

# Strategic Injustice and the 1984–85 Miners’ Strike in Scotland

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## ABSTRACT

Justice was sorely experienced by Scottish miners in the strike against pit closures and redundancies in 1984–85. In Scotland strikers were arrested by police officers at twice the rate of those in England and Wales and were three times more likely to be dismissed from employment by the National Coal Board. Analysis uses Gramsci as guide: Margaret Thatcher’s Conservative government was engaged in an anti-trade union *war of position* as well as a *war of manoeuvre*. In Scotland, despite the strike’s legality, police officers and NCB officials outmanoeuvred the strikers by criminalising and victimising their local leaders. Arrests and relatively innocuous public-order convictions were followed by punitive sackings which reinforced the government’s positional untruths about the strike. This targeted action was strategic: to defeat the strike; and weaken opposition to the closure of some collieries while intensifying production at others. The subsequent acceleration of deindustrialisation was a further injustice. In contributing to further political divergence within the UK, however, it provided a route to restorative justice for former strikers and their supporters in Scotland. In 2022 the Scottish Parliament provided a collective and posthumous pardon for more than 500 people with strike-related convictions in Scottish courts.

## 1. INTRODUCTION

Justice was sorely experienced by Scottish miners and their communities in the great strike against pit closures and job redundancies in 1984–85. In Scotland strikers were arrested at twice the rate of those in England and Wales. These arrests led to a high volume of convictions, generally for breach of the peace or obstructing the police. Few involved assaults on persons or

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damage to property. Area management of the National Coal Board (NCB) in Scotland nevertheless adopted a stronger disciplinary line than elsewhere. Scottish strikers were three times more likely to be dismissed than those in England and Wales.<sup>1</sup> Only 80 of the 206 men sacked in Scotland were restored to NCB employment by the summer of 1986, fifteen months after the strike's end. Fifty men had won Industrial Tribunal cases, proving unfair dismissal, but only two were taken back.<sup>2</sup>

The President of the National Union of Mineworkers (NUM), Arthur Scargill, told the House of Commons Employment Committee in May 1985 that the pattern of arrests and dismissals in Scotland was part of a strategic agenda shared by the NCB and Margaret Thatcher's Conservative government: neutralising trade union influence; and accelerating the rundown of production in 'peripheral' areas to concentrate on the richer fields of the English Midlands.<sup>3</sup> This verdict is supported by recent analyses which show that the government had two related goals. First, removing union veto on pit closures sought by the NCB on economic grounds. Second, fattening the publicly-owned industry for privatisation, within a broader liberalisation of the energy market.<sup>4</sup>

The criminalisation and victimisation of Scottish strikers is duly presented and analysed in this article as strategic injustice. Antonio Gramsci is used as a guide, in the Italian Marxist's sense that the government was engaged in a *war of position* as well as a *war of manoeuvre*. Thatcher and her ministers made at least four important positional claims: miners were over-paid and selfish; Scargill and other leading NUM officials were anti-democrats; the strike was illegitimate because there was no prior national ballot of union

<sup>1</sup> Author calculations, based on data in Gordon Brown and Merlyn Rees, *Labour Party Report*, submitted to Neil Kinnock, 9 May 1985, unpublished, 2–7 (arrests), 65–6 (dismissals).

<sup>2</sup> Summary of meeting between Scottish Trades Union Congress (STUC) Energy Subcommittee and George McAlpine, Director, Scottish Area of the National Coal Board, 30 June 1986, in STUC, *Annual Report 1987* (Glasgow: STUC, 1987), 80. Thanks to Ewan Gibbs for this reference and learned comment on this article in progress. Thanks also to the former strikers whose stories appear here.

<sup>3</sup> House of Commons, *Sixth Report from the Employment Committee, Session 1984–85. The Dismissal of National Coal Board Employees*, Parliamentary Papers, 416-i, NUM Evidence, 22 May 1985, 14.

<sup>4</sup> J. Phillips, 'Containing, Isolating and Defeating the Miners: the UK Cabinet Ministerial Group on Coal and the three phases of the 1984–5 Strike' (2014) 35 *Historical Studies in Industrial Relations* 117–41; E. Gibbs, *Coal Country. The Meaning and Memory of Deindustrialization in Postwar Scotland* (London: University of London, 2021), 49–54.

members; pickets intimidated those who wanted to work.<sup>5</sup> Seumas Milne's compelling account demonstrated that the government used the powers of the state covertly and coercively to advance its assault on the miners and their communities.<sup>6</sup> This was waged within a broader class struggle from above, to paraphrase Ralph Miliband.<sup>7</sup> The evidence from Scotland indicates that this strategy also had a brazen and public face. The open actions of police officers and NCB officials were vital in outmanoeuvring the strike. Arrests and dismissals reinforced the government's positional claims.

Justice is conceptualised in this article in three linked spheres: the anti-union turn in coal industry management from around 1980; the strikers' entanglements with police and courts; and the broader economic changes directed by the UK government. The experiences of Scottish strikers were different from those of English and Welsh strikers for two broad reasons already alluded to. Scotland's separate legal system, and the distinct practices followed by the police forces operating across the Scottish coalfields, had an important impact. The NCB's discrete Area management in Scotland was similarly influential. The analysis is conducted in four parts. First, the historical terrain is established, contextualising the experiences of Scottish strikers. Second, the distinct pattern of arrests and dismissals in Scotland is examined. The case of miners wrongfully dismissed in France during strikes in 1948 and 1952 provides comparative calibration. Third, the targeted anti-union nature of the Scottish injustice is demonstrated. Fourth, the rapid acceleration of deindustrialisation after the strike is positioned as further injustice.

The article is based on historical documents, including those compiled by the Independent Review on the impact of policing on communities in Scotland in 1984–85, which the Scottish government, led by the Scottish National Party (SNP), established in 2018. Chaired by John Scott QC, in October 2020 the Review Group recommended a pardon for the 500-plus miners convicted in Scotland for public order offences that had not resulted in prison sentence. The Scottish government accepted this recommendation in principle before undertaking a consultation on how it could be achieved practically. The Miners' Strike (Pardons) (Scotland) Bill followed in October 2021. This provided for pardon of miners convicted of

<sup>5</sup>R. Vinen, 'A War of Position? The Thatcher Government's Preparation for the 1984 Miners' Strike' (2019) 134 *English Historical Review* 121–50.

<sup>6</sup>S. Milne, *The Enemy Within: The Secret War Against the Miners* (London: Verso, 4th ed., 2014).

<sup>7</sup>R. Miliband, *Divided Societies: Class Struggle in Contemporary Capitalism* (Oxford: Clarendon, 1989), 115–66.

breach of the peace, obstruction of the police and breach of bail, although only in cases involving behaviour on picket lines, official demonstrations and ‘related gatherings’, or when travelling to and from such pickets, demonstrations and gatherings. Convictions after incidents in communities would not be pardoned.<sup>8</sup> This narrow scope was challenged by former strikers and their supporters who found a sympathetic hearing among SNP MSPs during Stage 1 hearings of the Bill in committee and Parliament. At Stage 2, in May 2022, government amendments extended the pardon to cover offences in communities, although campaigners’ demands for a compensation scheme to be incorporated in the Bill remained unsatisfied. The research underpinning this article was deployed within the campaign.<sup>9</sup>

Documentary sources are integrated with eight interviews undertaken by the author and Robert Gildea, Leverhulme Emeritus Professor in the Faculty of History at the University of Oxford.<sup>10</sup> Seven of these were recorded in 2021–22. The other was recorded in 2009. Two interviews recorded by Willie Thompson with Communist union officials in 1985 were also used. The interviews strengthen what oral historians would term a collective narrative or memory of the strike in the former coalfields.<sup>11</sup> This emphasises class injustices, imposed on miners and their communities by a hostile government, the NCB and the police. This memory has been ‘made’ in the decades since the strike, in campaigning, occupational and community reminiscence groups and industry commemorations. Each of the veterans interviewed in 2021–22 had already engaged with the Independent Review, submitting written evidence and attending public consultation meetings. They had told their stories before they were recorded.

The life-course interview format used here was nevertheless of great added value. It enabled the veterans to speak about pre-strike communities and workplaces. This helped to clarify their understanding of the strike as individual and collective injustice. Their memories in this respect were

<sup>8</sup>*Independent Review – Impact on Communities of the Policing of the Miners’ Strike. Final Report* (Edinburgh: Scottish Government, 2020); Scottish Government, *Miners’ Strike (Pardons) (Scotland) Bill*, introduced by Keith Brown, Cabinet Secretary for Justice, 27 October 2021; Scottish Government, *Miners’ Strike (Pardons) (Scotland) Bill, Policy Memorandum*, 27 October 2021, 3–4.

<sup>9</sup>Scottish Parliament, Equalities, Human Rights and Civil Justice Committee, *Official Report*, 11 January 2022, 6–21; *Miners’ Strike (Pardons) (Scotland) Bill*, Marshalled List of Amendments for Stage 2, 10 May 2022; see also the campaign videos curated on behalf of Richard Leonard MSP, <https://twitter.com/LabourRichard>.

