

## THE DISPUTE OVER THE BAIS ELECTIONS OF 1992

A REPORT BY BOB PURDIE

The 1992 elections for officers and Executive of the British Association for Irish Studies have been fraught with bitterness and failure to agree on procedures. The Chairwoman has asked me to act as an "honest broker" and to try to make recommendation which could resolve matters. She has received the support of a majority of Executive members in doing this.

I undertook to do so very reluctantly, and it quickly became apparent that my own candidature for the Executive constituted a barrier to acceptance of my good faith. I therefore wrote to Jim McAuley, the Secretary and Returning Officer, on 3 December, asking him to withdraw my name from the ballot. I also told him that I will not accept any invitation to be co-opted by the incoming executive. Under no circumstances will I serve as a member of the new Executive, and so have no personal interest in the outcome of the election.

I have considered a number of documents, and an appendix lists and numbers these, together with a brief description of their contents.

### THE ORIGINS OF THE DISPUTE

Towards the end of September, with the elections for officers and Executive due to take place in November, two "slates" emerged for officer positions, one headed by Graham Davis the current Treasurer, the other by Seán Hutton, the former Executive Director (documents 1 & 2). The Chairwoman, Ruth Dudley Edwards, circulated a letter of 23 September (document 3), written, "in a personal capacity" and "only to people I know", supporting the Davis slate and eight candidates for the Executive. This was reproduced as an appendix to a circular from Seán Hutton (document 5).

This was an unprecedented situation, which was bound to cause problems for the election. One officer, Jim McAuley, the Secretary and Returning Officer, was on the Hutton slate and another, Graham Davis, the Treasurer, headed the other one. In other words, officers whose responsibility it was to ensure a fair election, had a personal interest in its outcome and were involved in a rivalry which could affect their judgement and ability to co-operate. The Chairwoman too, who is responsible for the proper and constitutional conduct of the affairs of the Association, had committed herself to one of the slates.

The election platforms accompanying these slates made matters worse. Superficially they avoided a direct attack on the protagonists of the other slate, but neither made it clear what differences of policy they had, which made their slate necessary. This was inevitable because the real policy differences, which are under the surface in the Executive, have never been thrashed out or clarified. Instead the vacuum of policy has been filled by suspicions and mutual recriminations. It is not clear to me which slate tried to get its retaliation in first, but it is clear that both sides have thought they could resolve the problems of the BAIS by winning control of key officer posts, rather than by clarifying and resolving their policy differences.

There was nothing unconstitutional about this state of affairs or, to be more precise, it was not prohibited by the constitution. These officers had rights, as members, to combine and to canvass for the purposes of the election. There

was no reason why they could not put their personal interests to one side and carry through the election in a proper manner. They did not do so because of a combination of inefficiency, the ineffectiveness of the procedures of the BAIS, and personal bitterness. The latter prevented the mutual good will which might have resolved the other problems, and would have been forthcoming had their primary concern been the interests of the membership. To this extent they have all let down the members of the BAIS.

#### TROUBLE EMERGES

The first indication of trouble came in a circular from the Chairwoman to the Executive on 29 September (document 4). This reported on various problems which had led to the late dispatch of the ballot papers and the circumstances in which it had been agreed to make the date for closure of the voting list 28 September, rather than 15 September, (the date for closure of nominations). Ruth further reported that she had asked for advice and assistance from the Electoral Reform Society, because of her concern about possible repercussions from having Jim McAuley acting as both returning officer and a candidate. She asked Executive members to endorse her action in requesting the ERS to (i) carry out a sample of the membership to indicate the numbers who had sent in ballot papers, and (ii) to be represented at the count.

Jim McAuley objected to this procedure in a circular of 14 October (document 7). He suggested this raised a question about his integrity and was a "break" from previous procedure. He further demanded evidence that Ruth had support from a majority of Executive members for her action. In a circular of 22 October (document 8), Ruth gave the names of twelve Executive members who had indicated their support and two who had supported an independent scrutineer, but not the ERS. Seán Hutton subsequently asked for documentary proof of this (document 9), but it seems reasonable to accept Ruth's statement, since any of the individuals who had been named could have made it clear that they had been misrepresented. To my knowledge none have done so.

