

## Summary and transcript of interview of Greg Powell by Chris Thomas, 2007 (803/08)

Approximate timings given in minutes and seconds in various places.

### Summary

Subjects include (transcript paragraph numbers given in brackets): legal representation of working-class people and legal obstacles to collective action, in particular secondary picketing (2); the law's support for the employers' rights during the dispute (4); the role of right-wing groups like the National Association for Freedom in opposing industrial action (5-8); the Labour government's desire for issues to be settled by agreement with trade union leaders rather than by militant action (12-14); the Scarman Inquiry as an example of the establishment de-fusing a difficult issue (19-20, 41-46); the great difficulties for trade unionists in challenging the law, as shown by the defeat of the Post Office workers' sympathy action (25-26, 31-38); the defeat of the miners' strike of 1984-1985 as a more decisive blow to militancy than Grunwick (48); the decline of manufacturing industry in north London (50); possible impact on other employers of the strike's defeat (51-54); the trend in trade unionism away from collective militancy and towards defending individual legal rights (55-62); policing of the picket (71-76).

### Transcript

1. **CT:** The political climate at the time and the use of the courts: I mean, how did you see the role of the law being used then, in terms of the struggle between trade unionism and the employers at that time?
2. **GP:** Big question. The law has always tended to side with the state. The law is an arm of the state; the judges are an arm of the state. We set up this practice to be a community law firm, to be some kind of counter-balance in that process, because the rich have always been able to buy lawyers, every lawyer that they want, but working-class people can't get the lawyers that they want. So trade unions are a vehicle through which lawyers can be employed, but for people not in trade unions and in the community [it is] very hard for them to find lawyers, so our project was to be a community law firm. Now, that's at a very individual, microscopic level, if you like, inside the system, as opposed to the big politics of the system. But it's very important that working-class people, when they have a problem, can simply say, "OK, I know my lawyer, that's Greg Powell, I'll go and see him." And that's kind of the *raison d'être* of why you do what you do. Slightly differently, I think, the law centre movement was an attempt to find a strategic position to challenge local authorities over disrepair, or over particular types of policy. The trade union legal firms have always been at the forefront of trying to advance union rights, whether that's equal pay or in relation to industrial disputes, and so on. But everyone also relies upon the Labour Party to be the vehicle for laws which strengthen working-class activity, but in fact, as it turns out of course, the Labour Party and the Tory Party have been very much *ad idem* about not strengthening working-class activity, so you can't have secondary picketing, and that's really the key industrial issue: is whether you can legally secondary – have secondary picketing, and what penalties are applied to you should you break the law. So the law has become more sophisticated – moving away from incarceration, which tends to cause demonstrations outside Pentonville Prison, or wherever it was back in the day – into financial penalties which people of course find impossible usually to resist. And so you have that struggle within the law as to where working-class rights lie, and how much activism is going to be supported or not supported by the law, but in the end the law is a very limited tool in terms of achieving social justice. You really need political activity.

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3. **CT:** Just in terms of how you started, in terms of the role of the law and its relationship to the state and the system we're in. Just if you can narrow that down to how that played out in the Grunwick dispute.
4. **GP:** Well, the Grunwick dispute was a good example of losing, losing the individual cases of pickets because the stipendiary magistrates were minded always to accept the police evidence, except when they grudgingly didn't have to; losing because of the injunctive procedures against the Post Office workers' union<sup>1</sup>; losing because people were frightened of sequestration and or imprisonment; and ultimately losing because there was no right of reinstatement for sacked workforce. And so the law was a peculiarly ineffective on one view, but on another view the law did what the law did, which was basically to support the employer's rights to sack his workforce and reconstitute his business.
5. **CT:** Now, looking at the employer, George Ward: he was supported by the National Association for Freedom. Now, did they find him or did he find them?
6. **GP:** I've no idea how that worked. My own general view of the world is that in any particular social crisis like-minded class warriors gather together, whether that's of the right or the left, hopefully, but sometimes, but usually on the right, there is no shortage of volunteers. The 1926 General Strike was another very good example, and they all gathered themselves together – whether they're lawyers, media, journalists, military personnel, judges – they will find their way into each other's homes and hearts in order to present and organise a class position. [4:37]
7. **CT:** So – and now back to the detail of what happened with George Ward: what did happen?
8. **GP:** I wasn't involved in that part of it all. My understanding of that is that they were a resource for the purpose of taking the legal proceedings which prevented the Post Office workers from continuing to black or not handle the photographic product of the factory. That's my relatively limited memory at this point of what took place, but those kinds of volunteers I think will always step forward at moments of crisis for their class.
9. **CT:** Right, I mean, do you know what the National Association for Freedom was?
10. **GP:** I can't now remember; I know there were a whole number of right-wing groups at that point: the Economic League is another . . . lost in the mists of time at this point.
11. **CT:** OK. The Labour government – just widening it out, but it's all part of the milieu as it were – the Labour government appeared impotent to do anything at the time. Why do you think that was?
12. **GP:** I don't think the Labour government wanted to do anything. Why would it want to? Because it would have strengthened grass-roots activism and secondary picketing and wild-cat action, and I don't think the Labour government wanted to do that. And I think that they had a kind of