<sup>10</sup>The Miners’ Strike of 1984–5: an oral history, <https://www.history.ox.ac.uk/miners-strike-1984-5-oral-history#tab-2836546>.

<sup>11</sup>L. Abrams, *Oral History Theory* (London: Routledge, 2nd ed., 2016), 78–129.

similar to those of Guinness employees in West London interviewed in the 2000s and 2010s by Tim Strangleman, reflecting on how labour-movement action in the 1960s and 1970s had established good public services, decent employment conditions and a positive social environment. The former miners likewise saw these as hard-won communal goods that were vandalised by Thatcherism. There remained future scope for social justice through collective activism and government intervention.<sup>12</sup>

## 2. JUSTICE AND THE STRIKE

Justice and injustice have featured prominently in the large and varied literatures on the strike. Initial post-strike analyses focused on policing operations and the perceived direction of these by central government.<sup>13</sup> Peter Wallington undertook an early critique of policing in *Industrial Law Journal*, marshalling data on arrests, charges and convictions from House of Commons debates and written questions. He identified important differences between England and Wales on the one hand, and Scotland on the other.<sup>14</sup> These are examined in the next part of the article. Wallington also contributed to discussion of concerns from a civil liberties perspective about the erosion of rights of assembly and freedom of movement.<sup>15</sup> Others likewise emphasised the incursions on union rights by police and courts. The use of bail conditions and, in England and Wales, bindings-over, to take pickets 'out of circulation' were seen as particularly insidious forms of injustice. Participation in strike activism was tacitly seen by the authorities as wrong-doing.<sup>16</sup>

Justice more broadly construed was an important theme in later literature. Peter Ackers argued in 2015 that the NUM's strategy alienated potential social allies. Thatcherite claims that the strike was unjust were apparently

<sup>12</sup>T. Strangleman, *Voices of Guinness. An Oral History of the Park Royal Brewery* (Oxford: Oxford University Press, 2019).

<sup>13</sup>J. McIlroy, 'Police and Pickets: The Law against the Miners', in H. Beynon, ed., *Digging Deeper. Issues in the Miners' Strike* (London: Verso, 1985), 101–22.

<sup>14</sup>P. Wallington, 'Policing the Miners' Strike' (1985) 14 *ILJ* 145–59.

<sup>15</sup>S. McCabe, P. Wallington, J. Alderson, L. Gostin and C. Mason, *The Police, Public Order and Civil Liberties: Legacies of the Miners' Strike* (London: Routledge, 1988); R. East and P. Thomas, 'Road-Blocks: the Experience in Wales', in B. Fine and R. Miller (eds), *Policing the Miners' Strike* (London: Lawrence & Wishart, 1985), 137–44.

<sup>16</sup>L. Christian, 'Restrictions Without Conviction: the Role of the Courts in Legitimising Police Control in Nottinghamshire', in Fine and Miller, *Policing the Miners' Strike*, 120–36.

strengthened by the absence of a national ballot and the public disorder arising from mass picketing.<sup>17</sup> Diarmaid Kelliher qualified this interpretation in 2021, showing that the strike mobilised a broad base of trade-union and social-movement support beyond the coalfields. Strikers cultivated mutual solidarities with union branches in various sectors and liberation activist groups responsible for organising women, Black workers and lesbians and gay men.<sup>18</sup> In similar vein, and reflecting on the key issues involved, economic security and industrial democracy, Huw Beynon and Ray Hudson in 2021 concluded that the miners' resistance was both an 'honourable cause' and 'a just strike'.<sup>19</sup> The miners were nevertheless still isolated. Other groups of unionised workers, menaced by legal restrictions and fears of redundancy and unemployment, were unable to risk action in solidarity.<sup>20</sup> The broad and complex injustices of deindustrialisation after the strike have also been examined.<sup>21</sup> These were experienced not only by former strikers, but by former strike-breakers, who felt unfairly excluded from collective exercises in commemoration of the industry.<sup>22</sup>

Many studies, older and newer, including Beynon and Hudson, assert that the strike 'began' after the NCB announced the imminent closure of Cortonwood Colliery in Yorkshire on 1 March 1984.<sup>23</sup> This overlooks an important element in the justice characteristics of the strike, as a defence of union rights as well as jobs. Half of Scotland's miners were in dispute with NCB management over working conditions and union representation *before* March 1984. The victimisation of strike leaders in 1984–85 extended the NCB's pre-existing anti-union strategy. This was pioneered by Albert Wheeler, Scottish Area Director, who accepted the logic of Thatcherism early, attacking union influence and closing pits against workforce and

<sup>17</sup>P. Ackers, 'Gramsci at the Miners' Strike: Remembering the 1984–1985 Eurocommunist Alternative Industrial Relations Strategy' (2015) 55 *Labor History* 151–72.

<sup>18</sup>D. Kelliher, *Making Cultures of Solidarity. London and the 1984-5 Miners' Strike* (London: Routledge, 2021), especially 21–47.

<sup>19</sup>H. Beynon and R. Hudson, *The Shadow of the Mine. Coal and the End of Industrial Britain* (London: Verso, 2021), 123.

<sup>20</sup>Kelliher, *Making Cultures of Solidarity*, 54–65.

<sup>21</sup>B. Curtis, *The South Wales Miners, 1964-1985* (Cardiff: University of Wales Press, 2013), 250–6; J. Phillips, *Scottish Coal Miners in the Twentieth Century* (Edinburgh: Edinburgh University Press, 2019), 269–77.

<sup>22</sup>J. Arnold, "'Like Being on Death Row': Britain and the End of Coal, c. 1970 to the present" (2018) 32.1 *Contemporary British History* 1–17; J. Emery, 'Belonging, Memory and History in the North Nottinghamshire Coalfield' (2018) 59 *Journal of Historical Geography*, 77–89.

<sup>23</sup>A. J. Richards, *Miners' on Strike. Class Solidarity and Division in Britain* (Oxford: Berg Publishers, 1996); Beynon and Hudson, *Shadow of the Mine*, 110–2.

community opposition from 1982 onwards.<sup>24</sup> This anti-union turn had a profound influence on the distinct pattern of injustice experienced by strikers in Scotland during the strike. It breached an operational moral economy that had applied since the 1960s, where closures and revised working arrangements were acceptable only with workforce agreement.<sup>25</sup>

This explains the strike's legitimacy in Scotland, where it developed as a movement from below, channelled carefully by Michael McGahey, President of the NUM Scottish Area (NUMSA),<sup>26</sup> advised by Manus McGuire, the founder of Thompsons Solicitors Scotland and son of a West Lothian coal miner.<sup>27</sup> An attempt to instigate a Scotland-wide strike in opposition to closures was narrowly defeated at the NUMSA executive and delegate conference on 20 February 1984. These meetings nevertheless delegated to the NUMSA executive the authority to call for action at a later date as circumstances changed, which they did with the announcement in the week beginning 5 March that Polmaise in Stirlingshire would close along with Cortonwood and three other collieries in England and Wales. The NUMSA executive called for strike action across Scotland to protect Polmaise from Monday 12 March, which was endorsed by the NUM national executive on 8 March.<sup>28</sup> It was on this basis that Lord Jauncey ruled the strike in Scotland to be lawful in the High Court in Edinburgh on 25 September 1984.<sup>29</sup>

Police officers in Scotland nevertheless acted on the objectionable assumption throughout the strike that its adherents were engaged in, or conspiring to commit, unlawful activities. Officers sided with the government and NCB officials in their war of manoeuvre. The most high-profile intervention was the 'Stepps Incident' on 10 May 1984. Cabinet documents indicate that this involved the leadership of Strathclyde Police responding directly to the Prime Minister's entreaty that strikers be blocked from reaching two important targets, the British Steel Corporation works at Ravenscraig, Lanarkshire and the terminal at Hunterston on the Ayrshire

<sup>24</sup>T. Brotherston and S. Pirani, 'Were There Alternatives? Movements from Below in the Scottish Coalfield, the Communist Party, and Thatcherism, 1981-1985' (2005) 36-7 *Critique* 99-124.

<sup>25</sup>E. Gibbs, 'The Moral Economy of the Scottish Coalfield: Managing Deindustrialization under Nationalization' (2018) 19.1 *Enterprise and Society* 124-52.

<sup>26</sup>National Mining Museum of Scotland, NUMSA Executive Committee and Special Conference of Delegates, 20 February 1984.

<sup>27</sup>Obituary: Manus McGuire, Campaigning Lawyer and founding partner of Thompsons Solicitors Scotland', *The Scotsman*, 10 August 2021.

<sup>28</sup>K. Harper, "'Miners' Leaders Sanction Strikes', *The Guardian*, 9 March 1984, 1.

