

Legal jeopardy

A Labour figure with more legal judgment than political nous stumbles into an opposition trap. Lord Lexden explains the demise of the party's first experience of government

From the moment of its inception in January 1924, the first Labour government faced the prospect of its demise. It was in a hopeless minority in the House of Commons. It could not survive if the Conservatives and Liberals decided simultaneously to get rid of it. That point had almost been reached by the early autumn 100 years ago. The Tories were ready for another general election just under a year after the last one, which had cost them a secure

Commons majority. They had greatly improved their central organisation, and, for the first time ever, had equipped themselves with a formidable programme of domestic reform, devised by Neville Chamberlain, which would extend welfare services significantly when it was put into effect after 1924.

The Liberals, who held the balance of power, were not so sure about going to the polls again so soon. The 1923 election had brought them a spectacular recovery after the disastrous split between HH Asquith and David Lloyd George. Their new unity was fragile. Old resentments between the two wings of the party continued to fester. The prospect of another election was not overwhelmingly attractive. The Liberals were, however, fed up

with Ramsay MacDonald's government, which had treated them with disdain.

A disastrous misjudgment by the Labour attorney general sharpened the hostility of both opposition parties, bringing the prospect of an election closer.

Sir Patrick Hastings was an outstanding barrister – one of the greatest advocates of his day – but he was a lost soul in party politics. As MP for the Tyneside constituency of Wallsend since 1922, he was devoted to the Labour cause. Yet he never learned how to guard against the perils of life in the House of Commons, where ministerial mistakes are eagerly exploited in the hope of embarrassing the entire administration. He later described his brief, unhappy time in office as “my idea of hell”.

On 30 July 1924, this political innocent authorised criminal proceedings against John Campbell, the acting editor of *Workers' Weekly*, an official publication of the British Communist Party. Five days earlier, Campbell had printed an article calling on members of the armed forces to “let it be known that, neither in the class war nor in a military war, will you turn your guns on your fellow workers”.

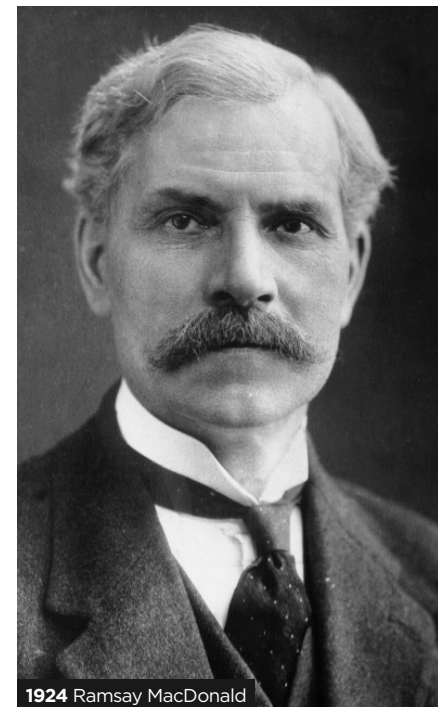
The legal proceedings were brought under the Incitement to Mutiny Act 1797, passed under the Younger Pitt during the French revolutionary wars. By 6 August, Campbell was in custody following a police raid on his newspaper's offices, which had recently moved from Glasgow to London.

This was, of course, political dynamite. The unsuspecting Hastings came under attack at once from left-wing back bench MPs. They told him there was nothing in the least unusual about the offending article. The same kind of thing had been

written many times before. It was routine stuff in the labour movement. Some of the protesting MPs had published similar pieces themselves. All of this came as a complete surprise to Hastings.

When the first questions were asked in the Commons on 6 August about the rapidly growing controversy, a Clydeside left-winger said that the article's “don't shoot” appeal to soldiers was supported “by a large number of the Members sitting on these benches”. This was greeted by a roar of approval.

The embattled Hastings now made some probing inquiries about the case, which would have been better completed



1924 Ramsay MacDonald

before charges were laid. He discovered that Campbell had fought bravely and been seriously injured during the First World War, for which he was much respected. He would not lack public sympathy in the witness box. Hastings was also told that the contents of the article might not actually fall foul of the 1797 Act.

A U-turn now seemed the only way out. Hastings decided that the case should be dropped as “we should only be advertising communism and running a grave risk of an unsuccessful prosecution”. Ramsay MacDonald, who was consulted at this point, agreed, after making clear his unsurprising annoyance at the mess

that his law officer had created. He told the King later, “I was furious when I heard the prosecution was started.”

On 13 August, Campbell was discharged. The lawyer appearing for the government told the court “it has been represented” that the article was not seditious. In a blistering leading article, *The Times* demanded to know who had made the representation which led to the withdrawal of the case. Had the cabinet intervened to subvert the course of justice? It had discussed the case on 6 August with Hastings present, the day before the start of the Commons summer recess.

When the Commons returned from its break on 30 September, the Tories pounced. They did not have immediate success. The first questions to the attorney general about the withdrawal of the case produced clear, measured answers. It was Hastings' best performance.

