

“Antisemitism in the United Kingdom”

House of Commons Home Affairs Committee, HC 136

A Critique

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Conclusion & recommendations:

- A. I came to this report as a former specialist adviser to the then House of Commons Social Services Committee (Chair, Renee Short MP). It saddens me to find a report which so signally fails to live up to the standards set by select committees over the years. Most regrettably, my conclusion is that this Report is a partisan party political polemic which should not have been agreed and made public by a House of Commons select committee. It fails to meet the basic standards required of select committees as to their inquiries and reports. This is particularly distressing on so important and contentious a matter as antisemitism in our country.
- B. The reasons for my conclusion are given in detail in the pages that follow. Their length is necessary to demonstrate the extent of the failings in the Committee's Inquiry and the prejudicial effects this has on its Report's conclusions and recommendations.
- C. The Report purports to be the result of an inquiry into "Antisemitism in the United Kingdom". It is no such thing. The Inquiry has no terms of reference: as a result, it is ill-defined from the outset. Its evidence base is partial and excludes a swathe of evidence sources that would have been essential to such an inquiry. It is unbalanced in the coverage it gives to political discourse as against other aspects of antisemitism in the United Kingdom – and grossly imbalanced within the topic of political discourse in the entirely disproportionate attention it gives to the Labour Party and personally to its Leader.
- D. The Committee unjustifiably dismisses the Shami Chakrabarti Report primarily on the basis of innuendo without taking proper account of the reputation for integrity of its Chair and Vice Chairs – and by assessing the Report against a judicial inquiry expectation which it could not and was not expected to meet. The report's treatment of the Leader of the Labour Party is biased and unfair. The Report also includes severe criticism of named or otherwise identifiable individuals without, it seems, hearing their side of the story thus denying them their fundamental right of reply.
- E. The Report gives the clear impression of bias on all these counts – including, most regrettably, the strong impression of the Committee having been captured by the party politics within and without the Labour Party following the Parliamentary Labour Party's majority vote of no confidence in the Party Leader and the leadership election campaign that ensued. By falling so far short of the standards required, the Committee's Report does disservice to the honourable cause of combating antisemitism in the United Kingdom: and fuels the fires of misunderstanding and ill feeling which dog its discussion rather than fostering the understanding and constructive debate the public has every right to expect of its elected representatives.
- F. If I was inclined to borrow an expression from the Committee's Interim Chair when interviewed on radio and television on the morning of Sunday 16 October 2016, I would say that the Committee's Report is not worth the paper it is written on. Such worth as is within it is set at nothing by that which is either not worthwhile or worse.

G. Recommendations:

- i. The House of Commons Home affairs Committee should withdraw this Report and undertake a properly impartial, objective and sufficiently evidenced inquiry into antisemitism in the United Kingdom. Individuals and organizations should not be named or otherwise made identifiable in the report of this and other inquiries undertaken by the Committee without due process and proper verification of evidence.
- ii. The House of Commons Liaison Committee should examine the adequacy of the arrangements select committees of the House of Commons have in place to assure their inquiries and reports to ensure they achieve basic standards of impartiality, objectivity and adequacy of evidence – including strict adherence to the rule of no party politics.
- iii. The Labour Party should consider the comments made above in relation to: a definition of antisemitism and the areas of outright disagreement as to what falls within it in the assessment of allegations; and accountability. [My paragraphs 7.17, 7.20, 7.22, 7.23 & 7.26]

Reasons for my conclusions

1. Remit:

- 1.1. The inquiry has no stated terms of reference, i.e. statement of what it set out to do - at least there is none that I can find in the report. As a result, the inquiry has no discernible shape - it is amorphous and apparently haphazard in the topics it chooses to address, moving from the increase in antisemitic incidents to, its de facto main focus, the alleged state of affairs in the Labour Party. The absence of explicit terms of reference is evident in the "Our inquiry" section of the Report on page 7. This states:

"Our inquiry was prompted by concerns expressed to us about an increase in prejudice and violence against Jewish communities in the UK, along with an increase in far-right extremist activity. Many of the developments outlined above, and discussed in detail later in this report, occurred *after* we announced this inquiry on 12 April 2016." [My emphasis]

- 1.2. In plainer language, an Inquiry which arose from general concerns and lacked direction from the outset appears to have become driven by happenstance events including the contemporaneous Parliamentary Labour Party's majority vote of no confidence in its Leader and the subsequent Labour Party leadership election. This is addressed in section 6 below.
- 1.3. In consequence, the Report which is entitled "Antisemitism in the UK", is no such thing. If indeed the Committee's intention was to address antisemitism in the United Kingdom, the incompetence of its approach to and conduct of so important an enquiry is doubly regrettable.

2. Method:

- 2.1. The fundamental weakness arising from the Inquiry's lack of clarity about what it set out to do is aggravated by the method used in the inquiry, which is also not spelled out and appears partial and incomplete. For example, why was evidence obtained from some voices in the communities of British Jews and not others? The Board of Deputies of British Jews is one voice that was heard. A different voice – the voice of Independent Jewish Voices - was not heard. Independent Jewish Voices is a significant body which states:

"We believe that the broad spectrum of opinion among the Jewish population of this country is not reflected by those institutions which claim authority to represent the Jewish community as a whole. We further believe that individuals and groups within all communities should feel free to express their views on any issue of public concern without incurring accusations of disloyalty."

The Board of Deputies of British Jews is a body which claims authority to represent the Jewish community in this country as a whole – describing itself as:

"... *the* voice of British Jewry ..." [Taken from website – my emphasis]

- 2.2. Why then did the Committee obtain evidence from one voice and give it much weight in its report and not obtain evidence from this other different voice – and indeed others such as the non-Orthodox communities which do not necessarily see their varied views represented by the United Hebrew Congregations of the Commonwealth and its Chief Rabbi from whom evidence was obtained? Why did the then Chair of the Committee reject a request from Shami Chakrabarti to appear before the Committee and give evidence? Why is great weight given by the Committee to the evidence of bodies such as the Board of Deputies of British Jews when no weight appears to be given to that of other bodies with different views such as Free Speech on Israel? [Witnesses and Published written evidence on pages 63 & 64 respectively]
- 2.3. Some may not regard it as surprising that the Board of Deputies of British Jews has welcomed the Committee’s report given the weight the Committee appears to have attached to the Board’s views - and to those of other bodies from which evidence was obtained that some British Jews may see as like-minded bodies, i.e. the Jewish Leadership Council and the United Hebrew Congregations. Had the Committee obtained evidence from other known voices in the communities of British Jews - and given weight to the evidence it did have of different views - its account of Zionism, for instance, might well have been significantly different. The Committee gives the impression of not being sensitive to this crucial point. Had the Committee been as comprehensive in the evidence it took as the Chakrabarti Inquiry, its conclusions and recommendations might have carried greater weight than they do. [Compare the evidence listed on pages 63 & 64 of the Committee’s Report and the many more and more representative spread of organizations and individuals which contributed to the Shami Chakrabarti Inquiry following its call for evidence, pages 30 & 31 of the SC Report]
- 2.4. This serious failure of methodology is most regrettable and helps to explain the severe lack of balance in the Committee’s report as whole. This is all the more regrettable in the hugely contentious and contended matter of antisemitism and the attendant hotly contested debates around such sensitive matters as identity and Zionism which influence people’s personal perception and experience of antisemitism.
- 2.5. A related weakness in the Committee’s inquiry was its failure to appoint expert advisor(s) on this most contentious and contended of matters. Had such advice been available to the Committee, its discussion of Zionism, for example, would have been significantly better informed than it appears to be. This methodological weakness is in distinct contrast to the Shami Chakrabarti Inquiry which had specialist expertise represented in its panel of inquiry through one of its Vice Chairs, Professor David Feldman. It also had advice from its appointed Counsel and Solicitor whose “... expertise as a senior public and human rights lawyer has been invaluable.” [Page 3 of SC Report] The approach the Committee took to its obtaining of evidence did not make up for this failing. Indeed its lack of balance and depth could be seen to have exacerbated it.

- 2.6. The Committee's apparent lack of discrimination in its assessment of some of the evidence before it, is illustrated in the last of the "Key Facts" exhibited at the top of its Report:

"A self-selecting survey of British Jewish people found that 87% believed that the Labour Party is too tolerant of antisemitism among its MPs, members and supporters. Almost half thought the same of the Green Party, along with 43% for UKIP, 40% for the SNP, 37% for the Liberal Democrats and 13% for the Conservative Party." [Page 4; repeated in paragraph 111]

The Report does not explain what "self-selecting" means, i.e. how the 1,864 British Jewish adults polled by the Campaign Against Antisemitism were selected. This is also not stated on the CAA's website. Generally, self-selecting surveys are by definition unreliable as no standard statistical test can be applied to them to assess the data's margin of error. Analysis of such information should also take account of the prejudicial effect on public opinion of the barrage of unfavourable media coverage of alleged antisemitism in the Labour Party; and of the fact that much of the media is hostile generally to the Labour Party - particularly since Mr Corbyn's election as its Leader - and wishes to characterize it unfavourably. Such information should not be listed as a key fact at the front of a select committee report; it should also not be included in the subsequent text of a select committee report without qualification and further information as to its reliability and validity.