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<sup>1</sup> Union of Post Office Workers

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‘incorporatist’ view (if that’s a real word) where the whole thing was about creating pacts over price and income, and incorporating the unions into a form of social solidarity and agreement, which was the way forward rather than allowing militancy to drive settlements. The settlement was to be achieved by incorporating the trade union leaders into forms of written agreement over whatever were the social issues of today which were to do with wages and inflation and, as always, I mean it’s always to do with the redistribution of wealth, isn’t it, in one direction or the other. And I think the Labour government wanted to approach that in a way which simply meant sitting around tables with union leaders over the beer and sandwiches and coming to some forms of agreement. [7:12]

13. **CT:** Do you think the Labour government actually wanted the strike to lose to send out a sort of message about militant trade unionism?
14. **GP:** I don’t know; I haven’t, sadly, read the memoirs of the leading Cabinet ministers of the time; they might give you a clue. I think that the public position would always be enormous sympathy for the strikers, very sad that they lost, and secretly in their back rooms probably entirely happy that that was the outcome. That may be too cynical a view.
15. **CT:** And how do you think this played out with the leadership in the TUC?
16. **GP:** I’m not close enough to events to comment on that.
17. **CT:** OK. Were you aware of the Scarman Report<sup>2</sup> and ACAS<sup>3</sup> and what was happening there?
18. **GP:** I’ve lost all memory of it now.
19. **CT:** I mean just the general point; I mean, Scarman was produced as, you know, as the solution to calm everybody down, get the pickets stopped. And in the event that some, you know, legalese would come up that would satisfy all parties. And, I mean, [you] might want to make the broader point that [when] normally this happens, you know, to kick things into the long grass while a great big report comes out, I don’t know if that was your opin[ion].
20. **GP:** That is usually how government deal with a moment of crisis in a particular industry. We have exactly the same thing in legal aid currently, which is that they’ve got a man called Lord Carter of Coles to make a report on the procurement of legal aid supply, which is all about reorganising the market and competitive tendering and cutting price, and therefore achieving the objectives that the government wanted to achieve. And by and large, the great and the good, when they’re wheeled out to do that, as Lord Hutton on the infamous dossier issue<sup>4</sup>, they somehow magically come to the

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<sup>2</sup> Report of the Court of Inquiry under Lord Justice Scarman into the dispute.

<sup>3</sup> Advisory, Conciliation and Arbitration Service

<sup>4</sup> Refers to judicial inquiry chaired by Lord Hutton into death of Dr David Kelly, former UN weapons inspector in Iraq, 2003

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conclusions that are not too inimical to the government's interests. That generally is what happens, and I think that happened in relation to Grunwick too.

21. **CT:** Terrific. Albert Booth: any memory of him at all?
22. **GP:** No.
23. **CT:** OK. Were you aware of other sympathy action that trade unions took - the press unions in stopping papers being printed, or rather getting counter-views presented rather than the pro-Ward and NAFF position?
24. **GP:** No, I can't remember that now.
25. **CT:** What is the history of trade unions actually challenging the law? Because the law is the big club that's always used to drive people back to work, but often people [are] saying "sorry, that is a law that we're just not going to take any notice of anymore." Because that's what it boils down to at the end of the day: was there enough self-confidence to challenge the law over the Royal Mail Act and the essential, you know, can't interrupt essential mails, or whatever it was, which is what ultimately got them.
26. **GP:** By and large everyone caves in, by and large, faced with the prospects of the sequestration of funds, prosecution, imprisonment. People can't bear the individual pressure of having their lives turned upside down and becoming the subject of that kind of action. They also become the subject of scrutiny in the media, which will often be as unfavourable as can be organised. And the miners' strike again is probably a good example of an attempt at defiance which ultimately fails. And when you're dealing with a relatively small-scale industrial dispute like Grunwick, if those heavy clubs are brought out to batter you, then unless you've got an extremely strong trade union leadership behind you – and that's unlikely to be the case because all leaders can always run for cover that they can't endanger the funds of their union and they can't go beyond its objectives, its constitutional objective or rules – then inevitably it tends to be the case that the law wins, unless you're in such a sensitive occupation that you may be able to force the hand. Someone like [indistinct].
27. **CT:** Could I just ask you to start that one again? We just had a lot of noises off there.
28. **GP:** OK.
29. **CT:** We're just looking at the role of challenging the law and trade unionism, and when trade unions acquiesce and when they actually defy the law [background talking]. Is that going to go?
30. **GP:** I think they're having a meeting in the corridor; can I go and get rid of them?
31. **CT:** Probably best. Let me just stop this. Yeah, the role of the law, trade unions defying the law, acquiescing to the laws, what we were talking about. [12:05]