Attention then turned to MacDonald. Had he ordered the abandonment of proceedings against Campbell? “I was not consulted regarding either the institution or the subsequent withdrawal of these proceedings,” he replied. The cabinet secretary, Sir Maurice Hankey, was outraged. “That's a bloody lie,” he said privately. But word spread that the prime minister had misled the House to try to conceal his cabinet's interference with the course of justice.

A Conservative censure motion was debated on 8 October, alongside a milder Liberal motion proposing a select committee to get at the truth of what happened (and giving the government a way of avoiding an immediate election about which the Liberals remained unenthusiastic). Hastings again did well, admitting that he had made a mistake in allowing the prosecution to start.

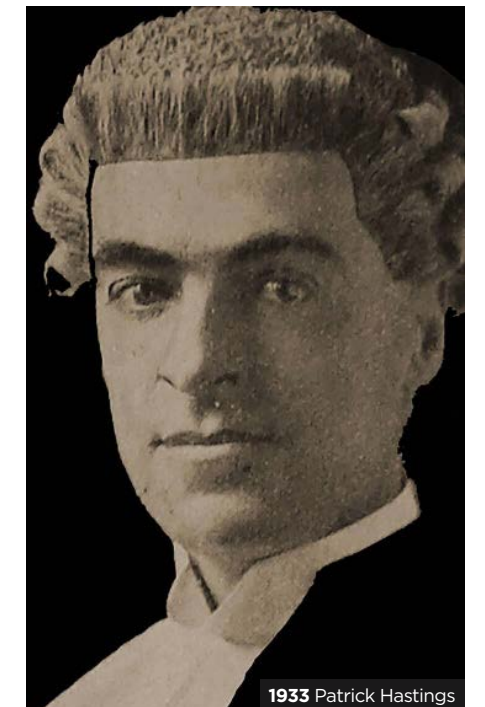
MacDonald, however, did nothing to dispel the suspicions that had arisen about political interference with the legal proceedings. He said that, while the Campbell case had indeed been discussed by the cabinet on 6 August, opinions “were not expressed by way of giving mandates or instructions and did not originate from party or personal considerations”.

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This did not impress his critics.

MacDonald rejected the Liberal compromise of a select committee. The motion approving it was carried with a majority of 166 (after the Tories had voted down their own censure motion). Parliament was dissolved the following day for a campaign which was to be electrified in its closing stages by the Zinoviev letter (the subject of a feature in the next edition of *The House*).

If Hastings had possessed political antennae or looked into the case when it was first brought to him, Campbell would not have been prosecuted. Outrage among Labour MPs, combined with

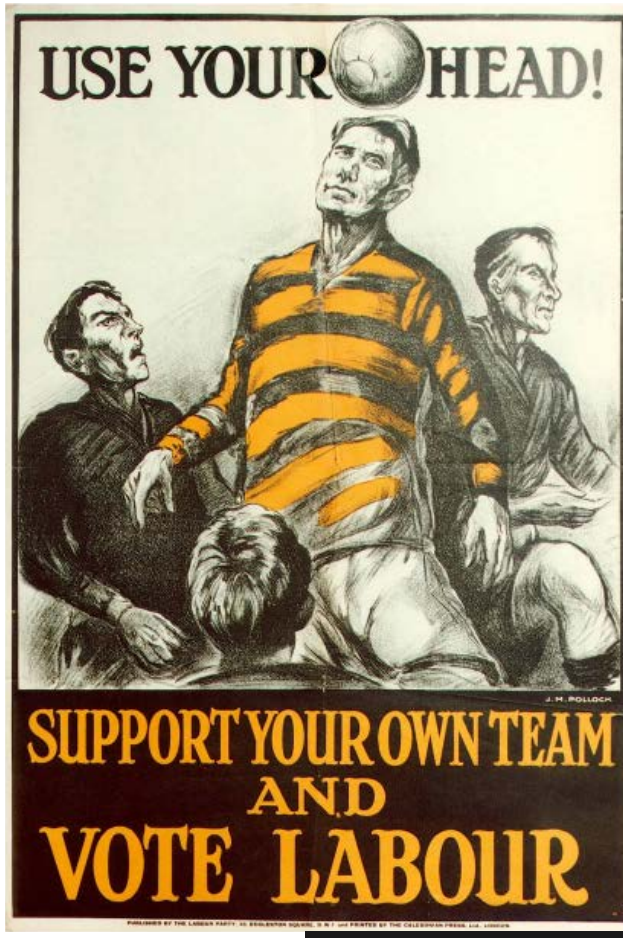


1933 Patrick Hastings

creeping doubts about the strength of the case, led Hastings to withdraw it. The decision was his, though political factors obviously influenced it. MacDonald and the cabinet agreed with it. They did not interfere with the course of justice, as the Tories alleged. But MacDonald's words

in the Commons – unconvincing and sometimes positively misleading – lent credibility to the Tory charge.

Hastings hated every minute of it. After the debate on 8 October, he never spoke to MacDonald again. ■



1923 general election Labour poster