<sup>29</sup>K. D. Ewing, 'The Strike, the Courts and the Rule-Books' (1985) 14.3 *ILJ* 160-75.

coast, fifty miles away. The NUM was tightening pressure on Ravenscraig, which was receiving imported coal and ore by road from Hunterston. On 30 April Norman Tebbit, Secretary of State for Trade and Industry, told the Cabinet Ministerial Group on Coal, which Thatcher chaired twice weekly, that supplying Ravenscraig was the government's single greatest economic priority.<sup>30</sup>

At the Group's meeting on 8 May, the Prime Minister instructed George Younger, the Secretary of State for Scotland, to ask chief constables about apprehending pickets pre-emptively, before they got to Ravenscraig or Hunterston.<sup>31</sup> Early on Thursday 10 May officers of Strathclyde Police stopped eight coachloads of miners on the A80 just north-east of Glasgow at Stepps, heading for Hunterston.<sup>32</sup> The NUM delegate at Polmaise, John McCormack, recalled in 1989 that 290 miners disembarked and sat down on the road in protest. In 'the biggest mass round-up in the miners' strike', they were arrested and taken on their own buses to police stations in Glasgow.<sup>33</sup> Billy Fraser, 22-years old, a faceworker at Castlehill in West Fife, was held from late morning to early evening. Interviewed in 2021, he said the police were intimidating the pickets and relieving the strain on Ravenscraig.<sup>34</sup> The Independent Review Group in 2020 observed that the police action at Stepps was the direct result of the Cabinet Group discussion, with no subsequent charges or prosecutions. The inescapable conclusion was that police officers had wilfully disrupted the lawful activities of the strikers.<sup>35</sup>

The war of manoeuvre against the strikers was pursued in other ways by police officers. Surveillance, including tapping telephones at union offices and strike centres, was routine. Peter Wishart, a miner at Seafield in East Fife, provided the Independent Review Group with a typical story. Strike activists telephoned around local miners' welfare clubs, organising a bogus mass picket at nearby Frances, where a small number of strike-breakers

<sup>30</sup>The National Archives, Kew (TNA), CAB 130/1268, CMGC, 30 April 1984.

<sup>31</sup>TNA, CAB 130/1268, CMGC, 8 May 1984.

<sup>32</sup>National Records of Scotland (NRS), SEP 4/6028, Scottish Office Daily Situation Report, 10 May 1984; NMMS, NUMSA, Box 10, Area Coordinating Committee, Reports, Thursday 10 May 1984.

<sup>33</sup>J. McCormack and S. Pirani, *Polmaise: the Fight for a Pit* (London: Index Books, 1989), 60–1; also available as download from Word Press, <https://polmaisebook.wordpress.com>, (19 August 2021, Date accessed).

<sup>34</sup>Billy Fraser, Interview with Author, Sauchie, 16 August 2021; M. Gostwick, 'It's Blue Murder – Almost', *Scottish Miner*, June 1984, p. 7.

<sup>35</sup>*Independent Review – Final Report*, pp. 40–1, 52.

were working with police support from October 1984 onwards. Wishart watched ten double-decker buses packed with police officers arrive at the colliery on the day in question. The commanding officer was visibly furious at being fooled.<sup>36</sup> Another demonstrative episode, quite a 'sting', is remembered by Pat Egan, a 24-years old strike leader in Lanarkshire. With his friend Willie Doolan, aged 27, Egan spent time on the phone talking up a mass picket at Rothesay Dock in Clydebank, to blockade imported coal from Apartheid South Africa. Egan arrived at the dock by car, with Doolan and two others. A senior police officer outlined his expectation that the official picket would number only six. This was the number specified within a code of practice issued by the Conservative government alongside its 1980 Employment Act, although police forces in Scotland as well as in England and Wales rarely enforced infractions of this provision during the strike.<sup>37</sup>

There were van loads of police there. Van loads of them. And the Inspector with the braiding round the hat actually said, you know, your rules of picketing, you're only allowed six. I says, aye, there's only four of us. And his face was a picture. Like, because he then knew that we knew and he couldn't say anything.<sup>38</sup>

### 3. DISPROPORTIONATE INJUSTICE

Michael Hogg was arrested outside Bilston Glen Colliery in Loanhead, Midlothian on 19 March 1984, a week after the strike had started. Hogg, 21 years old, was charged with breach of the peace, released on bail and tried at Edinburgh Sheriff Court on 27 July. The arresting officer claimed that Hogg had stopped an apprentice craftsman, aged 18, from entering the colliery and aimed a punch before struggling with officers. Interviewed in 2021, Hogg remembered that there was no assault. Police officers had provoked a general melee by moving in on Hogg as he spoke to the apprentice. Hogg was 'singled out' for arrest. The Sheriff found him guilty and levied the astonishing fine of £500. Manus McGuire, Hogg's lawyer, said the Sheriff was 'hand in glove' with the police, the NCB and the government,

<sup>36</sup>Scottish Government, *Policing*, Response 939443068, Peter Wishart.

<sup>37</sup>Employment Act 1980 (legislation.gov.uk, 3 September 2021, Date accessed).

<sup>38</sup>P. Egan, Interview with Robert Gildea, Glenrothes, 17 June 2021.

Table 1.  
Miners Arrested and Dismissed During the Strike

	Miners On Strike (End of March 1984)	Arrests During Strike	Dismissed During Strike	Arrests Per 1,000 Strikers	Dismissals Per 1,000 Strikers
Scotland	15,000	1,350	206	90	13.7
England and Wales	192,000	8,650	800	45	4.2

Source: NUM Scottish Area, Memorandum, *House of Commons Employment Committee*, 22 May 1985.

attacking the union which was paying the fine.<sup>39</sup> A second and brutal penalty followed, when the Bilston Glen pit manager notified Hogg in writing that he was dismissed for 'gross industrial misconduct'. David Hamilton, chair of the Midlothian, East Lothian and Edinburgh strike committee, called for Hogg's immediate reinstatement, correctly anticipating that many other miners now faced the same double penalty as their cases went through the courts.<sup>40</sup>

The cruelty of dismissal was emphasised in an unpublished Labour Party report, compiled by Gordon Brown, MP for Dunfermline East, and Merlyn Rees, MP for Morley and Leeds South and Home Secretary from 1976 to 1979. Brown and Rees emphasised the greater prevalence of this injustice in Scotland. In England and Wales 280 of 800 miners sacked were reinstated by May 1985. In Scotland all 206 of those dismissed were still awaiting reprieve. 'With less than 10% of British miners, and around 10% of convictions for offences related to the strike, Scotland has more than 30% of the dismissals', they observed. Brown was a member of the House of Commons Employment Committee which gathered evidence from the NUM and the NCB on dismissals in May 1985.<sup>41</sup> Table 1 sets out the NUM data in adapted form. To repeat the essence of this data, noted in the introduction: the number of arrests per head in Scotland was twice that in England and

<sup>39</sup> M. Hogg, Interview with Author, RMT office, Glasgow, 12 August 2021.

<sup>40</sup> M. Morris, 'Pickets Back to Battlefield as Holiday Ends', *The Guardian*, 24 July 1984, 3; J. Ardill, J. Stead and J. Lewis, 'Sacking of Two Pickets Condemned', *The Guardian*, 14 August 1984, 2.

<sup>41</sup> House of Commons, *Employment Committee*, 416-i, NUM memorandum.

Table 2.  
Miners Arrested and Charged During the Strike

	Miners On Strike (End of March 1984)	Arrested During Strike	Charged	Arrests per 1,000 Strikers	Miners Charged Per 1,000 Strikers	Charged As % of Arrested
Scotland	15,000	1,483	1,015	98.9	67.6	68.4
England and Wales	192,000	9,808	7,917	51.1	41.2	80.7

Source: Peter Wallington, ‘Policing the Miners’ Strike’ (1985) 14.3 *Industrial Law Journal* 150–1, using UK government answers to questions in House of Commons.

Wales; on average, a striking miner in Scotland was three times more likely to be dismissed than in England and Wales.

This disproportionately-severe punishment was remembered by activists in 2021 as especially galling, given the legality of the strike in Scotland.<sup>42</sup> It also jarred with the generally low-order offences for which Scottish miners were convicted. Police officers active in 1984-85 told the Independent Review Group that dismissal was an ‘excessive response to most of the behaviour they had to deal with’.<sup>43</sup> Brown and Rees established that 63.4% of convictions in Scotland, 569 of 898, were for breach of the peace, 24.4% were for police obstruction (220) and 5.7% for breach of bail conditions (51). The total number of convictions was higher than the number of miners with convictions, because some miners had more than one conviction. In England and Wales only around 64% of those charged had allegedly contravened comparable laws on public order (42%), police obstruction (16.2%) and obstruction of the highways (6.2%). One third of charges related to criminal damage, assaulting police officers, ‘occasioning actual bodily harm’, theft, intimidation or be-setting and riot.<sup>44</sup>

The story told by Brown and Rees with the NUM data is broadly confirmed by UK government answers to Parliamentary questions on arrests and charges, examined by Wallington and summarised in [Table 2](#).