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32. **GP:** It's very difficult for a trade union leadership to take on the government or a particular organisation when they're under personal threat in relation to sequestration of their funds, potential imprisonment. And they become the subject of intense media interest, which will usually be very hostile, so that anything bad in their personal life will be dragged out and used against them. And that's a tremendous individual burden for people to take on, so unless they're in a very strong collective position, with an enormous amount of trust and faith, and usually in some very sensitive occupation where they have leverage because it's sensitive: for example, the example that comes to my mind is, say, air traffic controllers – if they don't work aeroplanes can't fly and it's a very sensitive occupation. But if you're in a non-sensitive occupation because there are millions of you, then your prospects of succeeding are extremely remote.
33. **CT:** I mean, are there any examples that come to mind where people have? I mean, in a way, the Post Office workers did it for a while, didn't they, at a rank-and-file level?
34. **GP:** They did.
35. **CT:** I mean, do you just want to talk that one through?
36. **GP:** Yeah, they showed [a] tremendous amount of courage.
37. **CT:** [I] couldn't ask you just to say "[the] Post Office workers."
38. **GP:** The Post Office workers showed a tremendous amount of courage in trying to force the issue by refusing to handle the product, but then came under absolutely intense pressure in relation to the court proceedings taken against them. I wasn't involved in those proceedings, but it's not unsurprising that eventually your leadership is very prone to desert you, and also divisions may appear at a grass-roots level too, because people become frightened about their individual position and their capacity to absorb the pressure that's being placed upon them.
39. **CT:** Similarly, the role of the print workers, you know, because they were coming very close to that boundary because, you know, people always quote freedom of speech and editorial control and all the rest of it, when they actually challenged what was being said in the press at the time. Were you aware of that?
40. **GP:** I don't have any clear memory of that, unfortunately.
41. **CT:** Don't worry, don't worry; plenty of people. . . Just – because there might have been voices off again, [I] just want to go from the Scarman Report, you know, if you can just introduce it as a classic example of how the state, through its legal arm, can intervene to quieten or reduce the militancy by using the legal framework, the court of inquiry, as a defuser, and the consequence of that. So, the Scarman Report.
42. **GP:** Yes, usually in a moment of social crisis, when no one knows what to do, a great and good person – often a High Court judge or a lord – will be produced in order to conduct some form of public enquiry. This has legitimacy because the legal profession are supposedly independent, and

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because evidence is often taken in the open, although in reality of course much is said and done behind closed doors. There's usually a time-scale which is sufficient to ensure that militant action is no longer pursued, and that it's inherent within the time-scale that there's going to be a promise of some salvation through the report or inquiry process. And it turns out the report is some kind of fudge of the various interests, but by then of course the momentum of the industrial dispute or militancy has usually been lost, and everyone, almost in a sense of relief, is willing to adopt the report. The government can then spin it; their media will often spin the report as a good thing, too. And the end result of course is that some kind of compromise is offered to everyone. [16:14]