- 2.7. This is an early example of the Committee's inclusion of material unfavourable to the Labour Party in its Report without sufficient regard to its reliability or validity. Some might see this as a determination on the Committee's part so to do. This perception may or may not be correct – but the Committee should have been more aware that the perception could arise and of the need to take action to avoid it.
- 2.8. Another concern about the Committee's method in this Inquiry relates to criticism of identifiable or named individuals. A number are criticized in the Report – directly, indirectly or both – and some severely criticized. The Committee does not say whether or not these individuals were presented with either the draft text or a detailed account of what the Committee intended to say in its Report with the opportunity to respond before the Committee decided the final form of the passages concerned in light of the responses made. This would have been necessary to ensure accuracy and fairness. The Committee should have made clear in its Report that this was or was not the case so that the weight to be attached to its conclusions could be properly assessed. In the absence of this assurance it is difficult to assess the weight that should be given to the criticisms made. It is known that the request to give evidence to the Committee made by one of the individuals named in the Report as having been suspended by the Labour Party was refused by the Committee's then Chair. As a result, it is not possible, to assess the accuracy or otherwise of the Report's description of events. [Paragraphs 110 & 112]
- 2.9. The individual named in paragraphs 110 and 112 is the subject of specific criticism in the Committee's Report by Dave Rich, Deputy Director of Communications of the Community Support Trust. [Paragraph 112] His criticisms, reproduced verbatim in the Report, assume as a matter of fact that the person concerned had committed antisemitic acts. It is understood that the person concerned was cleared of the first allegation by the Labour Party and that

the second allegation is not concluded. For this reason the Committee's reproduction of Mr Rich's statements without qualification and without giving the person concerned the right to be heard, is entirely unacceptable, particularly in a Report claiming to be concerned with the upholding of human rights.

3. Language:

- 3.1. Pejorative language is used by the Committee throughout its Report together with unwanted and unwarranted innuendo as to motive. For example, the Palestine Solidarity Campaign is described as a "hard –left" organization together with Unite Against Fascism and Stop the War Coalition [page 39, paragraph 99]. This comment follows an extended passage on allegations of antisemitism in the Labour Party including Ken Livingstone's highly offensive comments [paragraphs 95 to 98]. The paragraph reads as follows:

"A number of hard-left organisations, such as Unite Against Fascism, Stop the War Coalition and Palestine Solidarity Campaign, have clearly taken a pro-Palestinian and anti-Israeli Government stance. These organisations hold or participate in marches, some of which have been attended by leading politicians such as Mr Corbyn. Whilst the majority of individuals attending these marches are not antisemitic, some of the placards and banners displayed are very offensive to British Jewish people. Jonathan Arkush told us that, during one of the Gaza campaigns, there were "huge marches" in London at which people held placards that read "Hitler was right." [Jonathan Arkush is President of the Board of Deputies of British Jews]

- 3.2. The Wikipedia entry for "hard left" reads as follows:

"**Hard left** is a term used, often pejoratively, to refer to political movements and ideas outside the mainstream centre-left, including those also referred to as being far or extreme left.

The term has been used more formally in the United Kingdom, in the context of debates within both the Labour Party and the broader left in the 1980s, to describe Trotskyist groups such as the Militant tendency, Socialist Organiser and Socialist Action. Within the party, the "hard left", represented by the Campaign Group, subscribed to more strongly socialist or even Marxist views, while the "soft left", associated for example with the Tribune Group, embraced more moderate social democratic ideas. Politicians commonly described as being on the hard left of the Labour Party at the time included Derek Hatton, Ken Livingstone, Dennis Skinner and Eric Heffer. The term has been used since then by Labour's political opponents, for example during the Conservative Party's election campaigns of the early 1990s, and by the media. Momentum, a group founded to support Jeremy Corbyn's leadership of the Labour Party, has been described as hard left."

These are the connotations of the words "hard left".

- 3.3. The combined effect of this paragraph and those immediately preceding it is to paint the Palestine Solidarity Campaign as an extreme hard left organization associated with antisemitism. It is not known if this is the intention but it is the effect. Not only is this

picture untrue it is also a travesty of a complicated situation which the Report's insensitive and pejorative remarks serve to exacerbate rather than contribute constructively. This is not acceptable – and even more so in the Report of a select committee of the House of Commons which is meant to set standards of public debate.

3.4. The Wikipedia entry for the Palestine Solidarity campaign reads:

“The **Palestine Solidarity Campaign** (PSC) is an activist organisation in England and Wales that promotes solidarity with the Palestinian people. It was founded in 1982 during the build-up to Israel's invasion of Lebanon, and was incorporated in the UK in 2004 as Palestine Solidarity Campaign Ltd.

The PSC campaigns for peace and justice for Palestinians, in support of international law and human rights. PSC states that it is "opposed to all forms of racism, including anti-Jewish prejudice and Islamophobia". It has stated that it opposes both "Israel's occupation and its aggression against neighbouring states". Whilst recognising differences between apartheid-era South Africa and Israel, PSC promotes the boycotting of Israeli goods as a method that it believes was previously successful in achieving political change. The PSC's stated goals include the right of return for Palestinians and Israeli withdrawal from the occupied territories. The PSC has criticised Israel's practices when arresting children.

Activities organised by and statements from the PSC are reported on outlets such as the website The Electronic Intifada. PSC is criticised by the website "Exposing the Palestine Solidarity Campaign".

PSC chapters have run workshops on such questions as "How to deal with Zionists' arguments; what to say to those who call us anti-Semitic" and "What are settlements? What will boycotting Israeli goods achieve?"

3.5. Study of the PSC's campaigns and other activities does not support its description as “a hard left” organization, whatever that is. Nor does it support innuendo that the PSC as an organization is somehow tainted with antisemitism. Clearly the PSC is strongly opposed to the collective effect of the State of Israel on Palestinians with the justifications it makes public on a regular basis. Witness its campaign concerning the 547,000 Israeli settlers in villages, towns and cities “built illegally on Palestinian land” and protected by Israeli forces, which are described by the UK government as illegal and a barrier to peace – being in contravention of United Nations resolutions. The PSC is highly critical of Israel's actions but this does not constitute being hard left or antisemitic.

3.6. The denigratory tone of these passages is not untypical in this Report; witness the unargued, except as to circumstance, and unfounded assault on the independence and objectivity of Shami Chakrabarti and her two Vice Chairs, Professor David Feldman and Baroness Royall. This tone would be objectionable in any report of a House of Commons Select Committee. That this is the case in an inquiry purporting to inquire into a matter so highly sensitive as antisemitism in the UK is reprehensible.

4. Social media:

- 4.1. A significant proportion of the “evidence” in the report relates to communication through the social media, particularly that pertaining to political discourse. It is common ground that a proportion of this content is abusive and some of it vilely so. Yet the Committee makes no serious attempt to analyse the issue so that informed policy responses might be considered. In particular, they do not analyse abusive communication to MPs alongside other widely reported abuses including other forms of trolling. One particularly important feature of all such forms is that they are often anonymous, a point mentioned in passing only in the Report. [Paragraph 54] But it is crucial. The concurrent blessing and curse of anonymity in the social media renders it valuable and sometimes invaluable – but also abominable and sometimes abominably so. Anonymity empowers the unaccountable to abuse vilely the readily available. Those in public office in the past were used to receiving the occasional anonymous letter, sometimes written in green ink. But the facility of Twitter in particular has vastly increased this form of abuse.
- 4.2. The Committee’s addressing of this issue in relation to antisemitism in the United Kingdom and in “political discourse” is at best superficial. Yes of course, Twitter in particular should be doing more to stamp it out as the Report says. [Paragraph 58 in particular] But the Committee does not address the issue of anonymity at all – the issue which is at the root of the abuse by allowing / encouraging behind the hand and curtain gossip, innuendo, bullying and vile abuse. Instead it simply notes that Twitter has become “... a social media platform now regarded as a requirement for any public figure” without asking why the entitlement to anonymity of one party to the interaction should be part and parcel of this requirement – or whether the potential benefit of this entitlement is in any way sufficient to outweigh its incurred risk. [Paragraph 57] Accountability for what one says is fundamental to the politeness and good neighbourliness which marks a civilized society. Unaccountable tittle tattle and gossip are the enemies of good neighbourliness. This does have to be balanced of course with the need for anonymity in certain situations like whistle blowing on abuse of power. How this is to be achieved is a debate at least as important as seeking to increase appropriate surveillance by social media providers. It is regrettable that the Committee does not even touch on this vital issue.
- 4.3. The Committee also fails in this regard in its comments on abuse allegedly made in the name of Mr Corbyn. [See for example paragraph 104] It is not evident from the Report that the Committee made any determined attempt to verify these potentially damaging claims. Theoretically, anyone may anonymously claim to be acting in the name of the Leader of the Labour Party whether or not they are so doing. It is important, therefore, to seek to verify claims made to this effect. It is unfortunate that the Committee has seen fit merely to repeat claims made to it without some representative sample checks as to accuracy and demonstration of these in its evidence. This significantly weakens the Committee’s Report in this regard.
- 4.4. The Committee makes some potentially useful recommendations in relation to Twitter which it is hoped will be acted upon. [Paragraph 59] However, its coverage of online abuse in the context of political discourse is partial and inadequate. It fails to address the fundamental point of anonymity and the place for it, if any, in political discourse. It also fails

to address specifically the responsibilities of political parties in relation to anonymized antisemitic abuse of MPs and others allegedly made in the name of political leaders or others. Procedures do exist for action in relation to identified individuals and organizations alleged to have committed antisemitic acts. No doubt they can and should be improved, for example in the speed and fairness to all parties with which they are carried through. But it is not made clear by the Committee what action can reasonably be expected of political leaders and parties in relation to anonymous antisemitic abuse which is not already in hand.