The Chairwoman's action, of involving the ERS, was a reasonable one and well within her competence. The fact that it was not normal procedure was not a reason for not doing it; in fact it should probably have been done much earlier. It did not put the integrity of the returning Officer in question, indeed Ruth had stressed her confidence in him. It did protect both him and the Association from accusations about election rigging after the event, no matter from which quarter. The only question raised is the Chairwoman's method of consultation with the Executive. Should she have called a meeting rather than organised an *ad hoc* ballot? I will return to this question later.

#### THE VOTING LIST

A more serious matter is the setting of the date for closure of the voting list. The constitution of the BAIS says that the election will be, "by a postal ballot of all paid-up Members," and "not less than six weeks preceding" the AGM, (article 6.1) but requires no qualifying period for eligibility to vote. It was within the competence of the officers to set a date by which ballots had to be submitted, and therefore they had the right to set a date which would also have made it difficult to recruit members very close to the election. If they had done this there might have been no implication that members had been recruited specifically for the election. The date of 28 September complied with the letter of the constitution, but was very unwise.

All of the officers agreed to this procedure and all share blame for it. The Chairwoman claims that she was pressurised into agreeing (document 4), but she

need not have done so and could have taken the matter to the Executive as a whole. She says that she did not do so because this would have delayed the election (document 14), but she could have adopted the procedure which she used for consultation about the ERS. This would, at least, have made it clear whether a meeting of the Executive was necessary.

#### THE ISSUES OF SUBSTANCE

The issues at stake have been obscured in the correspondence between the protagonists because they have been mixed up with accusations of failure to supply proper lists, failure to comply with agreed timetables, accusations of hypocrisy, conflicts of interest and of what people are alleged to have said while canvassing for members/votes. The only issues of substance, since they concern the legitimacy of the election, are as follows:-

- (i) Jim McAuley has questioned the eligibility of Maureen Carter and Ullrich Kockel to stand for the Executive, since their names were not on the membership list supplied by Graham (documents 7 & 10).
- (ii) Seán questions the procedure whereby Cormac O Gráda was issued with a ballot paper (document 9).
- (iii) Jim McAuley and Seán question the eligibility of the votes of new members recruited by Ruth at the British Irish Association conference, since their subscriptions may not have been registered in time (documents 9 & 10). Seán also questions the eligibility of Cormac O Gráda on similar grounds (document 9).

#### EXECUTIVE NOMINATIONS

Maureen Carter's nomination was accepted by the Returning Officer, and by implication also by Seán, in documents 5 and 7. In Seán's letter of 1 November he raised her nomination to make the point that Graham's slate included someone who had applied for membership only at the last minute. He was casting doubt on her substantiality as a candidate, not her eligibility. In Jim's circular of 14 October he said that she had not been on Graham's membership list. However (a) it is not a matter of dispute that Graham's list was defective, indeed this is an important accusation being made against him. And (b) Jim said that he had accepted her nomination on Ruth's "word of honour". Jim and Seán are entitled to change their minds on this issue but it seems invidious to disallow her nomination. Graham has supplied a dated membership form which appears to validate Ullrich Kockel's status.

The dispute about the eligibility of Maureen Carter and Ullrich Kockel arises because of the inefficiency of the procedures for registering those entitled to vote and poor communications between officers (documents 7, 10 & 16). Their position is in doubt through no fault of theirs, and the principles of natural justice must be applied. If they are disallowed the whole election must be abandoned and a new nominations procedure, which will give equal rights to all, must be instituted.

#### IRREGULAR BALLOT PAPERS

In his letter of 22 November (document 9), Seán questions the issuing of a ballot paper to Cormac O Gráda by "someone other than the returning officer." In her letter to me of 29 November (document 14), Ruth says that he was amongst a number of people whose names were left off Graham's list by accident. She says that Jim McAuley did not have any ballot papers and agreed

to Ruth sending a photocopy. She had also sent photocopy ballot papers to Ronan Fanning and Michael Laffan.