43. **CT:** You couldn't just talk that through in the light of the Scarman Report was the Grunwick issue, so just personalise it down to –
44. **GP:** [If] I could remember [indistinct].
45. **CT:** Well basically, virtually that's what happened: Scarman was the man and Grunwick was the issue, yeah.
46. **GP:** Yes, Scarman had a reputation as a liberal, sympathetic, kindly judge, and as a result of which he had therefore legitimacy in the eyes of the protestors, and some independence. And it's a way of defusing the situation; it's a way of Scarman coming to some conclusions which will help the government and the employer and the union to resolve the issue. And it's particularly helpful generally to, say, the trade union hierarchy, the leaders of a union, because they really want to be able to say "well, we accept these conclusions and we accept this is the way forward," and that potentially undercuts anyone who wants to take a different position.
47. **CT:** Now, how do you – well, let's – how do you think the demise of the struggle, the dispute at Grunwick affected the political future?
48. **GP:** I don't think it did immediately. I think that there was still that combative militancy inside the trade union movement. It was a pre-run for the miners' strike of eighty-four, and that's really when the crunch comes, and when that strike is lost that's what then settles the issue for the next twenty years: that that form of action is no longer going to succeed, and undermines morale and generally takes away that as an option, in terms of class struggle and who writes the agenda. So I think Grunwick – I don't remember it having a decisive impact in that sense. I think that the decisive impact comes several years later. [18:13]
49. **CT:** Do you think there was an impact on the Asian and immigrant community [indistinct]?
50. **GP:** I'm not expert enough to say. It was a fantastic thing that this was a group of Asian women workers involved in industrial militancy. I don't know enough about what then happened. Well, I can give you a different answer: in fact what happened in north London, of course, was the disappearance of manufacturing industry and the change to the service economy over the next

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twenty years. All those factories around the North Circular<sup>5</sup>, all the manufacturing capacity that existed from the nineteen twenties and thirties – there were still some examples of it still being pulled down and replaced by warehousing, office block[s], retail parks, residential accommodation, but not manufacturing. So my own dad worked in a thing called, a factory called the British Light Steel Press in Acton in Worple Way, producing body parts for cars. It's unimaginable now that a major manufacturing industry like that would exist in Acton. And all round the North Circular: Thrupp and Maberly and other manufacturing places. In fact, very close to where the now the Brent Magistrates Court is, which is now a Sainsbury's Homebase, there was a major manufacturing unit in the seventies. So maybe Grunwick was, in a wider sense, a part of a manufacturing base which simply disappeared as a result of economic and social change.

51. **CT:** Did it hearten employers?

52. **GP:** I think most employers would want to avoid that type of conflict. I mean, I don't know what the economic effect was on the business, but it's usually disastrous, or it would become a disaster if you're a business, to become engaged in a long-term struggle.

53. **CT:** I was thinking so much a shift in emphasis rather than more confrontation: employers could walk tall, just strut it that bit more. [The] workforce felt that much less self-confident in terms of –

54. **GP:** That's very hard to say. You could assume that that would be a general impact on employers generally, but they would have to be probably employers that empathised with the same size of business: other small manufacturing or small service processing type places. It probably did assist in holding down wage-rates and generally being more confident in your dealings with people who you feel are not going to be able to respond to you. [20:56]

55. **CT:** Now, in terms of the development of the law in terms of trade union action: that was a major change, a major shift. If you could explain what has happened in terms of trade unions and the law, and what the consequences of that [were].

56. **GF:** I think that's a question you've asked Geoff Shears.

57. **CT:** Go on, you have a go!

58. **GP:** He's got a better answer! Trade unions and the law.

59. **CT:** I mean, what I'm saying is now, you can't open any trade union magazine without it saying "we've got free legal advice; all contentious issues are going to be resolved through our relationship with lawyers, friendly and sympathetic lawyers." Well that's a new development, isn't it, for trade unionism? And one could argue that the first minor step in that direction that was to take trade unions away from rank-and file action, away from militant action, into the arms of lawyers, and what the consequences [of] that might be for trade unionism.

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<sup>5</sup> North Circular Road

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60. **GP:** I have a different perspective because I'm a legal aid lawyer, and I've been a community lawyer, not a trade union lawyer, so I haven't been engaged in that business for the last thirty years. And so I'm more a part of a trend by which government and society tell everyone they have rights. And the question is how enforceable are rights, and what type of rights do you have? You're not told you have rights to secondary picket and to demonstrate solidarity in your community by taking what is regarded as unlawful collective action. Rights are usually rendered in individual terms rather than collective terms. At the individual level, it would be true to say the legal aid budget rose enormously, and there have been many dedicated lawyers, and there's been a huge growth in legal aid, partly from dedicated lawyers, partly because lawyers lost their conveyancing income, and their other incomes, and so they switched over to doing legal aid work. And partly also because by having a very high level of people in the criminal justice system represented the criminal justice system obtains legitimacy, and it's a double-edge sword, because whilst it looks legitimate from the point of view of the defendant that he or she received a fair trial, inevitably that legitimacy obscures the economic illegitimacy that may have caused them to be there in the first place, because they were the product of poor education, lack of social resources, and poverty. So, what you could say is that the money that is spent in legal aid in particular helps to enforce the idea that the distribution of wealth is nevertheless a legitimate and reasonable settlement as far as society is concerned, and people are properly defended and have their individual rights, and therefore they really have nothing to complain about, and certainly nothing to complain about collectively, but only individually. **[24:13]**
61. **CT:** What I was thinking, listening to what you were saying earlier (something I agree with): the role of the law and its relationship to the state. The very fact that trade unions were pushed more and more into the hands of the law, is actually moving them off their territory into somebody else's territory. And that has ultimately been to the detriment of trade unionism in terms of really securing strong and effective trade unionism at the workplace.
62. **GP:** It's a complicated question because I think that it's entirely legitimate for unions to seek to use their lawyers where they can to advance the interests of their members. If that's in the recovery of damages, in securing equal pay, in getting better settlement in relation to redundancy, then I think that's legitimate. The loss of militancy in the workplace, grass-roots activity, is a complicated question, I think, about how power is distributed inside unions, and how people have enough self-confidence to organise at local level. Is it a trend that the use of lawyers erodes that kind of organisational ability? It may be a factor but I don't think it's the main factor. I think the main factors are much more societal, in people having lost that sense of community solidarity, really, which underpins working-place solidarity. And I think that the greater societal trends like what is called consumerism – individual greed, that the advancement in life is through individual wealth – is a much bigger factor in eroding community solidarity. Rather a complicated answer!
63. **CT:** Yeah, whether we've got a place for that in the film, I'm just interested in all the little prongs that go out from Grunwick, because I do see it as this tiny little struggle with major implications