5. Palestine and Israel:

- 5.1. It is most surprising that the crucial subject of Palestine and Israel is not addressed in some depth in relation to the Report's stated topic. There can be little doubt that public opinion in general shifted greatly during and after Israel's ground invasion of Gaza in July 2014. The invasion by Israeli forces following Israel's blockade of Gaza and the rocket and mortar attacks on Israel by Palestinian armed groups, was reported by the United Nations Independent Commission of Inquiry to have resulted in:

"In Gaza, in particular, the scale of the devastation was unprecedented. The death toll alone speaks volumes: 2,251 Palestinians were killed, including 1,462 Palestinian civilians, of whom 299 women and 551 children; and 11,231 Palestinians, including 3,540 women and 3,436 children, were injured (A/HRC/28/80/Add.1, para. 24), of whom 10 per cent suffered permanent disability as a result. While the casualty figures gathered by the United Nations, Israel, the State of Palestine and non-governmental organizations differ, regardless of the exact proportion of civilians to combatants, the high incidence of loss of human life and injury in Gaza is heartbreaking." [Human Rights situation in Palestine & other occupied Arab territories, paragraph 20, 24 June 2015]

- 5.2. The invasion was reported extensively in the United Kingdom on a day by day basis. It was seen by many members of the public to be at the least disproportionate and revealed to many for the first time the conditions in which many Palestinian people were living – as well as highlighting the anxiety and stress experienced by many Israeli civilians living within rocket and mortar range. Public opinion shifted as a result with attendant unease in sections of the communities of British Jews and on the political left amongst others.
- 5.3. The narrative that had been dominant in British public life until then stopped being dominant in significant parts of UK public opinion but not in others. The fault lines which opened up as a result do not in any way justify antisemitism but they almost certainly relate to part of the increase in perceived and actual antisemitism. That this complex and confusing phenomenon is not even acknowledged let alone addressed in the Committee's Report will be seen as astonishing by many people. If the Inquiry had been a serious attempt to address "Antisemitism in the United Kingdom", this elephant in the room simply had to be brought out and addressed. This failing on the Committee's part seriously undermines its Inquiry and Report.

[NOTE: There is some duplication of material in sections 6, 7 & 8 which follow. This is not accidental as it allows each section to stand in its own right without undue need to cross refer, which some readers find even more irritating.]

6. Party politics:

6.1. The Committee's Inquiry became involved in party politics. This is evident in its prejudicial and innuendo laden comment on the Labour Party, and in the entirely disproportionate attention given to that Party as against other parties. Yet The Committee notes that:

“It should be emphasised that the majority of antisemitic abuse and crime has historically been, and continues to be, committed by individuals associated with (or motivated by) far-right wing parties and political activity ... CST figures suggest that around three-quarters of all politically-motivated antisemitic incidents come from far-right sources. [Paragraph 7]

Despite significant press and public attention on the Labour Party, and a number of revelations regarding inappropriate social media content, there exists no reliable, empirical evidence to support the notion that there is a higher prevalence of antisemitic attitudes within the Labour Party than any other political party. We are unaware whether efforts to identify antisemitic social media content within the Labour Party were applied equally to members and activists from other political parties, and we are not aware of any polls exploring antisemitic attitudes among political party members, either within or outside the Labour Party. The current impression of a heightened prevalence of antisemitism within in the Labour Party is clearly a serious problem, but we would wish to emphasise that this is also a challenge for other parties.” [Paragraph 120]

6.2. Yet:

- of the 3 paragraphs in the Introduction to the Report relating to “Antisemitism in political parties”, all 3 relate to the Labour Party;
- of the 11 pages in the report covering “Political discourse and leadership”, 8 concern the Labour Party and 3 only concern all other parties and political organizations; and
- of the 8 paragraphs in the Committee's “Conclusions and recommendations” on “Political discourse and leadership”, 7 relate to the Labour Party and one only to other political parties and organizations.

6.3. This is not and cannot be justified by the facts. It is not acceptable for the Committee to seek to justify this highly biased and unbalanced account by saying – well, the Labour Party is what the press is reporting, its readers are reading and the BBC and others are then reporting because they give so much coverage to the printed press. But this is precisely what the Committee's Report does say in so many words in the preceding extract. The right wing dominated printed press is not an impartial investigator of good repute and cannot be relied upon as one by the Committee. But this is precisely what the Committee has done by devoting wholly disproportionate attention to the Labour Party – and by not carrying out

any investigation which would allow it to cover other parties and organizations in similar detail.

- 6.4. There are two Labour MP signatories to the Committee's Report together with five Conservative MP signatories including its Interim Chair. There were no other signatories on 13 October 2016. [Page 62]
- 6.5. One of the Labour MP signatories, Chuka Umunna, was prominent in the no confidence vote against Mr Corbyn on 27 June 2016 and in the subsequent campaign having nominated Owen Smith to stand as a candidate for the leadership. Mr Umunna has been openly hostile to Mr Corbyn as was shown vividly in his questioning of the Labour Party Leader at the Select Committee hearing on 4 July 2016. On that occasion Mr Umunna's questions / statements were primarily party political rather than addressing antisemitism, which the then Chair, Keith Vaz MP, allowed to continue for a time without significant demur [reported by the Daily Mirror as "Jeremy Corbyn attacked by Chuka Umunna over anti-semitism row"]. Witness also Mr Umunna's public criticism of Mr Corbyn over the conduct of the European Union Referendum campaign (The Sun 4 July 2016) and his reaction to Mr Corbyn's re-election when he is reported as saying to BBC News on 24 September 2016, following the Labour Party Leader's call for Party unity, "unity will not come about through demand, through threat, through online thuggery." This was just over three weeks before he voted in the Committee to agree this Report.
- 6.6. The other Labour Party signatory to the Committee's Report, David Winnick MP, could not be regarded as hostile to the Labour Party Leader. However, following the local election results in May 2016 he had publicly criticized Mr Corbyn's leadership. He was reported as calling on Mr Corbyn to take responsibility and consider his position in order to give the party a chance of regaining power in 2020. "The party faces a crisis and the onus is on Jeremy himself. He should decide whether his leadership is helping or hindering the party ... I think all the evidence shows that it is not helping." [Mirror online, 6 May 2016] However, in distinct and honourable contrast to the other MPs who questioned Mr Corbyn at the Committee's hearing on 4 July 2016, Mr Winnick was civil not hostile.
- 6.7. The Committee's Chair for much of this Inquiry was Keith Vaz MP. Mr Vaz nominated Owen Smith for the Labour Party leadership following the majority vote of no confidence in Mr Corbyn. He was not one of the Labour MPs reported to have voted against the motion of no confidence.
- 6.8. The Committee's hearing of Mr Corbyn's evidence on 4 July 2016 provides vivid evidence of the Committee's partisanship and open hostility towards the Labour Party Leader. The Mirror online commented "The Home Affairs Select Committee was political theatre, with MPs from Labour and the Tories *lining up to attack* the leader ..." [My emphasis] This conduct is in conflict with that expected of a House of Commons Select Committee. Its descent into partisan party politics is conduct not befitting a House of Commons Select Committee purporting to be an impartial and objective body of inquiry, even more so on a matter of such sensitivity and social importance as antisemitism in the United Kingdom.
- 6.9. It is abundantly clear that the Labour Party and its Leader could not and did not receive a fair hearing from this Committee in the highly charged atmosphere of the House of Commons, and of the Parliamentary Labour Party in particular, during these months. The Committee should have recognized the risk it was running in conducting this Inquiry at this

time and taken action to mitigate that risk. Given the situation it would have been appropriate, indeed proper, for the Committee to suspend its consideration of matters to do with the Labour Party as no reasonable person could have seen it as an adequately impartial and objective setting for the proper conduct of the inquiry, if indeed it ever was on which there must be serious doubt. Instead it chose to continue headlong. In my experience select committees of the House of Commons have gone out of their way to avoid any possible taint of party politics in their inquiries. This Report is a most regrettable exception to that rule which, if repeated, would risk bringing the select committee system into disrepute.