This was an appalling breach of proper procedures. The Chairwoman should never have proposed it and the Returning Officer should never have agreed to it. It was not, strictly, against the constitution, since that only refers to the holding of a postal ballot, not who is responsible for issuing ballot papers, nor how ballot papers will be recognised as authentic.

It seems that the procedure has been to validate ballot papers by the member's signature of the back of the envelope, this is too loose and indeterminate to meet the problem of an election in the present heated atmosphere.

This defect in the procedures of the BAIS must not deprive members of their votes. Either the entire election will have to be rerun, or votes on the irregular papers allowed. However, Seán has questioned the eligibility of Cormac O Gráda, on the basis that his membership may not have been registered in time. It thus become part of the larger problem of registration of membership.

#### LATE RECRUITMENT

Ruth claims to have recruited a number of people at the BIA conference and to have posted off the applications and membership subscriptions on Friday afternoon and Saturday morning (documents 8, 14 & 19). Seán has demanded documentary evidence for her statement. He originally demanded cancelled cheques, but has conceded to me, (in a telephone conversation of 7 December), that these are not available to the Treasurer. Another form of documentation would be the membership forms filled in by new members, but these are not a constitutional requirement and cannot be irrefutable evidence, since they could easily have been given a date later than the one on which they were filled in. It is likely that there are members whose status is not challenged, who have not filled in a form, it would be unjust simply to exclude those who have not met this requirement. And since it is not required by the constitution, such individuals would have a legitimate complaint.

Seán has reminded me that the Executive meeting which agreed the criteria for voting decided that there should be some form of corroborative evidence in determining the eligibility of members who had been registered late. Unfortunately there is no way of establishing what would be proper corroboration, and we are unlikely to find evidence which would satisfy all parties. There simply is no way to resolve the dispute about membership in such a way as to allow the election to proceed, and avoid a challenge to its legitimacy. The solution has to be thoroughgoing and radical.

What the above two paragraphs show is that the problem is not just that there is a dispute about the validity of nominations and voting, but these arise because it is not clear who may legitimately be regarded as a member. Unless this is dealt with, it will paralyse the election, foment further bitterness and discredit the BAIS. This will lead to irreparable damage to the cause of Irish studies.

#### IS THERE A SOLUTION?

Seán and Jim McAuley have proposed a meeting of the Executive at which the problems would be thrashed out on the basis of documentary evidence (documents 10 & 15). Nesson Danaher has suggested a more limited meeting of five named

Executive members, together with an "honest broker" (myself or Shaun Richards) (document 13). It would probably have been much better if an Executive meeting had been called much earlier, when the first problems began to appear. Instead the Chairwoman sought to resolve matters quickly, through an *ad hoc* system of balloting Executive members. But as the weeks have gone on, the prospect of being able to resolve matters through an Executive meeting have receded. The personal bitterness reflected in much of the correspondence would determine the character of the meeting. It would be acrimonious, negative and would do further damage.

My survey of the documents convinces me that, in any case, they do not contain a solution, they only elucidate what the problem is. A full, representative, Executive meeting could not take place before the middle of January. The period between now and a meeting would be filled by further recriminations, It would delay the election and the AGM in circumstances which would be embarrassing and damaging for the BAIS.

Theoretically the Executive ought to put the matter in the hands of the members, through an AGM. But the problem of who is entitled to vote also applies to who is entitled to attend an AGM. In any case the attendance at an AGM would be profoundly unrepresentative of the membership.

The Executive must act speedily, before the situation gets any worse. The Executive must recognise:

1. That the constitution of the BAIS does not provide a basis for solving the dispute.
2. That the existing procedures for discussing and resolving the dispute cannot do so adequately or in time.
3. That special and unprecedented measures are necessary.
4. That the Executive has a responsibility to act quickly.

