achieve a just settlement" But to that he added "They deserve justice. Their situation has been ignored for far too long by everybody concerned." This latter comment might lead the firemen to think they had some sympathy, though they told one radio programme that they could not pay the mortgage with mere sympathy.

The Prime Minister's intervention followed the Fire Brigade's Union [FBU] leader Andy Gilchrist on Today 25 November when he said that the government needed to sort out its "confusing messages" before negotiations could restart. He said that by modernisation the government was setting out to lower the total workforce. Maybe he just does not realise that lowering the numbers employed is the most likely result from successful union action in any case, as higher pay tends to lower demand. If the price goes up then demand tends to fall. On Newsnight that night, the government's idea to lower the numbers in modernisation was again pushed by one of the FBU's spokesmen. But a week later Gilchrist was calling for a real Labour government and that brought in charges of it being a political strike. The government

This article is written by Old Hickory

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began saying that the troops were doing about as good a job as the firemen and with fewer numbers and inferior equipment and the press began to think that the state was losing the war of words. The FBU called off the strike of the following week and went into talks with ACAS, the conciliation service, instead. They had measured public support during their first two-day strike by vehicles buzzing their horns whilst passing the fire stations, but during the second strike this fell from about 300 buzzes a minute to about ten. So they know that public support has ebbed.

But the FBU plans fresh strikes in the New Year, and they had a march in London 14 December to boost fresh public support for that campaign. Trade Unionism is largely based on ideology; in the Marxist sense of unrealistic dogmas held for the emotional satisfaction that they give. Ironically, Marx himself developed ideology in this sense rather than as a science as he claimed. Moreover, if we contrast his work with that of Robert Owen, whom Marx called utopian & who was certainly more naïve, then by any viable use of scientific Owen goes way nearer the mark, even though he remains clearly moralistic. He better put the ideas to the test instead of attempting to “blind with science” as the cliché has it. Pitt the Younger had laws against unions on the rather madcap idea that it might support insurrection in the wake of the French Revolution. The truth was that the mob in the Britain of his day was more likely to be a “Church and King” mob of the like that burned down Joseph Priestley’s home in Birmingham in 1791. But the whole romance of what is called revolution thrives on hyperbole and unrealistic fear; or equally unrealistic hopes. In the 1820s, the liberals Francis Place and Joseph Hume got the Combination Acts of Pitt repealed. Place expected the workers to soon see through the trade unions and he expected them to fade away before too long, but initially things went wholly counter to what he expected, and he and Hume needed to protect the repeal from being undone a year after they achieved it. The Tories, Huskisson and Peel, [both rather liberal leaning themselves and the latter in the 1840s utterly converted by Cobden], were concerned about a wave of strikes that clearly featured violence and intimidation

during that first year of repeal in 1825. However, the repeal was upheld.

Rarely, if ever, has the unions pioneered the top wages or the best conditions but the naïve idea retained by today’s common sense is that they won better pay and better conditions, especially in the nineteenth century. This was the sort of claptrap that Place thought would be bound to fall in the long run, but, like many propagandists, he overestimated the speed and depth of the spread of liberalism. The workers did not really comprehend unionism, but neither were they very curious about it. So they settled for untested common sense. There were not enough men like Place to explain unionism to them. But Robert Owen on this issue gave Place a hand, for he, too, in the 1820s, thought the trade unions were anti-social and even anti-socialist by being anti-blackleg. He set out to form a Grand National Consolidated Trades Union that would be for the working class as a whole and not against the blacklegs but against the capitalist class. It soon got up to a million men and built its own premises in Birmingham but it found no rationale, as there never was the class struggle that Owen, and later Marx, imagined. By 1830, the general union was all but defunct. However, Owen was the nearest thing to an actual scientific socialist and his New Harmony put free access to the test whilst his Grand Union put the class struggle to the test. Both were basically refuted.

In 1866, the abuse of the unions, by putting a can of gunpowder in a working man’s home because he was a blackleg, brought a movement to undo what Place had achieved again. Judges declared that the unions were illegal. Gladstone, a member of the Peel camp converted by Cobden in the 1840s, was concerned about the thuggery of the unions, and, in 1871 he made them legal but saw to it that they had to keep to the law like anyone else. As well as the Trade Union Act to give them legality, Gladstone’s government also passed the Criminal Law Amendment Act of 1871 that effectively stopped the unions from picketing. It was left to Disraeli to repeal that Act in 1874 so that the unions had a de facto privilege to picket. As Owen had noted in the 1820s, they never once picketed a capitalist. They form a barrier to entry to