- 6.10. Much of such detail given in the Report relates to named individuals who are alleged to have committed antisemitic acts or to have been the subjects of such acts mainly through the social media which are addressed above. [My section 4] The alleged treatment of Ruth Smeeth MP at the press conference for the publication of the Shami Chakrabarti Report is one of the few non-social media allegations of antisemitic abuse. [Paragraph 103] This incident is puzzling to many Labour Party members who have seen the video of the incident and heard the soundtrack including the subsequent questioning of the man concerned outside the conference room.

See <http://www.independent.co.uk/news/uk/politics/labour-antisemitism-jeremy-corbyn-ruth-smeeth-jewish-mp-accused-of-colluding-with-media-a7111061.html>

- 6.11. Having done so myself a number of times, I am not at all clear what the nature of the alleged antisemitism is. While the MP clearly regards what the man said or implied as offensive, it is not at all clear that the remarks actually contain antisemitic content or intent. The soundtrack is difficult to follow as it also contains a loud telephone ring and then loud voices raised in protest at what he was saying. However, the man appears to allege that The Telegraph handed Ruth Smeeth a copy of a press release and that she and that newspaper were “hand in hand” with each other. He goes on to complain about the alleged lack of “African-Caribbean and Asian people” at the launch event and to say that better representation in the Labour Party was necessary including amongst “SPADs” so that “white boys” were not determining matters. Ruth Smeeth’s immediate reaction and that of the man sitting on her left was that the comments were antisemitic: “antisemitism at the launch of an antisemitism report” the man sitting next to Ms Smeeth says.

- 6.12. Ms Smeeth’s immediate understanding is confirmed by her statement outside the conference room:

“It is beyond belief that someone could come to the launch of a report on antisemitism in the Labour Party *and espouse such vile conspiracy theories about Jewish people*, which were ironically highlighted as such in Ms Chakrabarti’s report, while the leader of my own party stood by and did absolutely nothing ... People like this have no place in our party or our movement and must be opposed.”

- 6.13. The man who made the remarks in the conference when approached outside the conference room subsequently appears surprised at being asked by the man who had been sitting on Ms Smeeth's left (who complained of antisemitism at the launch of a report on antisemitism) to apologize for his remarks – the man who made the remarks replies “apologize for what?”. The reply is not aggressive and seems genuine. The man who made the remarks also said subsequently that he had not known that Ms Smeeth was Jewish. Mr Corbyn, who had responded to the man's statement/question at the press launch as concerning representation of Black and Minority Ethnic people in the Party and not containing antisemitic content, confirmed subsequently that he had known the man as an “anti-racism campaigner” in London for 30 years.
- 6.14. It is at least possible that there is a genuine misunderstanding here. Ms Smeeth has interpreted the man's reference to “hand in hand” with an organ of the right wing press as an antisemitic conspiracy theory. The man does not appear to have had this meaning in mind. While his allegation may not be true, as Mr Corbyn subsequently confirmed to be his understanding, it is doubtful that the untruth was antisemitic in content or intent. Relatively superficial inquiry would have identified this. But the Committee appears to take Ms Smeeth's immediate interpretation entirely at face value. Not only does the Committee do this but it also describes the man in loaded language as a “Labour activist” with the possible implication that he may be one of the alleged antisemitic abusers, the word “activist(s)” or “political activist(s)” having been used by members of the Parliamentary Labour Party and the media to refer to the perpetrators of claimed incidents of antisemitic abuse. On both of these counts this is unacceptable conduct by a Select Committee of the House. It is at the very least sloppy and gives the clear impression of a less than impartial approach. [My understanding of what happened is confirmed in outline at: <https://www.craigmurray.org.uk/archives/2016/06/sanity-shami-chakrabarti-ruth-smeeth-affair/>]
- 6.15. This particular incident is addressed in some detail because it attracted great media attention at the time, for example from The Sun's Robert Fisk on the day of the press conference who reported that Ms Smeeth had left the press conference “... in tears after being attacked for being Jewish.” [<https://www.thesun.co.uk/news/1369069/labour-mp-ruth-smeeth-leaves-anti-semitism-event-in-tears-after-being-attacked-for-being-jewish/>] As the Committee has failed to put the record straight it is necessary to do so here. The incident also seems to illustrate a general inclination on the Committee's part to believe some accounts of highly charged events and not others, i.e. to believe accounts unfavourable to the Leader of the Labour Party. Having read a deal of evidence - this is my clear impression. This evidence includes a letter sent to Chuka Umunna MP by 43 Jewish Labour Party members who state that antisemitism was not involved in this incident. The Committee takes no account of this. (My paragraph 8.3)

- 6.16. In general, accounts of events described in the Report other than by the person making the complaint were not sought by the Committee. If a Committee is to go into the detail of individual events which this Report does, it is incumbent on the Committee to seek to verify the account it has been given. I see little or no evidence of this in the Report. As a result, regrettably, the weight to be attached to these events, including those described by Ms Smeeth, cannot be assessed adequately by the reader. Accepting at face value one party's account of highly charged events, even if that person is a colleague MP, is neither adequate nor fair.
- 6.17. Much of the evidence considered by the Committee was obtained during the period of turmoil in the Parliamentary Labour Party and the wider Labour Party following the EU Referendum vote and the vote of no confidence in the Party Leader by the majority of Labour MPs on 27 June 2016. This is most unfortunate as the report is clearly scarred by the immediacy of those events. This is not just a matter of individual integrity and partiality but of mind set and the inevitable skewing effect of that set on the perception and subsequent interpretation of facts. The Committee should not have continued its inquiry into the political aspects of antisemitism in the UK in these circumstances as its objectivity and impartiality would have been seen by many reasonable observers to be open to serious question – as indeed is the case now that this report has been issued. The Committee should have anticipated that the interests carried by its various members made it impossible for its inquiry to be seen as impartial and objective. The reasonable observer is bound to note that five of the seven Committee members who agreed the Report were Conservative MPs passing judgement on the Labour Party – and of the other two who were Labour MPs one was prominent in the vote of no confidence in the Labour Party Leader and the subsequent leadership campaign. That the Committee failed to appreciate or anticipate this runs the risk of bringing the select committee system in to disrepute.
- 6.18. The partisan nature of the Committee's Report was further underlined in the remarks of the Committee's Conservative Interim Chair on Radio 4's Broadcasting House programme on the day of its publication – Sunday 16 October 2016. In this the Interim Chair referred to the Shami Chakrabarti Report as "not worth the paper it's written on" (my direct observation); the Interim Chair used the same words on the same day on the BBC's Andrew Marr Show. [Kevin Schofield & Josh May, Politics Home 16.10.16] These are not the words of informed reason but of knockabout party politics. This is deeply regrettable – particularly on so serious a matter.
- 6.19. The Report's treatment of Jeremy Corbyn, Leader of the Labour Party, is also not of the standard expected of a Select Committee of the House of Commons. It is biased and unfair. For example, the Committee's comment on the conduct of the Labour Party Leader in relation to the highly offensive conduct of Ken Livingstone completely fails to realize that it would have been improper for him to have commented on a current Labour Party disciplinary matter concerning a suspended member and the potential prejudice such comment could have had on the outcome of the disciplinary process. The matter was under investigation and adjudication during which as a matter of common justice the Leader of the Party should not and should not be expected to comment. Yet the fact that he did not is

taken as evidence by the Committee of Mr Corbyn not taking his responsibilities seriously. This is perverse and the Committee's conduct in this regard at the very least neglectful. [Paragraph 106]

- 6.20. The Committee also seems not to have taken full account of the fact that the Leader of the Labour Party is not in fact responsible for matters of disciplinary procedure and practice within the Labour Party. Under the Party's democratic arrangements, it is the National Executive Committee of the Labour Party which has this responsibility. Yet the Committee did not obtain evidence from the Chair of the NEC or from the General Secretary on his behalf on the matters before it. As a result, it is not possible for the Committee to reach a full or fair conclusion and the Report's conclusions in this regard cannot be given great weight.
- 6.21. It is also not at all clear what action the Committee actually expected of Mr Corbyn over and above the action he did take. For instance, the Committee cites the criticisms made by Ruth Smeeth MP without qualification or other comment. [Paragraphs 103 & 104] As it is not clear to the objective observer that the comments made by the man were antisemitic [paragraph 103], why is it clearly implied by the Committee that Mr Corbyn should have intervened during or after the press conference when the meeting was indeed being chaired by someone other than himself – a fact which is itself the subject of innuendo in the Report when Mr Corbyn's response is communicated [paragraph 103]. [See also my paragraphs 6.10 – 6.15 above]
- 6.22. Why also are the criticisms made by Ruth Smeeth MP simply reproduced in paragraph 104 when it is not demonstrated in evidence to the Committee that the appalling online abuse was "done in the Leader's name" as the MP alleges and in a form which would have enabled the National Executive Committee to have initiated disciplinary proceedings against identified individuals. By its very nature and most unfortunately, social media empowers the vile abuser who would have been confined to "green ink" handwritten letters in the past, to convey their poison instantly without revealing their verifiable identity. How then could the NEC have "named and shamed" the perpetrators with due process. It should be noted that it is not for the Leader to "name and shame" Labour Party members or supporters. Disciplinary action is a matter for the NEC within the Party's adopted processes. Did the Committee enquire about these points - including whether or not the MP provided evidence of the abuse to the Party for investigation through the NEC? It appears she may not have done. If the Committee did not enquire, it is derelict for the Committee to reach apparent conclusions as to fact without proper evidence before it.
- 6.23. The Report refers to the effect that the events leading up to the then Prime Minister's resignation had on the timing of the evidence given on behalf of the Conservative Party.[Paragraph 124] It does not extend the same courtesy to the timing of Shami Chakrabarti's "elevation to the peerage". [Paragraphs 108, 109 & 114 in particular – repeated in the Report's "Conclusions and recommendations"] It is at least possible that the perhaps unexpected event of an Honours Resignation List affected a decision which may or may not have been made at a later date but the Committee did not seek to obtain further

direct evidence from Mr Corbyn on this point. Instead it is assumed with apparent cynicism that the Shami Chakrabarti Report had been bought – a report for an honour. This is a most serious allegation. The fact that it is based in innuendo and surmise means that no weight should be attached to it. It is conduct unbecoming a select committee of the House of Commons. (This topic is addressed further in section 7 below.)