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along the way that was to start major shifts in trade unionism, basically, and obviously Thatcher<sup>6</sup> was being groomed in the background at time was to come in. Then [?there would be] a seismic change.

64. **GP:** I think [I was] too buried in case-work to notice.

65. **CT:** OK, back to kind of micro-stuff: your one overriding, powerful memory of the dispute.

66. **GP:** Thousands and thousands of people in the high road in Willesden, I think. Yes, I had a flat, actually, in the high road in Willesden, and used to interview people in the little tiny kitchen of it. But being in those thousands and thousands of people, which was just extraordinary in such a little backwater of north-west London, and seeing organised unions arriving, in a sense marching with banners in organised groups, that was a very heart-warming moment.

67. **CT:** Just, because I have a little technical thing in my ear from the very first question, I'm going to ask it again, just so I don't get back and find I've got a gremlin: how you first heard about the dispute.

68. **GP:** I was a member of APEX, the union, because I'd been working in Thompson's, trade union solicitors, and because the strikers were, I think, members of the same north Middlesex APEX branch, we used to come and picket when it wasn't a *cause celebre*, when there were just one or two pickets standing on the gate idly through the sunny afternoon. And we did that for a quite a long period of time before it gained any national interest and there was actually a move towards having mass picketing.

69. **CT:** When it became mass picketing, how did you – was that first mass picket that you had attended?

70. **GP:** Mass picket, yes. I'd been on plenty of demonstrations. I'm trying to remember now: the Post Office workers had had a national strike, I think, in seventy-four, and we'd been quite active on that, and helped picket during that as well, in our dual role as lawyers and trade union members. But that was the first time I'd ever seen a mass picket, yes.

71. **CT:** Did the role of the police frighten you?

72. **GP:** It was typically British in many ways. I mean, although we've talked about the violence police used on individual protestors, a lot of it, however, was pushing and shoving, and there are certain social psychology or certain rules start to break out as to the limit within which you can push and shove each other which is acceptable to each side: the kind of pushing and shoving [we] used to do outside South Africa House [in] those demonstrations as well. But what would tend to happen is that the rules would get broken during this picket, that the police would suddenly launch a surge or an attack, and on occasions, a group of miners – I do remember a group of miners walking down the

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<sup>6</sup> Margaret Thatcher

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street and hurling themselves at the police line in an effort to break it, which was a kind of novel experience of actually seeing them challenge the status quo of the pushing and shoving.

73. **CT:** When it really cranked up, where did you think those orders or that direction or that emphasis came from?
74. **GP:** I assume the police had an absolute priority to ensure that labour was delivered to that factory each day, and if it became more difficult to do it because of the size of the picket then they would raise the level of force that was necessary to make sure that that objective was accomplished. And so just achieving that objective every day, the more the picket became successful in having numbers, I think the greater the level of force necessary, from their point of view, to make sure those coaches got through.
75. **CT:** And why that sympathy with the employer?
76. **GP:** Because that's how the law is structured: the employer has a right to have his labour delivered. The right to picket's a limited right, and so they were going to ensure that that labour got delivered to him.
77. **CT:** Terrific, terrific! Let me just skip through and j –

[Followed by shots of newspaper photograph of police and pickets grappling and scraps of conversation]