<sup>42</sup>Hogg, Interview; Egan, Interview.  
<sup>43</sup>*Independent Review*, 23.  
<sup>44</sup>Brown and Rees, *Labour Party Report*, pp. 7–8, 60, 65–67.

Wallington showed that 98% of charges brought against strikers in Scotland were for breach of the peace (678), police obstruction (249), breach of bail (53) and vandalism (30). In England and Wales, by contrast, 'significant numbers of serious offences were charged', including 509 cases of unlawful assembly, 139 of riot, 39 of grievous bodily harm, 21 of affray, 15 of arson and three of murder.<sup>45</sup>

In assessing these contrasting patterns, the Independent Review Group emphasised the role in Scotland of the Procurators Fiscal, who decided whether cases came to trial and advised Sheriffs on whether bail be granted. The Procurators Fiscal may have influenced the police in utilising the charges of breach of the peace and police obstruction, which were relatively easy to evidence in Scottish courts. Until the mid-nineteenth century, breach of the peace was applied in Scotland largely to cases where offenders had been engaged in public brawling or obvious disturbance. Its usage then gradually broadened to encompass a range of offending activities short of physical violence, which 'disturbed the sensibilities of Victorian Scotland', according to Lindsay Farmer, including threatening and drunken behaviour. In the twentieth century the 'elasticity' of the charge expanded further, to encompass situations on the fringes of legality, where criminal activity might have occurred had the potential perpetrator or perpetrators not been apprehended.<sup>46</sup> In a 1982 case, *Wilson v Brown*, involving a man prosecuted after swearing at a football match, the Crown established that breach of the peace was committed where 'the proved conduct may reasonably be expected to cause any person to be alarmed, upset or annoyed or to provoke a disturbance of the peace'.<sup>47</sup> Michael Christie, reflecting on this latter case, concluded that in Scotland the offence had been 'allowed to extend itself to eccentric and trivial behaviour (which happens to be disapproved of by some persons – very often the police) and to become an almost limitless instrument of social control'.<sup>48</sup>

The use of breach of the peace during the strike was therefore in keeping with the charge's historical direction of travel: used, as Farmer put it, to defend 'privileged middle-class values of order against the "nomadic tribes"

<sup>45</sup>Wallington, 'Policing the Miners' Strike' 150.

<sup>46</sup>L. Farmer, *Criminal Law, Tradition and Legal Order. Crime and the genius of Scots law, 1847 to the present* (Cambridge: Cambridge University Press, 1997), 113–5.

<sup>47</sup>J. Chalmers and F. Leverick, eds, *The Criminal Law of Scotland, Vol. 2* (Edinburgh: W. Green/Thomson Reuters, 2017, 4th ed.), ch. 47, 'Breach of the Peace'.

<sup>48</sup>M. G. A. Christie, *Breach of the Peace* (Edinburgh: Butterworths, 1990), 105.

of the common people.’<sup>49</sup> In Scotland its predominance in 1984–85 appears to have influenced a lower rate of acquittal, 19% of all strike-related cases that came to court, than in England and Wales, 24% of cases brought to court.<sup>50</sup> The more serious charges levelled in England and Wales were difficult to sustain, including unlawful assembly and especially riot, which carried a life sentence. The most notorious case was that of 55 miners arrested and charged with riot during a mass picket at the Orgreave coking facility in South Yorkshire on 18 June 1984. The trial of these men was abandoned and all charges dropped when it became clear that police officers had fabricated the evidence.<sup>51</sup> A miner from Fife was said to have protested his innocence with the unlikely phrase, ‘I wasn’t doing owt’.<sup>52</sup> Table 2 showed that for every two strikers charged in England and Wales, more than three were charged in Scotland. The likelihood of a charge following an arrest was lower, however, in Scotland, suggesting two linked phenomena: the Procurators Fiscal adopted a highly pragmatic view, pursuing only cases where conviction was highly probable; and police officers were responsible for a high volume of arrests in Scotland where there was limited evidence of unlawful activity, as with Stepps. Wallington found that 59% of all arrests made by Strathclyde Police resulting in no proceedings.<sup>53</sup>

Where arrested miners appeared in court, Sheriffs wielded important agency. If it was known that the Sheriff would refuse bail, there was strong incentive to avert lengthy detainment on remand by pleading guilty.<sup>54</sup> These pleas were not entered as admission of guilt, but to end cases quickly, enabling miners to return to strike activism. Watty Watson was arrested in November 1984 outside his local strike centre in Lochore, Fife, after gesturing towards a van carrying two strike-breakers. He was on his way to an official picket, at around 5am. Watson was charged with breach of the peace, appearing just hours later at Dunfermline Sheriff Court. His lawyer told him that a not guilty plea would result in Sheriff Reid fixing a period of three weeks on remand at Saughton jail in Edinburgh. Watson pleaded guilty and was fined

<sup>49</sup>Farmer, *Criminal Law*, 134–6.

<sup>50</sup>Wallington, ‘Policing the Miners’ Strike’ 151.

<sup>51</sup>D. Conn, ‘Thirty Five Years On, Orgreave Campaigners Still Seek Justice’, *The Guardian*, 15 June 2019, Thirty-five Years on, Orgreave Campaigners Still Seek Justice | The Miners’ Strike 1984–85 | The Guardian, (7 August 2021, Date accessed).

<sup>52</sup>B. Jackson and T. Wardle, *The Battle for Orgreave* (Brighton: Vanson Wardle Productions, 1986), 102–3.

<sup>53</sup>Wallington, ‘Policing the Miners’ Strike’ 150.

<sup>54</sup>*Independent Review*, 18–21.

the large sum of £150. Two working days later he received written notice from his colliery manager at Comrie that he was sacked for gross industrial misconduct. Just nineteen, Watson was probably the youngest striker to be victimised in this way in Scotland.<sup>55</sup> David Hamilton explained his similar conviction in written submission to the Independent Review. He was picketing at Bilston Glen with his wife Jean and brother Robert. All three were arrested, then charged with breach of the peace. David and Robert were told that if they pleaded guilty, the charge against Jean would be dropped. They agreed to this and were subsequently sacked. David Hamilton was found at an Industrial Tribunal to have been unfairly dismissed.<sup>56</sup>

In England and Wales around 200 custodial sentences were served by strikers in 1984–85. A number of Scottish strikers were held in jail while awaiting trial, but the Scott review found scant evidence of conviction leading to prison. One case has surfaced in the course of this research: Michael Hogg, sentenced to three months' imprisonment at Haddington Sheriff Court after arrest at Blindwells open cast mine in East Lothian. Before this, Hogg had been arrested for a second time at Bilston Glen, on 18 June, in company with Mick McGahey, mineworker son of the NUMSA President. Hogg was convicted and fined £250 at Edinburgh Sheriff Court on 16 November while McGahey was fined £80 for trying to rescue Hogg, 'a prisoner', from police custody.<sup>57</sup> Sheriff Hook at Haddington had viewed this record of offending as evidence, in Hogg's 2021 words, of 'a young miner out of control'. McGuire changed Hogg's plea to guilty and the stretch was shortened to three weeks, allowing him home for Christmas.<sup>58</sup>

In evaluating the disproportionate extent of injustice in Scotland in 1984–85, the case of miners dismissed in France during tumultuous strike action in 1948 is a further valuable point of reference. The French miners' strike was provoked when the nationalised industry management sought to impose greater labour discipline, disincentivising absences through lower sickness benefits. Members of the CGT union, aligned politically with the Communist Party of France and representing 80% of the workforce, tried to gain leverage by reducing security measures, including pumping. There

<sup>55</sup> W. Watson, Interview with Robert Gildea, Lochore, 15 June 2021; newspaper clippings in possession of Watty Watson: 'Broke Working Miner's Window', *Courier & Advertiser*, 17 November 1984, and 'No excuses', *Central Fife Times*, 22 November 1984.

<sup>56</sup> Scottish Government, *Policing*, Response 129037577, David Hamilton.

<sup>57</sup> 'McGahey's Son Fined', *Courier and Advertiser*, 17 November 1984, 9.