- 6.24. Other aspects of the Committee’s criticisms of the labour Party Leader are simply not made out sufficiently to persuade the objective observer. The fact that these criticisms appear not to have been put back to Mr Corbyn for comment before the Committee reached its conclusions adds to the unease about their foundation in fact. I refer in particular but not only to the Committee’s view that Mr Corbyn does not “... fully appreciate the distinct nature of post-Second World War antisemitism...” and “... his (alleged) reluctance to separate antisemitism from other forms of racism.” [Paragraph 113] These possibly superficial reflections from one session of questioning should have been further tested by the Committee before it reached firm conclusions. That this should have been the case in relation to a named individual, i.e. Mr Corbyn, is particularly unfortunate.
- 6.25. Day of publication: The Report was published on Sunday 16 October. The day of publication is unusual. Of the last ten reports issued by the Committee it is the only one to have been published on a Sunday. Seven of the other nine were published on Wednesday, Thursday or Friday and two on a Saturday. Publication on a Sunday following a period of embargo potentially attracts particular and distinctive media attention such as the Andrew Marr Show. Many leaks and briefings take place with this in mind, not least those from the Shadow Cabinet and the Parliamentary Labour Party since Mr Corbyn’s election as Labour Party Leader in 2015. It may of course be a matter of happenchance and no doubt it will be said by some that it is. But there should not be room for suspicion on this. Publication on a weekday would have been preferable to avoid suspicion, particularly given the Report’s heavy emphasis on party political matters.
- 6.26. All of these points when taken together leave a nasty taste in the mouth. The Report gives the impression that this Inquiry became a vehicle for taking the fight within the Labour Party out into the corridors of the Palace of Westminster and beyond – and for political advantage to the majority party represented on the Committee. Instead of a serious inquiry into antisemitism in the UK in accordance with the title of the Report, the Committee has published an unbalanced, biased and one-sided political polemic which focuses excessively and unjustifiably on one political party and its Leader. This is most regrettable and should be the subject of criticism both inside and outside The House. The House of Commons should be concerned that a report as poorly prepared and biased as this on so serious a matter has been published in its name. It should never be possible – or necessary - for a select committee report to be dismissed by a major party represented in The House on the ground of bias and politicization of the committee concerned. In this instance that dismissal was justified. See also –

<http://labourlist.org/2016/10/anti-semitism-report-violates-natural-justice-corbys-response-to-mps-report/>

7. Shami Chakrabarti Report:

- 7.1. The Committee summarily dismisses the Shami Chakrabarti Report (SCR). This is mainly on the ground that Shami Chakrabarti and as a result her inquiry is not sufficiently independent of the Labour Party and its Leader. The innuendo underpinning this can be read to mean that this is a case not of cash for an honour but of an honour for a report. The Committee will respond that this is not what its Report says literally, which would be correct. Nonetheless it is what the Committee's Report clearly implies. The most relevant passages are:

Introduction to the Home Affairs Committee's Antisemitism Report:

"Shortly after the suspension of Ken Livingstone and a number of other allegations, the Labour Leader, Rt Hon Jeremy Corbyn MP, announced an inquiry into antisemitism and other forms of racism perpetrated by members of the Labour Party, chaired by former Liberty Director Shami (*now Baroness*) Chakrabarti. *The report was published in June*, and made recommendations for a number of changes to the Labour Party's disciplinary processes. *It found that the Labour Party is "not overrun" by antisemitism, Islamophobia or other forms of racism, but that, "as with wider society", there is evidence of "minority hateful or ignorant attitudes and behaviours festering within a sometimes bitter incivility of discourse". In early August, it was announced that the Labour Leader had nominated Ms Chakrabarti for a peerage, which she had accepted. She has since taken her seat in the House of Lords, and has been appointed as Shadow Attorney General in the Labour Leader's recent Shadow Cabinet reshuffle. We discuss this further in the final chapter of this report.*" [My emphasis] [Paragraph 6]

"Political discourse and leadership"
"The labour Party"

"The decision by the Leader of the Labour Party to commission an independent inquiry into antisemitism was a welcome one, notwithstanding subsequent criticisms. The Chakrabarti report makes recommendations about creating a more robust disciplinary process within the Labour Party, but it is clearly lacking in many areas; particularly in its failure to differentiate explicitly between racism and antisemitism. The fact that the report describes occurrences of antisemitism merely as "unhappy incidents" also suggests that it fails to appreciate the full gravity of the comments that prompted the inquiry in the first place. *These shortfalls, combined with Ms Chakrabarti's decision to join the Labour Party in April and accept a peerage as a nominee of the Leader of that Party, and her subsequent appointment as Shadow Attorney General, have thrown into question her claims (and those of Mr Corbyn) that her inquiry was truly independent.* Ms Chakrabarti has not been sufficiently open with the Committee about when she was offered her peerage, despite several attempts to clarify this issue with her. It is disappointing that she did not foresee that the timing of her elevation to the House of Lords, alongside a report

absolving the Labour Leader of any responsibility for allegations of increased antisemitism within his Party, would completely undermine her efforts to address this issue. It is equally concerning that Mr Corbyn did not consider the damaging impression likely to be created by this sequence of events.” [My emphasis] [Paragraph 114]

This paragraph is repeated in “Conclusions and recommendations” [Paragraph 22]

- 7.2. The tone of the Committee’s addressing of the SCR is set by its use of the word “perpetrated” in close juxtaposition with “allegations” in the first sentence of the extracts above. It is also set by the incomplete nature of its quotation from the SCR which reads as follows (passages omitted in the Home Affairs Committee’s Report are identified in italics):

“The Labour Party is not overrun by antisemitism, Islamophobia or other forms of racism. Further, it is the party that initiated every single United Kingdom race equality law. However, as with wider society, there is too much clear evidence (going back some years) of minority hateful or ignorant attitudes and behaviours festering within a sometimes bitter incivility of discourse. This has no place in a modern democratic socialist party that puts equality, inclusion and human rights at its heart. Moreover, I have heard too many Jewish voices express concern that antisemitism has not been taken seriously enough in the Labour Party and broader Left for some years.

An occasionally toxic atmosphere is in danger of shutting down free speech within the Party rather than facilitating it, and is understandably utilised by its opponents. It is completely counterproductive to the Labour cause, let alone to the interests of frightened and dispossessed people, whether at home or abroad. Whilst the Party seeks to represent wider society, it must also lead by example, setting higher standards for itself than may be achievable, or even aspired to, elsewhere. It is not sufficient, narrowly to scrape across some thin magic line of non-antisemitic or non-racist motivation, speech or behaviour, if some of your fellow members, voters or potential members or voters feel personally vulnerable, threatened or excluded as the result of your conduct or remarks. The Labour Party has always been a broad coalition for the good of society. We must set the gold standard for disagreeing well. I set out clear guidance so as to help achieve this.”
[SCR Foreword, page 1][My emphasis throughout]

The Committee may say that its selection of words from the SCR is meant purely to give the reader the gist of what the SCR concluded. Others might regard the Committee’s selection as overly selective thus appearing not to reflect accurately what the SCR says and giving the impression that the SCR minimizes and marginalizes antisemitism in the Labour Party, an impression which would not be conveyed by a fuller quotation.

- 7.3. At no point in its Report does the Committee take account of or even refer to the reputations of Shami Chakrabarti (SC) or of her colleague Vice Chairs, Professor David Feldman and Baroness Royall who contributed “their time, expertise and experience without reimbursement for the good of Her Majesty's Opposition and thereby for British democracy itself” [Page 3 of the SCR] – though SC emphasizes that the Report is hers alone [Page 4]. Shami Chakrabarti is a person of high public reputation and integrity. This reputation has been earned in the public eye primarily in her long service as Director of

Liberty, a cross-party, non-party human rights organisation, employment with which “ended only a month previously” [Page 3]. The Committee advances no good reason to doubt SC’s reputation other than the unseemly innuendo outlined above.