limit the numbers of men in a line of work in order to create, and then maintain, a permanent scarcity in the line of work. This gets higher wages but tends to lower the workforce and it is a restraint of trade, as free trade tends to allow new workers in to end the shortage and to share the higher wages. Over the weekend of the 23 November, Chancellor Gordon Brown said a 16% pay rise for firemen, without savings from new working practices, would be unaffordable. His comments contrasted with Deputy Prime Minister John Prescott, who held out the prospect of a 16% rise over three years. An FBU spokesman said: "After the debacle of last week and the confusion of the weekend, Downing Street is clearly rattled. Perhaps Tony Blair can now shed some light about what the government's strategy is." Gilchrist then said the only signal that would bring unions back to the negotiating table was clarity from the government on the pay offer and a "single voice" outlining their position. Speaking on BBC Radio 4's Today programme 25 November, he said: "The Chancellor of the Exchequer and the deputy prime minister you would think, would be a single authority voice, but they seem to be competing on this issue. What we want to see is a significant offer on pay." He had said that Friday 22 November's 16% deal, offered by the employers during protracted overnight discussions, would have cost less than £200m to fund. However, Labour party chairman, John Reid, disputed this figure and he said it would have amounted to £450m. Extended to all local authority workers it would have cost £4bn, he added. Reid was also speaking on Today, and he said the only way forward was a negotiated settlement and that anything above 4% would have to be self financed through modernisation that Gilchrist said the union would pursue. Reid said the government had been giving out the same unilateral message for the last five months in response to the union's demands for a 40% pay rise. Prescott made a Commons statement supporting the Bain Report on 16 December. , He told the House that modernisation was now bound to be implemented. But the FBU plans two more strikes in the New Year.

The Lords, the Home Secretary and Gaol Sentences.

Owing to current fashion amongst lawyers and the establishment as to what human rights are, the Law Lords take over the determination of gaol sentences from the Home Secretary in the UK. It is held that the Home Secretary responds to the demand of the public too much. It is well known that the public want the death penalty and that unduly long sentences has been given to the murders as a sop to public opinion since the House of Commons got rid of capital punishment in 1965. The new reform means that some 70 murderers will soon be let out with more than 200 getting reduced gaol sentences after 24 November 2002, but none immediately. David Blunkett immediately responded by saying that he would seek to change the law so that the most detested killers such as Harold Shipman, Ian Brady, Peter Sutcliffe and Rosemary West could continue to be gaoled for life. Hitherto, the trial judge would set a minimum term, which could be amended by the Lord Chief Justice, but the Home Secretary had the final say. But now, 2,000 murderers will be eligible to have their sentences reviewed by a judge and about 215 will have their sentences cut because the Home Secretary earlier increased the terms recommended by the judges as a sop to the public. How great are the chances that some of them may kill again?

Lord Bingham of Cornhill seems to think there needs to be a complete separation of powers here and that seems to be why he favours the latest move by the Law Lords. Historically, it has been thought to make government less arbitrary. But of late the Law Lords have thought it fine to attempt to throw out what they think is "bad law" from the Commons, and that is not quite the separation of powers they pay lip service to. It is rather the judiciary interfering with the executive. But Bingham feels it is too much the executive interfering with the judiciary & he feels the latest reform puts that right. Bingham said: "Far from being independent of the executive, the Home Secretary and his junior ministers are important members of it." Blunkett, in response, was out to come up with principles to prevent soft sentencing. He said: "These principles will set out that for the most serious crimes such as the

sexual, sadistic murder of children, life should mean life. The principles will be based on the same mitigating or aggravating factors. Aggravating factors will include murder committed in the course of armed robbery or the murder of prison or police officers in the course of their duty.”

Judges will need to make explicit their reasons in open court if they want to give short sentences. The Attorney General will also have power to appeal against minimum sentences if they are thought to be too lenient. But Lord Woolf, the Lord Chief Justice, has already reviewed the gaol terms imposed on all but 15 of 120 child-killers. His project is to undo the sop to the public that successive Home Secretaries have given to the public since 1965. The review of adult murderers will involve sorting cases into categories, with those whose terms were increased by the Home Secretary being heard first. Where the Home Secretary of the day has accepted the recommendation of the judiciary they could be dealt with on paper. The Law Lord's ruling brings England and Wales into line with Scotland and Northern Ireland. It does not completely outlaw actual life sentences or the mandatory sentence of life for murder but it does seek to discourage them.

Many tend to think that lenient sentences are liberal, but pristine liberalism should not be one sided, nor favour the turn-the-other-cheek memes of Christianity. The judiciary seem to consider only the aggressor and forget the victim. But that is no way to maintain liberty but, e contra, it tends to encourage licence. Gaol is hardly a liberal solution as it taxes the public in addition to the crime: a double whammy. Fines and reimbursement are way better, but with murder that is out. The death penalty will have many critics amongst liberals, but it rules out re-offending by those who break out of gaol or by those who re-offend after serving the full sentence given to them. It carries the risk of executing the wrong man, but lives thus lost will be way less than those lost owing to being taken by the re-offenders from gaol.

The Great Britons Series.

Winston Churchill has been named the greatest Briton of all time. It might be thought that the chief virtue of liberty was to display our potential for greatness; or to allow others to do so. This nation-wide poll attracted more than a million votes overall in a grand two hour concluding programme that went on from 9pm to 11pm on Sunday 24 November 2002. It ended a run of five weeks of two programmes each week, each lasting an hour. Churchill was certainly one of the best propagandists or spin-doctors. A fair assessment of Churchill by Stephen Berry can be found in his article on the LA Webpage. On 24 November there also began a story in the press about Churchill as a war criminal, which did the rounds of the papers the following few days. It was in response to *The Fire* (2002) Jorg Friedrich, a book serialised in the German paper Bild. C. P. Snow proposed a similar thesis in the 1960s.