<sup>58</sup> Hogg, Interview.

were violent exchanges involving strikers, strike-breakers and the military.<sup>59</sup> Early Cold War ideological tensions aggravated the industrial crisis, as did the martial legacy of the Second World War and the Resistance, for the protagonists on all sides were armed. Casualties included those shot and killed; women were among those seriously injured. Thousands were arrested and hundreds imprisoned, with sentences extending to months and even years.<sup>60</sup> In the Nord-Pas-De-Calais region the additional penalty of employment dismissal was imposed on 635 strikers. On the basis that 104,000 miners had voted to strike in the region, this amounted to a rate of 6.1 dismissals per thousand, less than half the rate of 13.7 per thousand which applied among Scottish strikers in 1984–85. In coal-dependant France in 1948 there was a strong policy-making 'need' for miners.<sup>61</sup> In the energy-diversified UK and Scotland, by contrast, policy-makers in 1984–85 were keen to reduce the mining workforce and dismissals advanced this aim. The comparative rate of victimisation is still remarkable. In Scotland in 1984–85 there were no grenades or guns on the relatively bloodless picket lines; nor were there serious assaults on the property of the employer or strike-breakers beyond limited window breakages and damage to vehicles. In September 2020 the French Constitutional Council ruled in favour of campaigners who had been seeking amnesty for those criminalised in 1948 and financial compensation for the miners who had been dismissed. Industry management had unfairly victimised union activists, including Communists, to remove alternative sources of authority in mining communities as well as workplaces.<sup>62</sup>

#### 4. TARGETED INJUSTICE

NUMSA officials believed that the victimisation of strikers marked a consolidation of the NCB's established anti-union strategy. Eric Clarke, NUMSA General Secretary, noted in his memo for the House of Commons Employment Committee in May 1985 that 43% of those dismissed held official union positions, generally at branch level, and another 28% were

<sup>59</sup> 'Turn for Worse in French Pits. Communists' Threat', *The Manchester Guardian*, 18 October 1948, 5.

<sup>60</sup> 'Pit "Battles" in France', *The Manchester Guardian*, 22 October 1948, 5.

<sup>61</sup> R. Gildea, *France Since 1945* (Oxford: Oxford University Press, 1996), 90.

<sup>62</sup> A. France-Presse, 'French Miners' Families Win New Battle over 1948 Strike', 18 September 2020; M. Fontaine et X. Vigna, 'La grève des mineurs de l'automne 1948 en France' (2014) 121.1 *Vingtième Siècle. Revue d'histoire* 21–34.

prominent activists.<sup>63</sup> As with the French case in 1948, the dismissals were intended to intimidate strikers and deprive them of leadership. Michael Hogg's case involved the singular penalty of custodial sentence but was otherwise typical. He was a former NUM youth delegate at Bilston Glen, and a member of the branch committee. His father, Peter Hogg, was on the NUMSA executive committee and his working-age brothers were all striking miners. He was also a member of the Communist Party of Great Britain, as were many NUMSA officials.<sup>64</sup>

Targeted victimisation was concentrated in Midlothian and Fife. This was significant. Bilston Glen and neighbouring Monktonhall were two of seven units opened or redeveloped by the NCB in the 1960s, along with Seafield in East Fife, the trio of Bogside, Castlehill and Solsgirth in West Fife and Clackmannanshire which fed coal to the South of Scotland Electricity Board power station at Longannet, and Killoch in Ayrshire. NCB data showed that these units produced three-quarters of Scotland's deep-mined coal in 1982.<sup>65</sup> Wheeler saw the large exploitable reserves of Midlothian and Fife as the basis of a more profitable industry in Scotland, although this would require a significant intensification of production. He initiated the so-called Back to Work movement at Bilston Glen in June. This was why 36 strikers from Bilston Glen were sacked, David Hamilton concluded in 2005, along with 46 from Monktonhall and another five from the NCB workshops in nearby Newbattle, where mining machinery was overhauled and repaired. Hamilton, NUM delegate at Monktonhall, pointedly repeated this observation when interviewed in September 2009.<sup>66</sup> On the basis of the combined number of miners employed at Bilston Glen and Monktonhall in March 1984, 3,300, it can be reckoned that 24.8 strikers were sacked per thousand in Midlothian, almost double the Scottish rate of 13.7.<sup>67</sup>

A similar process was evident in the small south-east English coalfield of Kent, where about 2,500 miners were employed at three collieries before

<sup>63</sup>House of Commons, *Employment Committee*, 416-i, NUM Scottish Area memorandum, 3–5.

<sup>64</sup>Hogg, Interview.

<sup>65</sup>Monopolies and Mergers Commission, *National Coal Board. A Report on the efficiency and costs in the development, production and supply of coal by the National Coal Board, Volume Two*, Cmnd. 8920 (London: HMSO, 1983), Appendix 3.5 (a).

<sup>66</sup>G. Hutton, *Coal Not Dole. Memories of the 1984/85 Miners' Strike* (Catrine, Ayrshire: Stenlake Publishing, 2005), 57; David Hamilton, Interview with Author, Parliamentary Advice Office, Dalkeith, 25 September 2009.

<sup>67</sup>Employment data in Jim Phillips, *Collieries, Communities and the Miners' Strike in Scotland* (Manchester: Manchester University Press, 2012), 22.

the strike. The NUM's evidence to the House of Commons Employment Committee in May 1985 showed that 47 Kent miners were victimised, 42 of them at the area's largest colliery, Betteshanger, including the entire union branch committee. This amounted to a dismissal rate of 18.8 per thousand strikers in Kent, lower than the Midlothian average but higher than the Scottish, and well above the all-England and Wales average of 4.2. Put another way, Kent had 1.3% of the strikers but 5.9% of those sacked in England and Wales. None had returned to NCB employment by May 1985, in contrast to the position in South Wales, where 78% were back. The NUM Kent Area opposed the decision to end the strike in March 1985 without a negotiated settlement. Union officials knew there would be no reinstatements, and this would ease the NCB's task of shutting the area's collieries, Tilmanstone and Snowden along with Betteshanger. This was indeed the outcome, with all three closed by 1989.<sup>68</sup>

Victimisation in Scotland involved the persecution of union leadership at colliery-level across Fife as well as Midlothian. Table 3 summarises the position. SCEBTA was the craft workers' union, representing engineers, electricians and other tradesmen who formed around a quarter of the mining workforce in Scotland.

David Hamilton's case was noted earlier. He also spent nine weeks on remand in Saughton Prison, Edinburgh, awaiting trial following an argument with a strike-breaker in Woodburn Miners' Welfare Club in the early autumn of 1984. In Edinburgh Sheriff Court on 20 December the case was heard by a jury, which took 25 minutes to find him not guilty.<sup>69</sup>

Alex Bennett was 38 years old in 1984, a faceworker at Monktonhall, where he had been NUM branch chairman for four years. He was fined £100 for breach of the peace at Edinburgh Sheriff Court in December 1984 and sacked in January 1985. Bennett had been part of the official six-strong picket at Bilston Glen on 25 June. He was arrested after being inadvertently pushed into the police lines by a sudden surge in the large crowd. The case contradicted an important generalised assertion which Wheeler made when addressing the Employment Committee in May 1985. Each of the 206 sacked men had purportedly committed 'serious offences of violence, intimidation or vandalism', aimed directly 'against working miners, their families,

<sup>68</sup>House of Commons, *Employment Committee*, 416-i, NUM memorandum, 8, 23–4; D. Hencke and F. Beckett, *Marching to the Fault Line. The 1984 Miners' Strike and the End of Industrial Britain* (London: Constable, 2009), 206.

<sup>69</sup>Scottish Government, *Policing, Response* 129037577, David Hamilton; A. Bennett, Interview with Author, by telephone, 18 August 2021.

Table 3.  
Pit-level Victimisation of Union Officials and Activists in Fife and  
Midlothian, 1984–85

Colliery	Key Details
Frances, East Fife	NUM delegate, John Mitchell, and SCEBTA branch chairman, John Page, both sacked
Seafield, East Fife	NUM delegate, Jocky Neilson, and chairman, Willie Clarke, said to have avoided picket lines on strategic grounds
Comrie, West Fife	NUM delegate, Bob Young, sacked
Castlehill, West Fife	NUM delegate, Tam Mylchreest, and Fishcross strike centre picketing organiser, Jim Tierney, both sacked
Monktonhall, Midlothian	NUM delegate, David Hamilton, and branch chairman, Alex Bennett, both sacked
Bilston Glen, Midlothian	NUM delegate, Jackie Aitchison, and Jim Lennie, branch committee, both sacked

their property or the Coal Board’s property.<sup>70</sup> Bennett’s Industrial Tribunal in January 1986 found that he had been unfairly dismissed largely because there were in fact no ‘working miners’ present at the time of his arrest.<sup>71</sup> In interview Bennett recalled the equally contentious case of Bilston Glen’s NUM delegate, Jackie Aitchison: charged with trespass on NCB property after stepping across a white line on the road that was later found to have been painted without the approval of Lothian Regional Council.<sup>72</sup> Jim Lennie, a branch official at Bilston Glen, was sacked for the same phantom crime.<sup>73</sup>

Tam Mylchreest told Willie Thompson that he and another union representative at Castlehill, Sam Cowie, staged a 48-hour underground protest in August 1984, after NCB officials switched off the power supply to fans and pumping machinery. Both were sacked for gross industrial misconduct, but

<sup>70</sup> *House of Commons Employment Committee*, 416-ii, *NCB Evidence*, 32–3, 39–40.  
<sup>71</sup> Scottish Government, *Policing*, Response 795142337, Alexander Bennett.  
<sup>72</sup> Bennett, Interview.  
<sup>73</sup> Scottish Government, *Policing*, Response 383083884, Jim Lennie.