- 7.4. Professor Feldman is Director of the Pears Institute for the Study of Antisemitism at Birkbeck College, University of London. The Institute’s partner bodies are: its founder body with the University, the Pears Foundation, a British Family Foundation “rooted in Jewish values”; The Wiener Library – “one of the world’s leading archives on the Holocaust and Nazi era”; and the Centre for Holocaust Education, Institute of Education, University of London. [<http://www.pearsinstitute.bbk.ac.uk/about/>]
- 7.5. Baroness Royall was until May 2016 Leader of the Opposition in The House of Lords and is a former Leader of that House and Lord President of the Council and a Privy Counsellor.
- 7.6. These are people of good repute – repute of which the Committee takes little account in its insinuations.
- 7.7. The SC Report states explicitly that SC is a member of the Labour Party:

“To subsequent consternation outside the Party, I joined Labour as soon as I accepted this brief and did so for two reasons. Firstly, I had for some time been an undeclared Labour voter and supporter, though formally unaffiliated due to my work as first a civil servant and then the director of a cross-party, non-party human rights organisation. That employment ended only a month previously. Secondly, I wanted to be clear with everyone and especially with Labour members and supporters, that my Inquiry would be conducted, and any recommendations made, in the Party’s best interests. Mine has not been a public or judicial inquiry imposed on an institution or community from the outside.” [Page 3]

The Report continues:

“But for the avoidance of doubt, and as a message to any political mischief-maker seeking to undermine the good faith or credentials of my team, this Report is mine, and mine alone, and I will take responsibility for it. In a democracy, it may be right and natural that opponents of the Labour Party scoff at or undermine this open-hearted work. This Report is for the political descendants of Keir Hardie, Ellen Wilkinson, Emanuel Shinwell and Learie Constantine, irrespective of race, religion, sex, sexuality or other badge of identity. If you have felt remotely sad or frustrated in recent months or years, if you worry about whether you still belong in your instinctive political home, please read on. Equally, if you feel that antisemitism or other racism is going to be manipulated by a hostile media, or by political rivals to silence your legitimate concerns about the world, this Report and our work is for you.” [Page 4]

7.8. These statements are made up front by Shami Chakrabarti. The status of the Report is made clear at the outset; there is nothing hole-in-the-corner about it. The Committee fails to acknowledge the clear Labour Party status of the SCR and applies to it an almost judicial independence requirement which it was not intended to meet. In this way the Committee sets the SCR up to fail – and duly finds that it has. This is not an appropriate approach for a select committee of The House of Commons.

7.9. The Inquiry was set up by the Leader of the Labour Party on 29 April 2016 and was published on 30 June. The then Prime Minister announced his intention to resign on Friday 24 June, the day the result of the European Union Referendum was announced. The Resignations Honours List was announced on 4 August. There was no good reason why SC should not have been nominated by The Leader of the Opposition for an honour when this unanticipated opportunity arose - nor was there good reason for SC to have refused the nomination. This was a Labour Party inquiry not a public or judicial inquiry. This was entirely clear from the outset. Why then given Shami Chakrabarti's impeccable credentials and those of her Vice Chairs, should the Inquiry be seen as anything other than impartial and independent? There is no good reason to doubt its integrity.

7.10. Yet the Committee continues to snipe at SC and the SCR throughout its relevant remarks. For example, it states -

“Mr Corbyn gave evidence to us in July, shortly after the report was published, supported by Ms Chakrabarti, who passed him notes throughout the session.” [My emphasis] [Paragraph 106]

7.11. The intention of this apparently innocent passage is to convey a further impression of SC being in the pocket of the Labour Party Leader and not having sufficient independence. Putting to one side the issue of the appropriateness of use of innuendo in a select committee report, the comment misses the point that it is entirely proper for the independent Chair of a Labour Party Inquiry to assist the Leader of the Party who commissioned the SCR with information when the Leader appeared before the Committee to give evidence in relation to antisemitism in the Party including the SCR. There is nothing improper here. The status of the SCR has been made entirely clear. Why, therefore, is it the subject of unwarranted innuendo other than to discredit?

7.12. The Committee's criticisms of the SCR take insufficient account of the SC Inquiry's given terms of reference:

“The Inquiry, which will report in two months (of its launch), will:

- Consult widely with Labour Party Members, the Jewish community and other minority representatives about a statement of principles and guidance *about antisemitism and other forms of racism, including Islamophobia.*
- Consult on guidance about the boundaries of acceptable behaviour and language.
- Recommend clear and transparent compliance procedures for dealing with allegations of racism and antisemitism.

- Look into training programmes for parliamentary candidates, MPs, councillors and others.
 - Make recommendations for changes to the Code of Conduct and Party Rules if necessary.
 - Propose other action if needed, to ensure Labour is a welcoming environment for members of all communities.”
- [My emphasis, Page 3]

7.13. This is a “speed is of the essence” inquiry covering all forms of discrimination including antisemitism and with circumscribed aims. The Committee appears to expect more than this of the SC Inquiry, for example in its criticism that the SCR “fails to suggest effective ways of dealing with antisemitism”. [Paragraph 118] This undefined criticism appears to go well beyond the SC Inquiry’s terms of reference and to be unfair as a result.

7.14. The Committee’s Report also contains inaccuracies. For example, it rejects the proposed “statute of limitations” as if it involved an absolute limit of two years and applied to all complaints involving antisemitism. [Paragraph 116 & paragraph 23 of the Conclusions and recommendations] It does not:

“Further there should be a “*statute of limitations*” on the bringing of formal disciplinary proceedings in relation to the kind of “*uncomradely conduct and language*” (as opposed to other disciplinary matters relating to e.g. Criminal or Electoral law) that I have discussed above. I would recommend that this be a period of no more than two years *save in exceptional circumstances*. [SCR, page 20][My emphasis]

7.15. In the same vein, the Committee’s Report states in another criticism of the SCR that it is unconvinced that the Labour Party’s code of conduct “will be effectively enforced”. [Paragraph 115] By definition, this is not a matter over which the SC Inquiry had control. The Report is marred by this kind of inaccuracy which leads to the drawing of unfair conclusions. Within its agreed terms of reference the SCR does recommend that the Code of Conduct should be improved by specified amendment [Page 27, Recommendation 7]

7.16. The Committee criticizes the SCR in relation to campus antisemitism when it says:

“We agree it was unfortunate that the Chakrabarti report did not mention the Royall report.” [Paragraph 79 – agreeing with the Chief Rabbi’s comment reported in paragraph 105]

The Committee does not explain why it agrees this is unfortunate. However, it is clear that the SC Inquiry did take account of the Royall inquiry in its Report as Baroness Royall, Chair of that Inquiry, was also Vice Chair of the SC Inquiry, a fact the Committee omits to mention. Baroness Royall will undoubtedly have shared her findings with SC and Professor Feldman [Pages 1, 3 & 29 of the SCR.] This signal omission on the Committee’s part serves to further undermine the quality and impartiality of its Report.

7.17. Another specific criticism made by the Committee is that:

“In its determination to be inclusive of all forms of racism, some sections of the Chakrabarti report do not acknowledge Jewish concerns, including its recommendations on training, which make no mention of antisemitism.” [Paragraph 117]

7.18. This bald statement does not make clear which “sections” of the report are referred to other than training. As far as the training section is concerned, the Committee’s criticism does not explicitly address the rationale clearly laid out in the SCR:

“On reflection, and having gauged the range of feelings within the Party, it is not my view that narrow anti-racism training programmes are what is required. There is a grave danger that such an approach would seem patronising or otherwise insulting rather than truly empowering and enriching for those taking part. Instead, the Party’s values, mission and history could be firmly embedded in more comprehensive activism and leadership education designed to equip members for the organisational, electoral and representative challenges ahead.” [Page 22]

“I recommend that the NEC set up a working group to assess education and training needs across the party with a view to working with trade union and higher education partners so as to offer practical and enriching values-lead programmes to members with varying needs and interests. In doing so, I recommend that that the latest thinking in addressing unconscious bias (sic) incorporated in this important work”
[Page 23]

7.19. The approach recommended in the SCR may or may not commend itself to the Committee but the Committee does not actually address that approach directly so that any reservations it may have could be assessed; nor does the Committee say what its preferred alternative would be and why. It is difficult to believe that the education and training activity which will result from the NEC’s work will not take account of antisemitism in our society and of Jewish people’s concerns - and that it will do this in the unavoidable context of an organization predominantly made up of unpaid volunteers, which is what the SCR seeks to address.