If we measure greatness by a lasting contribution to human welfare then perhaps no politician or ruler can get into the first million. The BBC began showing ten programmes on 20 October of the top ten out of the top hundred. The ten programmes averaged about three million viewers each. The major newspapers carried the result on the front page next day. Voting for the top ten featured in the last five weeks was by phone or Internet after each programme and again during the concluding one so one could have eleven votes for one candidate. In a similar poll a few years ago Shakespeare came out on top, and Newton second, but they were never in the top three over the last five weeks; not even after the allotted programmes devoted to them. Churchill scored 447,423 votes. He beat his nearest rival, engineer Isambard Kingdom Brunel, by more than 56,000 votes. But Brunel had topped the list for most of the five weeks and he began top as the first programme was devoted to him and he had quite a good advocate in Jeremy Clarkson.

Most of the advocates were poor. Mo Mowlam, who presented the final programme on Churchill, and was thus an utter success, seemed no better than most of the rest to me. But she has been very popular these last ten years and that seems as odd to

me as Diana Spencer's popularity. Indeed, if Mo had died in an IRA or UDA bombing during her stay in Northern Ireland then she might well have beaten Diana into third place on this "Great Britons" list. To mean well is all in Britain today, and Martial's maxim "he means well is no good unless he does well" is not compassionate enough for many. But Churchill might have still won it even without Mo, as he was never out of the top three throughout the five weeks. He finally got 28.7% of the vote. Summarising her argument, Mo said: "If Britain - its eccentricity, its big heartedness, its strength of character - has to be summed up in one person, it has to be Winston Churchill." Proceeds from phone votes will fund a permanent memorial to Churchill at a venue yet to be decided.

Churchill had been even-money favourite with bookmaker William Hill to win the contest, with Diana at 6-1 and Brunel at 20-1. The book was closed after bets piled up on Brunel.

Most of the chosen top ten should not even have been in the top hundred, some not in the first million; however the three best candidates imaginable were also there in contention viz. Newton, Shakespeare and Darwin. They would not be out of place in a world top ten.

During the two-hour final programme Clarkson again showed himself by far the best advocate. All ten advocates were to meet but a few had replacements stand in for them, A. A. Gill for the actress Fiona Shaw as the Shakespeare advocate, for example. But it was left to a swotty looking schoolgirl in the audience to make many of the best points for Shakespeare. However, the big three got a fair airing in the final debate programme but had fairly lame films done on them. Lennon had the worst advocate of the lot. The Daily Telegraph reported next day (p1) that Clarkson was disappointed only to come second. He got 24.2% of the vote. During the debate he rightly said that many of the votes were as thoughtless as the ones for the songs in the pop chart a week before would be for the all time best song. He thought this was the case with Churchill; as well as the more obvious candidates favoured by the flippant, like John Lennon

and Diana Spencer. The chairman, Anne Robinson, needed to protect the other advocates from his overbearing lampooning once or twice. In Brunel he had the fourth-best candidate in the selected ten, so he often had the facts on his side. He was able to point to a proud achievement in waterways, tunnels, bridges, railways and great ships. Paddington station remains to be seen by many and that is not the only legacy of Brunel to be seen, though it is perhaps the one convenient for more people than the others. It is starkly obvious what Brunel has done for the public, though he was also a maker of white elephants. There was some concern over whether the voting could be fair. Was it restricted to one vote each household? What about the many households that houses large families that uses but one phone? The BBC said it had identified people trying to rig the voting and their choices had been eliminated. They were satisfied that the voting was fair. Brunel's early lead was thought to be owing to a campaign by students from Brunel University who aimed to get their institution's namesake out in front, but that was deemed "legitimate" by the BBC. Similarly, they accepted campaigns by fans of other contenders like John Lennon and Princess Diana.

In third place was Diana, the sometime Princess of Wales. Rosie Boycott was her advocate and she shamelessly held that though Diana was known as "Thicky Spencer" at school she nevertheless was great, in her own special way. She was so compassionate and in this she beat all comers. She inspired people throughout the world just because of her weakness, as she held you can fail yet still go on to do well. She was so brave to confess to all those weaknesses that she had! She got 14.3% of the vote. In fourth place was Darwin with 6.9% of the vote. Fifth was Shakespeare with 6.7% of the vote. Sixth was Newton with 5.2% of the vote. Seventh was Elizabeth I with 4.5% of the vote. Eighth was Lennon with 4.4% of the vote. Ninth was Nelson with 3.2 % of the vote and tenth was Cromwell with 2.9%. There were many in the lower yet still high places that even made Diana respectable e.g. Johnny Rotten at No. 87. Clearly, most of the hundred were over-rated and do not even belong in the first

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thousand or even the first million in many cases, and Diana is a case in point.

OLD HICKORY

Some are born great, some achieve greatness and some have greatness thrust upon them.” **SHAKESPEARE**