management did not switch the power off again.<sup>74</sup> Jim Tierney was dismissed following arrest outside the Fishcross strike centre in Clackmannanshire where he was picketing coordinator. A group of strikers several hundred metres away had thrown stones at a transit van carrying a handful of strike-breakers towards Castlehill. Sheriff Reid, who fined Watty Watson £150 for gesturing at strike-breakers in Lochore in November 1984, convicted Tierney of breach of the peace in Alloa Sheriff Court in December 1984, on the basis of false evidence provided in court by the arresting sergeant. Fourteen other witnesses, including the strike-breakers, testified that Tierney was not involved.<sup>75</sup>

Bob Young at Comrie was sacked after a public order conviction following arrest in June at Cartmore, a privately-run open cast mine in Central Fife, along with 134 other pickets. Young's case further belied Wheeler's assertion that miners were only dismissed where they had interfered with working miners at NCB premises. Young was eventually reinstated, having secretly recorded a conversation with the Comrie pit manager, Davie Seath, where the wrongful nature of his dismissal was conceded.<sup>76</sup> Young became a trusted friend of Tom Adams, NUM branch treasurer at Frances. Both men were later Labour councillors in Fife. Adams indicated in June 2021 that the key NUM leaders at Seafield, Jocky Neilson and Willie Clarke, concentrated on propaganda and fund-raising activities. Appreciating the dangers of standing on picket lines, exposed to the attentions of police officers, they generally stayed away to avoid victimisation.<sup>77</sup>

The targeting of activists involved close collaboration between the police and NCB officialdom. Pat Egan's case demonstrates how this worked. While resident in Lanarkshire during the strike, Egan was a union branch committee member at Frances in East Fife. He had transferred there from Bedlay in Lanarkshire, which closed in 1981, via Solsgirth in Clackmannanshire, setting up home with his wife Margaret in the Fife New Town of Glenrothes. With Michael Hogg and other young miners, Egan had for several years been attending NUMSA training schools at weekends and in summer holidays, being developed by McGahey and other senior officials as the next leadership generation. When the strike began, these officials advised Egan

<sup>74</sup>T. Mylchreest, Interview with Willie Thompson, presumed January 1986.

<sup>75</sup>J. Tierney, Interview with Author, Zoom, 2 February 2022.

<sup>76</sup>The Scottish Parliament, Equalities, Human Rights and Civil Justice Committee, *Official Report*, 11 January 2022, Meeting of the Parliament: EHRCJ/11/01/2022 | Scottish Parliament Website, 10, 16; (28 March 2022, Date accessed).

<sup>77</sup>T. Adams, Interview with Robert Gildea and Author, West Wemyss, 17 June 2021.

that the union had sufficient activist strength to organise miners in Fife. They asked him to return ‘home’ to Lanarkshire, to bolster the leadership of the strike there, which he did, living with his parents in the village of Twechar.<sup>78</sup>

Egan was arrested at Bilston Glen on 23 July, with Willie Doolan. As picket coordinators they were talking to a Chief Inspector when the NCB bus arrived with 15 strike-breakers on board.<sup>79</sup> The crowd of strikers surged, surrounding the Chief Inspector. He fell but was protected by Doolan and Egan. They were nevertheless physically lifted and carried away by five or six police officers. ‘We took a rattling, eh?’, Doolan remembered in a podcast conversation with Anne Kerr, recorded at Auchengeich Miners’ Welfare Club in Lanarkshire in May 2021. The pair were charged at Dalkieth police station, photographed holding a board with their personal details, ‘as if yi’d done a murder’.<sup>80</sup> Doolan was acquitted after two police officers gave conflicting evidence in Edinburgh Sheriff Court,<sup>81</sup> but Egan was convicted and sacked. His lawyer, Frank McGuire, reached a plea bargain where four charges would be dropped, including breach of bail relating to a previous arrest, if he accepted guilt for breach of the peace:

I says, but I never done anything, Frank. He says, it doesn’t matter. He says, they’re going to find you guilty. He says, you’ve got the option of facing the one charge or five charges and you’re going to be guilty regardless. I says, right okay, well, I’ll take your advice. And I pled guilty to breach of the peace. I got fined 30 pounds and at that time, I came out the court and came back to Glenrothes and by the time I got in they had the dismissal letter sitting behind the door.

The time lapse between Egan leaving the court in Edinburgh and arriving at his house in Glenrothes was about four hours. The Independent Review Group referred to this incident as encapsulating the close cooperation between police and NCB officialdom, as well as the ‘serious questions about proportionality’ of employment dismissal following conviction for minor offence.<sup>82</sup> Nobody else from ‘the Lanarkshire end, from around Glasgow’ was sacked during the strike, Egan emphasised in 2021. Egan, to recap, had been

<sup>78</sup> Egan, Interview.

<sup>79</sup> M. Morris, ‘Pickets Back to Battlefield as Holiday Ends’, 24 July 1984, *The Guardian*, 24 July 1984, 3.

<sup>80</sup> A. Kerr, ‘Recovering Community. Episode 1, After Auchengeich: Resilience in a Mining Community’, <https://www.gla.ac.uk/schools/socialpolitical/recoveringcommunitypodcast/podcastepisode1/#d.en.811014>.

<sup>81</sup> Scottish Government, Policing, Response 283912451, Willie Doolan.

<sup>82</sup> *Independent Review*, 22.

selected for training as a union leader. His case reinforces the argument that NCB officials, working covertly with police, targeted union activists from Fife and Midlothian to strengthen their future control over the pits as well as suppress the strike.<sup>83</sup>

Tom Adams, a friend of Egan's on the Frances NUM branch committee, underlined the brazen complicity between the police and the NCB when talking in 2021 about 'the day when you really knew you were getting watched as a union organiser'. This was 2 October, as the NCB tried to build the Back to Work movement in East Fife. Early that morning, Adams and others witnessed police officers scrutinising photographs laid out on tables in front of Fife Constabulary's headquarters in Dysart, visible from the Frances gates. The 'big wigs' were pointing towards individuals at the front of the picket. Adams and another member of the local union committee, Jim Hunter, warned their comrades then melted into the crowd as the small number of strike-breakers arrived by bus.<sup>84</sup> At this point John Mitchell, NUM branch delegate and one of the six official pickets, heard a police officer cry, 'Take prisoners!' He was forcibly arrested by two officers from out-with Fife and taken to Dunfermline police station where he was charged with police obstruction. This confounded Mitchell, for he had been urging his members to keep off the road, acting at the request of a local police officer. John Page, the colliery's SCEBTA branch secretary, and the four other official pickets were likewise arrested and charged. All six were convicted in Kirkcaldy Sheriff Court on 5 December and sacked the following day for gross industrial misconduct.<sup>85</sup> 'Absolute set up', Adams concluded.<sup>86</sup>

## 5. THE INJUSTICES OF DEINDUSTRIALISATION

The NCB's Back to Work movement in Scotland had eventually gained traction in February, although a clear majority was still out when the strike ended in March. In West Fife and neighbouring Clackmannanshire solidarity remained nigh universal.<sup>87</sup> The absence of a negotiated settlement meant confirmation of the sackings, contrary to expectations harboured by Michael Hogg and others that they would be reinstated, according to the

<sup>83</sup>Egan, Interview.

<sup>84</sup>Adams, Interview.

<sup>85</sup>Scottish Government, *Policing*, Response 46494590, John Mitchell.

<sup>86</sup>Adams, Interview.

<sup>87</sup>Phillips, *Collieries, Communities and the Miners' Strike*, 154–60.

precedents of the 1972 and 1974 strikes.<sup>88</sup> The position facing the 206 victimised strikers was difficult. A return to the pits was secured for some following the departure from Scotland of Wheeler, the anti-union zealot, installed by May 1985 as the NCB's South Nottinghamshire Area Director. NUMSA officials established functional dialogue with Wheeler's successor, George McAlpine. In December 1985 George Bolton, NUMSA Vice President, told Willie Thompson that 53 of the sacked men were back with the NCB. This had involved much 'hard work, organisation and careful thought' at local level.<sup>89</sup> By June 1986 this number had increased to 75, according to minutes of a meeting between McAlpine and the Energy Subcommittee of the Scottish Trades Union Congress. Of the others, 92 had gone to an Industrial Tribunal, with 50 unfair dismissal verdicts reached, generally where pre-strike procedures had not been followed. This included a formal meeting between pit manager and the worker facing dismissal. Two of those with unfair dismissal verdicts were re-employed, along with three of the others. This took the total of those taken back to 80, less than two in five of those originally sacked.<sup>90</sup>

Thatcher's government had secured its primary aim, removing the NUM from decisions about pit closures, which were henceforth taken unilaterally by the NCB.<sup>91</sup> The NUM and SCEBTA, denuded in workplaces and communities by dismissals, found it difficult to resist the subsequent acceleration of deindustrialisation. In Ayrshire 22 miners were sacked, including Alex Montgomery and other influential union figures.<sup>92</sup> The area's remaining pits, Killoch and Barony, were run down in employment and production terms, closing with only limited contestation in 1987 and 1989.<sup>93</sup> The sacked miners faced a further punishment. The covert activities of the anti-trade union Economic League included compilation of a black-list of named individuals. This was made available to private-sector employers who rejected job applications from ex-miners because of their union activism, including Alex Bennett and David Hamilton in Midlothian.<sup>94</sup> The Economic League was disbanded in the early 1990s, but it soon had a number of institutional

<sup>88</sup> Hogg, Interview.