7.20. I do agree, however, that the SCR should have addressed the vexed issue of a “clear definition of antisemitism” - not because I necessarily agree with the definition proposed by the Committee [paragraph 115] or because I believe an agreed definition to be possible at this point in time. But because the definition seems to be a matter of current controversy between and within different British Jewish and other communities of which Labour Party members and officials – and indeed others – need to be aware. Much of the disagreement may relate to the guidance different definitions give on acts which are held to constitute antisemitism. There seems to be outright disagreement on some kinds of action. If this is

correct, the Committee's wish for "a clear definition" may not be wholly achievable. Nevertheless it would have been good reason for the SCR to point to this disagreement in its recommendation on education and training so that the NEC takes specific account of it given the potential for differing interpretation of complaints of antisemitism.

- 7.21. The Committee is critical that "Some of the (SCR's) recommendations appear to be little more than statements of the obvious ..." and refers specifically to two of the SCR's 20 recommendations – other instances are not made explicit. [Paragraph 102] Putting to one side for the moment the appropriateness of this kind of apparent put down in a select committee report, it seems odd that the Committee should say this of recommendations 3 and 4 of the SCR when these relate to instances of alleged antisemitism specifically referred to in the Committee's Report including comments made by Ken Livingstone. [Paragraphs 98 & 119] It is not clear, therefore, why it is inappropriate for SC to make these recommendations on the ground that they are "obvious". The impression conveyed to the reader by the Committee's choice of words is denigratory and diminishing. This may not be the intention but it is the effect.
- 7.22. The Committee also takes the SCR to task for doing:
 "... nothing to address a severe lack of transparency within the Party's disciplinary process. There are examples of Labour members who have been accused of antisemitism, investigated by their Party, and then reinstated with no explanation of why their behaviour was not deemed to be antisemitic. The Labour Party, and all other political parties in the same circumstances, should publish a clear public statement alongside every reinstatement or expulsion of a member after any investigation into suspected antisemitism." [Paragraph 115]
- 7.23. Greater availability of information about allegations of antisemitism and other forms of racism, their investigation and outcome is needed but it is far from certain that this should be at individual allegation or named individual level as the Committee recommends. This is not a judicial proceeding where the presumption is that the allegation / indictment will be heard in public. It is a disciplinary process involving more often than not a Party member who is a volunteer without the resources necessary to defend themselves and their reputations effectively in the public eye. Nor is it necessarily always in the interests of the complainant for their complaint to be the subject of public attention. Prima facie it would seem that greater accountability might best be achieved at a more aggregate level. The Committee seems not to have considered this important point.
- 7.24. This criticism by Committee also seems to give little credit to the SCR for what it does recommend; in particular, the comprehensive "New End to End process" comprising nine steps "with appropriate time limits" proposed on pages 20 & 21. If taken forward and implemented, this would be a significant improvement which the Committee might have recognized to assist perceived even-handedness. Instead the Committee seems more to play this down when it notes elsewhere that the SCR: "... made recommendations for a number of changes to the Labour Party's disciplinary processes." [Paragraph 6]
- 7.25. In summary, the Home affairs Committee's Report:

- takes the SCR for something it is not and was not intended to be – and then criticizes it for not being that something thus setting it up to fail a test it was not intended to meet;
- fails to recognize the explicit Labour Party status of the SC Inquiry and to acknowledge adequately its terms of reference and timescale;
- uses unwarranted innuendo to seek to undermine SC and the SCR, taking no explicit account of the integrity and independence of Shami Chakrabarti, Professor Feldman and Baroness Royall – and overlooking entirely the presence of the last named as a Vice Chair of the Inquiry;
- contains a number of basic errors; and
- adopts a denigratory and diminishing approach to the SCR’s recommendations.

7.26. As a result, the Committee’s assessment of the SCR is found wanting in almost every regard. The Committee’s summary dismissal of the SCR is rejected accordingly. Nonetheless the Labour Party might wish to take note of the comments made above in relation to: a definition of antisemitism and the areas of outright disagreement as to what falls within it in the assessment of allegations; and accountability.

8. The Labour Party:

8.1. The Committee’s conclusions on the Labour Party and its Leader are unsound.

8.2. The Committee says that its conclusions are “... based on the evidence we have received ...” [Paragraph 113] But they are not. Little if any account is taken of the views of Labour Party members: these are mentioned in the Report but no weight whatsoever is attached to them in the Committee’s conclusions. [Paragraphs 100 & 101] The Committee’s failure to take these views sufficiently seriously and investigate them further by obtaining additional evidence is a serious error on its part on a topic of this sensitivity and importance. Nor is there any place in the Committee’s Report for the views of individual Jewish Labour members which do not fit with the Committee’s narrative; for example, that reported in the Independent on 26 June 2016 – see:

<http://www.independent.co.uk/voices/jeremy-corbyn-anti-semitism-labour-conference-jewish-supporter-vote-political-weapon-a7330891.html>

8.3. The Committee did not take the opportunity presented to it to hear evidence from individual members of the Labour Party when representations were made in writing to one of its members by 43 Jewish Party members, some of whom were also Momentum members - reported by “Free Speech on Israel: Jews & friends who say antizionism is NOT antisemitism” under the heading of “Labour Jews to Chuka Umunna - Stop using antisemitism smears against Corbyn” - see

<http://freespeechonisrael.org.uk/labour-jews-chuka-umunna-stop-using-antisemitism-smears-corbyn/>

This profound lack of balance in so sensitive and contentious a matter is highly regrettable.

8.4. Amongst other things, the letter to Mr Umunna referred to in the preceding paragraph gave a different account to that of Ruth Smeeth MP concerning the intervention by the man at

the Labour Party press conference launch for the Shami Chakrabarti Report (see paragraphs 6.10 – 6.15 above):

“Some of the comments made at the press conference launching the Chakrabarti inquiry on June 30 by Mr Wadsworth (not a representative of Momentum as you claimed) were rude and unwarranted, however *there is no evidence they were motivated by antisemitism*. Wadsworth was clearly angry that the Daily Telegraph journalist had shared one of his leaflets with Labour MP Ruth Smeeth. He makes no reference to Ms Smeeth’s religion and asserts he had no knowledge she was Jewish and there is no evidence that this is not true. We have searched assiduously, including scrutinising the video footage of the incident, but have found no evidence of antisemitism, as opposed to incivility, in his words or actions.” [My emphasis]

This makes it all the more surprising that further evidence was not sought from the 43 Jewish Labour Party members - or indeed that the Committee appears not to have given any weight to their account.

- 8.5. As already pointed out, the evidence obtained by the Committee and to which it attaches weight is partial in that it does not reflect an adequate representation of the full range of voices of the British Jewish communities. [See paragraph 2.1 above] In addition, the Committee failed to obtain adequate evidence on the stresses and strains in British society arising from the ground invasion of Gaza in 2014 and ongoing events in Israel and Palestine. These are major omissions on the Committee’s part.
- 8.6. The conclusion in paragraph 118 “... that elements of the Labour movement are institutionally antisemitic” is of particular concern. This is the first time in the Report that this point is made. It is made without any adequate evidence such as that adduced in the Macpherson Report of the Stephen Lawrence Inquiry; nor, as far as I can see, was it put to the Labour Party or to Shami Chakrabarti for comment before the Committee decided to include it in its Report. In addition, it takes little account of the views of Labour Party members referred to in the Report and reported elsewhere. [For example, my paragraphs 8.2 – 8.4 above] This is not responsible behaviour by a select committee of the House of Commons. The Committee may say this is not exactly what it said. The full sentence reads:

“The failure of the Labour Party to deal consistently and effectively with antisemitic incidents in recent years risks lending force to allegations that elements of the Labour movement are institutionally antisemitic.”

These carefully hedged words do not mask the Committee’s meaning nor do they diminish the potency of an allegation of institutional antisemitism. That there are some issues in the Labour Party is not in dispute as the SCR clearly states. That the issues warrant an allegation of institutional antisemitism in the Labour Party is simply not justified by the evidence adduced by the Committee.

- 8.7. The Committee does not explain what it means by “elements” of the “Labour movement”. These terms are not defined. Nor is any evidence whatsoever advanced by the Committee in support of its assertion. Use of the word “elements” may also be open to question given its pejorative use by some members of the Parliamentary Labour Party following Mr Corbyn’s election as Leader of the Labour Party in 2015.
- 8.8. The Committee’s treatment of the Labour Party Leader’s evidence is dismissive, in one regard at least patronizing and insufficiently informed. The most relevant passage reads:

“While the Labour Leader has a proud record of campaigning against many types of racism, based on the evidence we have received, we are not persuaded that he fully appreciates the distinct nature of post-Second World War antisemitism. Unlike other forms of racism, antisemitic abuse often paints the victim as a malign and controlling force rather than as an inferior object of derision, making it perfectly possible for an ‘anti-racist campaigner’ to express antisemitic views. Jewish Labour MPs have been subject to appalling levels of abuse, including antisemitic death threats from individuals purporting to be supporters of Mr Corbyn. Clearly, the Labour Leader is not directly responsible for abuse committed in his name, but we believe that his lack of consistent leadership on this issue, and his reluctance to separate antisemitism from other forms of racism, has created what some have referred to as a ‘safe space’ for those with vile attitudes towards Jewish people.” [Paragraph 113]

[NOTE: The innuendo conveyed by the words highlighted in inverted commas by the Committee is not made specific to an individual(s); thus its validity cannot be checked. However, it appears to refer to the unsubstantiated allegation of antisemitism made against the man who intervened at the press conference which launched the publication of the Shami Chakrabarti Report who is known as an anti-racist campaigner – as is another person named in the Report by the Committee as having been suspended by the Labour Party. See paragraphs 6.10 – 6.15 & 2.7 above & paragraphs 110 & 112 of the Committee’s Report.]