<sup>89</sup> G. Bolton, Interview with Willie Thompson, December 1985; copy in author's possession.

<sup>90</sup> *STUC Annual Report 1987*, 80.

<sup>91</sup> W. M. Rees, 'The Law, Practice and Procedures Governing Redundancy in the Coal Mining Industry' (1985) 14.3 *ILJ* 203–14.

<sup>92</sup> C. Levy with Mauchline Miners' Wives, 'A Very Hard Year': 1984-5 Miners' Strike in Mauchline (Glasgow: WEA, 1985), 32.

<sup>93</sup> NRS, CB 328/3/4, Killoch Colliery Consultative Committee, 16 May 1985.

<sup>94</sup> Bennett, Interview.

successors, the most important of which appears to have been the Consulting Association. The extent of the covert anti-union black-listing only gradually came to light in the years that followed. An important milestone was a hearing of the Scottish Affairs Committee in the House of Commons on 28 November 2012, chaired by Ian Davidson, Labour and Cooperative MP for Glasgow South-West.<sup>95</sup>

Watty Watson was taken back at Comrie in December 1985, and later worked at other pits in Fife, including those linked to Longannet. Pat Egan successfully applied for a job at Seafeld, starting in November 1985. When this closed in 1987, he returned to Frances, being run on a care and maintenance basis. This activity ended shortly before privatisation, at which point the workers were offered very generous redundancy terms. In Egan's case this was a lump sum of £45,000, but he decided to remain in the industry, moving to the Longannet complex where he stayed until this last mining operation in Scotland was catastrophically flooded and closed in 2002. The private firm running Longannet, Scottish Coal, entered liquidation, which meant that the 366 miners directly employed received only statutory redundancy payment. For Watty Watson this was roughly £4,000. The UK Labour government recognised that this was unjust, given the much larger redundancy sums offered to Egan, Watson and others at the point of privatisation. As a result, the Longannet men received an additional payment of £5,000, still well short of terms that had been rejected by miners with a commitment to the industry several years earlier.<sup>96</sup> From the mid-2000s Egan worked as a training needs officer with the Transport & General Workers' Union and its institutional successor, Unite the Union. Watson joined the railways. After working as a ticket inspector and a conductor, he became a driver and then a driving instructor.<sup>97</sup>

Some of the sacked men returned to the pits with private contractors. These included Michael Hogg and Alex Bennett, working from 1986 or 1987 on drivage operations and then salvage, as the NCB permanently closed faces and then entire collieries. The salvage work was scrimped, recalled Hogg. Much machinery was left underground, an 'absolute travesty', with

<sup>95</sup>House of Commons Scottish Affairs Committee, *Blacklisting in Employment: Interim Report, Ninth Report of Session 2012-13*, House of Commons 1071, 16 April 2013, and *Blacklisting in Employment: Final Report, Seventh Report of Session 2014-15*, House of Commons 272, 18 March 2015.

<sup>96</sup>D. King, 'Longannet's Miners Get £5000 Each', *Daily Record*, 17 July 2002, Clipping from Watty Watson.

<sup>97</sup>Egan, Interview; Watson, Interview.

electrical equipment in flooded mine waters causing damaging levels of land contamination.<sup>98</sup> This environmental injustice compounded the social harms of deindustrialisation, with dangerous suspected effects on public health.<sup>99</sup> Hogg was another who joined the railways, retaining his commitment to union activism. He was elected full-time Regional Organiser of the RMT rail workers' union in Scotland in 2008, winning re-election every five years and still in this position in 2022. Bennett stayed in mine-industry contracting before finding employment in the private sector as an industrial diseases consultant, utilising his union training in welfare rights and social security law.<sup>100</sup>

The forced pace of colliery abandonments identified by Hogg was a further injustice experienced in coalfield communities. By 1989 the productive coal industry in Scotland was concentrated entirely on Longannet, where Tom Adams, Willie Doolan and Billy Fraser worked along with Egan and Watson. Seafield and Frances had employed 2,000 men before the strike, drawn from numerous villages and towns across East and Central Fife. The employment rate of adult men in these localities dropped from 80.3% in 1981 to 66.4% in 1991.<sup>101</sup> This damage was anticipated by miners opposing the closure of Comrie in 1986. Lost jobs would reduce expenditure in communities and add to the costs of social security while lowering tax revenue; deteriorating physical and mental health would aggravate pressures within health service provision.<sup>102</sup>

Deindustrialisation was a process rather than an event, with ongoing socio-economic consequences four decades after the strike.<sup>103</sup> Beatty, Fothergill and Gore provide a valuable model for re-imagining the former British coalfields as 'a "region" in their own right, all clustered together', with a population of 5.7 million, and as such the most deprived in the whole

<sup>98</sup> Hogg, Interview.

<sup>99</sup> A. McIvor, 'Deindustrialization Embodied: Work, Health and Disability in the United Kingdom Since the Mid-Twentieth Century', in S. High, L. MacKinnon and A. Perchard (eds), *The Deindustrialized World: Confronting Ruination in Postindustrial Places* (Vancouver: University of British Columbia Press, 2017), 25–45.

<sup>100</sup> Bennett, Interview.

<sup>101</sup> Registry General Scotland, *Census 1981 Scotland. Scottish Summary. Volume 1, Report for Fife Region* (Edinburgh: HMSO, 1983); General Registry Office for Scotland, *1991 Census. Fife Region, Part 1* (Edinburgh: HMSO, 1993).

<sup>102</sup> *Comrie Colliery: the Fight for the Future!* (Fife Federation of Trades Councils, Rosyth, no date, perhaps 1986 or 1987).

<sup>103</sup> T. Strangleman, 'Deindustrialisation and the Historical Sociological Imagination: Making Sense of Work and Industrial Change' (2017) 51 *Sociology* 466–82.

of the UK.<sup>104</sup> The equivalent Scottish coalfield region in 2018 had a population of 468,000, larger than the cities of Aberdeen (228,000) and Dundee (149,000) combined and only just smaller than Edinburgh (489,000), according to local authority area estimates. Seeing the Scottish coalfield as an enlarged metropole reinforces understanding of the economic and social unfairness of mine closures. In 2018 there were 267 jobs per thousand in the aggregated coalfield, as against 467 per 1,000 across Scotland. The Social Value Lab, using the Scottish Index of Multiple Deprivation, reckoned in 2020 that 31% of the coalfield population lived in the most deprived 20% of communities in Scotland.<sup>105</sup>

The political legacy of deindustrialisation in Scotland was more positive. The Scottish coalfield moral economy, prioritising security and voice, withstood Thatcherism's ideological attack and influenced broader political and electoral responses to deindustrialisation.<sup>106</sup> Industrial closures and job losses were remembered as shared national injustice affecting all of Scotland, not as a patchwork of localised difficulties.<sup>107</sup> Mining contracted within a much broader regression of employment: 250,000 industrial jobs were lost in Scotland in the decade from 1979. Thatcher's governments made no provision for alternative employment, and shunned dialogue with the communities and workers affected.<sup>108</sup> This accelerated the trend away from Conservatism and Unionism and stimulated further demands for political autonomy and policy-making based on values of solidarity and fairness.<sup>109</sup> This narrative underpinned the institution of the Scottish Parliament in 1999,<sup>110</sup> and the Scottish National Party government's appointment of the Independent Review Group in 2018, which contrasted with the UK Conservative government's adamant opposition to an inquiry into the miners' strike. 'Credit where it's due', said Michael Hogg, in 2021, who in his

<sup>104</sup>C. Beatty, S. Fothergill and T. Gore, *The State of the Coalfields 2019* (Sheffield Hallam University and the Coalfields Regeneration Trust, 2019), <https://www.coalfields-regen.org.uk/research-and-reports>, (21 October 2019 Date accessed), 44.

<sup>105</sup>Social Value Lab, *The Scottish Coalfields in 2020, Report for the Coalfields Regeneration Trust* (Glasgow: CRT and SVL, 2020), 6–8, 19–20.

<sup>106</sup>A. Perchard, "'Broken Men" and "Thatcher's Children": Memory and Legacy in Scotland's Coalfields' (2013) 84 *International Labor and Working Class History* 78–98.

<sup>107</sup>Gibbs, *Coal Country*, 225–49.

<sup>108</sup>J. Phillips, V. Wright and J. Tomlinson, *Deindustrialisation and the Moral Economy in Scotland Since 1955* (Edinburgh: Edinburgh University Press, 2021), pp. 69–80.

<sup>109</sup>C. M. M. Macdonald, *Whaur Extremes Meet: Scotland's Twentieth Century* (Edinburgh: John Donald, 2009), 242–5.