- 8.9. The Committee’s conclusion that the Leader of the Labour Party has “created a “safe space” for those with vile attitudes towards Jewish people” is a most serious allegation. To make such an allegation requires thorough investigation, robust evidence and substantial supporting argument. None of these criteria is met. The reference to a “safe space” might also be over-reliant on imprecise recall of the evidence of one witness, Ruth Smeeth MP, who when calling for Mr Corbyn to resign on 30 June 2016, the day of the SCR press conference launch, is reported to have said that the Labour Party was not a “safe space for British Jews”.
- 8.10. It is clear that a number of Jewish MPs have experienced appalling antisemitic abuse, primarily it would appear through the social media.[Paragraphs 53, 54 & 104] It is also alleged that this abuse comes from “... individuals purporting to be supporters of Mr Corbyn.” [Ruth Smeeth MP, paragraph 104] What the Report does not substantiate is that this abuse has actually come from members of the Labour Party or indeed from other supporters of Mr Corbyn who are not Party members. As many of the communications, mainly tweets, are from anonymous sources it is not verified that they are actually from Labour Party members or other supporters of Mr Corbyn. Nor is Mr Corbyn responsible directly or indirectly for vile abuse expressed by alleged Labour Party members and others who purport to support him. Therefore, there is not anywhere near enough firm ground within the evidence obtained by the Committee to warrant its most serious allegation that “...we believe that his (the Leader of the Labour Party) lack of consistent leadership on this issue has created what some have referred to as a ‘safe space’ for those with vile attitudes towards Jewish people”. [Paragraph 113]
- 8.11. As a result, many objective observers will see this to be an unsubstantiated and unwarranted slur of some magnitude on an individual who, according to the Committee’s own account, “... has a proud record of campaigning against many types of racism”. Given this acknowledged record, it would have been appropriate for the Committee to have thought more than twice before including this allegation in its Report (the Report was read twice by the Committee before agreeing it). In addition, it is not made clear in the Report

whether this most serious allegation was put back to Mr Corbyn and the Labour Party in draft form for response before the Committee made its decision. If this was not the case, it is a most serious breach of the standards to which select committees should work.

- 8.12. The claim in the first two sentences of paragraph 113 of the Committee's Report – see my paragraph 8.5 above - is also not substantiated, viz:

“... we are not persuaded that he (Mr Corbyn) fully appreciates the distinct nature of post-Second World War antisemitism. Unlike other forms of racism, antisemitic abuse often paints the victim as a malign and controlling force rather than as an inferior object of derision, making it perfectly possible for an ‘anti-racist campaigner’ to express antisemitic views.”

Putting to one side the accuracy or otherwise of the Committee's description of “... antisemitic abuse (which) often paints the victim as a malign and controlling force ...” as distinctly “post-Second World War antisemitism”, the information given in the Report does not establish to the satisfaction of the objective observer that the Labour Party or its Leader fail to appreciate the particular nature of antisemitism. Also, it is patently untrue that the Labour Party or its Leader fail to understand that an “anti-racist campaigner” can be antisemitic or otherwise racist or discriminatory. It is well and widely understood that an antisemite is an antisemitic racist whether or not he or she is an anti-racist campaigner. [NOTE: “Antisemitism is widely regarded to be a form of racism” - Wikipedia - & its reference to United Nations Assembly Resolution 133, Session 53].

- 8.13. This claim by the Committee also omits to address the cause of much current and past dispute which concerns the definition of acts which are or are not antisemitic according to different sincerely held views which may or may not be mistaken or antisemitic. In this regard, the Committee has failed to get to the root of the matter and make objective and constructive comment. This is regrettable as it adds to the angry hubbub of much current discourse rather than moving it on constructively.

- 8.14. In addition, the Committee's observations do not acknowledge let alone take account of the many statements made by the Labour Party and its Leader underlining the unacceptability of antisemitic behaviour and the Party's determination to deal with it. These include Mr Corbyn's speech on antisemitism made on 30 June 2016 at the press conference launch of the SCR, the full text of which can be found on –

<http://www.independent.co.uk/news/uk/politics/jeremy-corbyn-isis-islamic-state-israel-antisemitism-speech-in-full-labour-report-latest-a7111336.html>

(NOTE: This statement was obscured by the media brouhaha resulting from the inaccurately reported references to Israel and “ISIS”. It is a matter of record that the Labour Party Leader referred not to ISIS but to “those various self-styled Islamic states or organizations.” The juxtaposition was nevertheless not accurate or well chosen.)

- 8.15. Nor is in this regard is there reference in the Report to Mr Corbyn's clear statement on his announcement of the SC Inquiry:

“Labour is an anti-racist party to its core and has a long and proud history of standing against racism, including antisemitism. I have campaigned against racism all my life and the Jewish community has been at the heart of the Labour Party and

progressive politics in Britain for more than 100 years.” [The Guardian, Heather Stewart & Anushka Asthana, 29 April 2016]

I see no evidence here of Mr Corbyn’s alleged failure to appreciate the distinct nature of antisemitism as one form of racism.

- 8.16. The unbalanced, unsubstantiated and partial nature of the Committee’s Report as demonstrated above fatally undermines the validity and credibility of the most serious allegations it makes against the Labour Party - and against its Leader in particular. Unfortunately, it also obscures the few useful observations it does make, for example, on the apparent slowness of the Labour Party’s disciplinary procedure following suspension. This is a real issue for all parties to a complaint. Justice delayed is justice denied.

9. Conclusion & recommendations:

- 9.1. I came to this report as a former specialist adviser to the then House of Commons Social Services Committee (Chair, Renee Short MP). It saddens me to find a report which so signally fails to live up to the standards set by select committees over the years. Most regrettably, my conclusion is that this Report is a partisan party political polemic which should not have been agreed and made public by a House of Commons select committee. It fails to meet the basic standards required of select committees as to their inquiries and reports. This is particularly distressing on so important and contentious a matter as antisemitism in our country.
- 9.2. The Report purports to be the result of an inquiry into “Antisemitism in the United Kingdom”. It is no such thing. The Inquiry has no terms of reference: as a result, it is ill-defined from the outset. Its evidence base is partial and excludes a swathe of evidence sources that would have been essential to such an inquiry. It is unbalanced in the coverage it gives to political discourse as against other aspects of antisemitism in the United Kingdom – and grossly imbalanced within the topic of political discourse in the entirely disproportionate attention it gives to the Labour Party and personally to its Leader.
- 9.3. The Committee unjustifiably dismisses the Shami Chakrabarti Report primarily on the basis of innuendo without taking proper account of the reputation for integrity of its Chair and Vice Chairs – and by assessing the Report against a judicial inquiry expectation which it could not and was not expected to meet. The report’s treatment of the Leader of the Labour Party is biased and unfair. The Report also includes severe criticism of named or otherwise identifiable individuals without, it seems, hearing their side of the story thus denying them their fundamental right of reply.
- 9.4. The Report gives the clear impression of bias on all these counts – including, most regrettably, the strong impression of the Committee having been captured by the party politics within and without the Labour Party following the Parliamentary Labour Party’s majority vote of no confidence in the Party Leader and the leadership election campaign that ensued. By falling so far short of the standards required, the Committee’s Report does disservice to the honourable cause of combating antisemitism in the United Kingdom: and

fuels the fires of misunderstanding and ill feeling which dog its discussion rather than fostering the understanding and constructive debate the public has every right to expect of its elected representatives.

9.5. If I was inclined to borrow an expression from the Committee's Interim Chair when interviewed on radio and television on the morning of Sunday 16 October 2016, I would say that the Committee's Report is not worth the paper it is written on. Such worth as is within it is set at nothing by that which is either not worthwhile or worse.

9.6. Recommendations:

9.6.1. The House of Commons Home affairs Committee should withdraw this Report and undertake a properly impartial, objective and sufficiently evidenced inquiry into antisemitism in the United Kingdom. Individuals and organizations should not be named or otherwise made identifiable in the report of this and other inquiries undertaken by the Committee without due process and proper verification of evidence.

9.6.2. The House of Commons Liaison Committee should examine the adequacy of the arrangements select committees of the House of Commons have in place to assure their inquiries and reports to ensure they achieve basic standards of impartiality, objectivity and adequacy of evidence – including strict adherence to the rule of no party politics.

9.6.3. The Labour Party should consider the comments made above in relation to: a definition of antisemitism and the areas of outright disagreement as to what falls within it in the assessment of allegations; and accountability. [My paragraphs 7.17, 7.20, 7.22, 7.23 & 7.26]

David Plank
2 November 2016