<sup>110</sup>E. A. Cameron, *Impaled Upon A Thistle: Scotland Since 1880* (Edinburgh: Edinburgh University Press, 2010), 320–71.

union capacity was sometimes at odds with the Scottish government. The First Minister, Nicola Sturgeon, and the Justice Secretary in 2018, Michael Matheson, listened to campaigners and responded constructively.<sup>111</sup>

John Scott's colleagues on the Independent Review Group were Dennis Canavan, former Labour MP and MSP for coalfield constituencies in Stirlingshire, Jim Murdoch, Professor of Public Law at the University of Glasgow, and Kate Thomson, former Assistant Chief Constable in Police Scotland. The team reached an important early decision, that public consultation meetings be held within the communities affected. These were held from October to December 2018 in miners' welfare clubs in Ayrshire, Lanarkshire, Stirlingshire, Clackmannanshire, West Lothian, Midlothian, West Fife and Central Fife. Former strikers provided vivid testimony of police harassment, intimidation and physical violence. The unusually vindictive punishments in Sheriff courts were emphasised, along with the suspected collusion between police and NCB to secure the dismissals from employment of strike activists.<sup>112</sup> A total of 167 people attended the meetings. The Group was impressed by the content of this evidence, which strongly influenced the ultimate recommendation of collective and posthumous pardon for miners convicted of public order offences that were discharged without jail sentence.<sup>113</sup> The Group also met current and former police officers, and 108 written submissions were received in the winter of 2018-19. An interim report was submitted to Matheson's successor as Secretary for Justice after a Cabinet reshuffle, Humza Yousaf, early in 2019. The final report and Scottish government response were delayed until October 2020 only by various external pressures, notably the unresolvable complications arising from the UK's departure from the European Union in 2019, opposed by 62% of those who voted in Scotland in the 2016 referendum, and then the Covid-19 emergency.<sup>114</sup>

In October 2021 the Scottish government published the Miners' Strike (Pardon) (Scotland) Bill. This made provision for pardon for those convicted of breach of the peace, police obstruction and breach of bail where these offences had taken place on picket lines, at official demonstrations or related strike gatherings in 1984-85. Campaigners sought an extended scope

<sup>111</sup>Hogg, Interview.

<sup>112</sup>Author note of Independent Review consultation meeting at Fallin Miners' Welfare Society and Social Club, 5 December 2018.

<sup>113</sup>*Independent Review*, pp. 7-9.

<sup>114</sup>Scottish Government, 'Policing During Miners' Strike: Independent Review', <https://www.gov.scot/groups/independent-review-policing-miners-strike/>, (9 May 2019, Date accessed).

for the pardon, to encompass offending in communities. Much of this was provoked by the NCB's Back to Work movement, which rendered mining villages highly disputatious. With Nicky Wilson, President of the NUM Scottish Area and a leading strike activist in Lanarkshire in 1984–85, the author explained the position to the Parliament's Equalities, Civil Justice and Human Rights Committee in January 2022. Strikers found themselves living alongside strike-breakers. It seemed unjust that convictions arising from the inevitable arguments which followed were to remain unpardoned forty years on. The committee was advised that the narrow remit for pardon risked creating 'a hierarchy of justice', counterpoising 'deserving' strikers convicted after arrest on official picket lines and 'undeserving' strikers convicted after arrest in communities.<sup>115</sup>

The committee found this argument persuasive, recommending that pardon be extended to those arrested in communities for action directly related to the strike although endorsing the Scottish government's view that financial compensation was a matter for the UK government alone. The broadened and inclusive pardon proposed by the committee was influenced also by Bob Young and Alex Bennett, who presented their compelling stories of criminalisation and victimisation.<sup>116</sup> At the Bill's Stage 1 reading in the Scottish Parliament on 31 March, the Cabinet Secretary for Justice, Keith Brown, indicated his willingness to consider extending the scope of the pardon to incidents away from official picket lines.<sup>117</sup> He did so by amendments carried in the Stage 2 committee hearing of the Bill on 10 May. The range of offences covered was also extended to include theft arising from strike-related hardship. It had emerged that three women from mining households had been convicted in Ayrshire for stealing potatoes.<sup>118</sup> The Scottish government remained adamant that financial compensation, which it supported in principle, could only be made by the UK government. One further amendment was made in the final Stage 3 debate on 16 June 2022. Eligibility for pardon was extended to those who shared a household

<sup>115</sup>Equalities, Human Rights and Civil Justice Committee, *Official Report*, 11 January 2022, 6–21.

<sup>116</sup>The Scottish Parliament, *Equalities, Human Rights and Civil Justice Committee, Stage 1 Report on the Miners' Strike (Pardons) (Scotland) Bill*, 18 March 2022, *SP Paper 134*. 3rd Report, 2022 (Session 6), para. 83–4.

<sup>117</sup>The Scottish Parliament, *Official Report. Meeting of the Parliament (Hybrid)*, 31 March 2022 (Session 6), 85–113

<sup>118</sup>*Miners' Strike (Pardons) (Scotland) Bill*, Marshalled List of Amendments for Stage 2.

with a miner, or were a parent, child or sibling of a miner. All 117 MSPs present voted in favour of the Bill.<sup>119</sup>

## 6. CONCLUSION

Scotland in the British miners' strike of 1984–85 was both a separate country, with its own legal and policing systems, and a territorial area of the NCB, with distinct management goals and pre-existing anti-union strategy. These factors combined to structure the disproportionate criminalisation and victimisation of striking miners in Scotland. They were three times more likely to be sacked than those in England and Wales. They were also more than twice as likely to be sacked as striking miners in Nord-Pas-De-Calais in 1948, when picket-line struggles had involved exchanges of gun fire and protagonists on all sides had been killed as well as seriously injured. Albert Wheeler, the National Coal Board's Scottish Area Director, claimed that every sacked miner had committed gross industrial misconduct through offences committed directly against NCB employees or property. This was untrue. Michael Hogg and Bob Young were among those sacked after incidents at privately-owned open cast collieries. Alex Bennett was arrested outside a colliery where there were no working miners present. David Hamilton accepted a guilty plea to release his wife from the pressure of a criminal charge. Pat Egan was convicted after being apprehended while coming to the assistance of a senior police officer in a surging crowd. Jim Tierney lost his job following conviction based solely on a police sergeant's false statement, which contradicted the testimony of fourteen witnesses who all insisted on his innocence.

These six cases illustrated the general trend in Wheeler's disciplinary regime, which concentrated its force on pit-level union officials and activists who were convicted for low-level public order offences. Evidence reviewed in this article showed that around 91% of charges and 90% of convictions in Scotland were for breach of the peace and police obstruction combined. Unlike the position in England and Wales, there were relatively few charges or convictions for assaults on persons or attacks on property in Scotland. The mismatch between minor offending and the severe penalty of dismissal was all the more glaring given the legal basis of the strike, established at the

<sup>119</sup>The Scottish Parliament, *Official Report. Meeting of the Parliament (Hybrid)*, 16 June 2022 (Session 6), 80–142.

High Court in Edinburgh in September 1984. Wheeler's punitive sanctions were a continuation of the anti-trade union turn in the management of the coal industry in Scotland which he had initiated before the strike. The removal of trusted local leadership was strategic in scope: to defeat the strike; and weaken opposition to the closure of some pits and intensified production at others after the strike.

The victimisation of union officials and activists was enabled by the actions of police officers in Scotland, where the number of arrests per head was double that in England and Wales. Many police actions were based on the false belief that the strikers were engaged in unlawful activity. The practice of phone-tapping was apparently widespread. The aim of police officers was clear: disrupting activists and undermining the effectiveness of the strike. This was highly obvious in the infamous Stepps Incident, probably instigated following Thatcher's intervention in the Cabinet's Ministerial Group on Coal. The evidence of police officers, sometimes fabricated and often exaggerated, was used to punish striking miners in the courts. Police actions leading to court appearances were the raw material of Wheeler's victimisation drive. NCB dismissal letters were swiftly delivered, often within 24 hours of conviction and in Pat Egan's case *within four hours* of conviction. NCB officials and senior police officers acted together, in pursuit of the Conservative government's strike aims. They operated as agents of the state rather than as public servants.

The distinction made by Gramsci between a *war of position* and a *war of manoeuvre* was used in this article to refine understanding of how this campaign against the miners was pursued. The government's positional war comprised a series of anti-trade union and anti-collectivist narratives. These provided NCB officials and police officers with a vocabulary for criminalising striking miners in their war of manoeuvre against the NUM. The war of manoeuvre, comprising the various injustices of arrest, conviction and dismissal, reinforced the war of position by seemingly substantiating the meta-narrative of an unlawful and illegitimate strike. Devolution, partly a consequence of deindustrialisation, eventually created a political space where former strikers in Scotland could challenge this positional untruth. The Scottish Parliament's official pardon in 2022 symbolically remedied the injustices inflicted on miners and their families when defending jobs, pits and communities in Scotland in 1984–85.