#### PROPOSALS

1. The first priority must be to resolve the problem of who is a member. This cannot be done by any arbitrary method such as imposing a cut-off date, or a requirement to have filled in documents not required by the constitution. It can only be done by re-registering the membership.
2. Before an election can take place the BAIS requires a revised constitution and proper election regulations.
3. The existing officers and Executive are unlikely to be able to achieve the degree of harmony and mutual understanding which will enable them to carry through the above tasks. They must be replaced by an Interim Executive, charged solely with the responsibility of carrying through the tasks in (1) and (2) above.
4. All accounts, cheque books, monies and financial records must be put in the hands of the Trustees, until such times as new officers and a new Executive are in place.
5. I propose that the members of this Interim Executive should be: Shaun Richards (Chair), Nesson Danaher, Kate Thompson, Tony Downey and Jonathon Moore.

6. They should have the power to set up working groups consisting of people who were members of the BAIS before January 1992, to draw up proposals on items (1) and (2) above, to inform their discussion and decisions.

7. They should adopt and implement the tasks in (1) and (2) above before Easter 1993.

8. They should hold an election under the terms of the new constitution and election regulations before June 1993.

9. That there should be a meeting of the present Executive before mid-February 1993, in order to receive a report from the Interim Executive, to endorse its actions and then to formally dissolve itself.

**I ask all members of the Executive to communicate with me without delay, indicating their support for, or rejection of, these proposals.**

**Bob Purdie**

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9 December 1992.

6. Circular letter from Ruth Dudley Edwards of 5 October

This comments on (1) Bob's response to her letter of 23 September; (2) Says that the positive responses from Executive members to her proposals now are "seven to two"; (3) Says that she has asked the National Reading Society to provide a staff member to supervise the membership of the Executive and to be present at the final count.

7. Circular letter from Jim McAlroy of 14 October 1992.

This explains (1) that a reason for the late dispatch of mailed papers was delay in getting an up-to-date membership list from Graham; (2) That Maureen Carter's name is not on that list and she is, therefore, ineligible to stand.

8. Circular letter from Ruth Dudley Edwards of 18 October.

She (1) gives the names of 12 Executive members who have supported her actions of involving the SRS, and of 2 who supported an independent arrangement. But

## APPENDIX

### BAIS DOCUMENTS SEPTEMBER - NOVEMBER 1992

1. Undated printed circular headed "BAIS Elections 1992" with names of Seán Hutton, Paul Stewart, Jim McAuley, Jim O'Hara & Nesson Dannaher.

This document canvasses a list of names for officer positions in the forthcoming election.

2. Printed circular of 22 September, headed "British Association for Irish Studies" with names of Graham Davis, George Watson, Valerie Smith, Tom Dooley and Tony Downey.

This also canvasses a list for officer positions.

3. Circular letter from Ruth Dudley Edwards of 23 September.

This is a letter sent by Ruth to some members of the BAIS, with whom she is personally acquainted, supporting the list of candidates in document No. 2. She also recommends some candidates who are standing for Executive positions.

4. Circular letter from Ruth Dudley Edwards of 29 September.

This explains (1) the tensions and difficulties between the officers and the reasons for the late dispatch of the ballot papers. (2) The disagreement which had arisen over the date for closure of the list of members eligible to vote, and the circumstances in which the date was set at 28 September.

5. Letter from Seán Hutton dated 1 November 1992: from its content and the context this seems to have been dispatched on 1 October.

This comments on Ruth's letter of 29 September and says: (1) that Ruth "seems to be wearing two hats", that of guardian of procedure and of campaigner for the "Davis slate." (2) That the "slate" with which he is associated was formed in response to the one created by Graham and others. (3) Explains some procedural problems in the registering of new members. (4) Comments on the bitterness created by the emergence of slates and the accusations and implied accusations which have been made about the conduct of the election. (5) Provides an appendix giving the names of members who have joined from July 1992. (6) A further appendix of Ruth's letter of 23 September about the elections [see no. 3 above].

6. Circular letter from Ruth Dudley Edwards of 6 October.

This comments on (1) Seán's response to her letter of 29 September. (2) Says that the positive responses from Executive members to her proposals now are "eleven to two". (3) Says that she has asked the Electoral reform Society to provide a staff member to sample the membership to determine the level of voting and to be present at the final count.

7. Circular letter from Jim McAuley of 14 October 1992.

This explains (1) that a reason for the late dispatch of ballot papers was delay in getting an up-to-date membership list from Graham. (2) That Maureen Carter's name is not on that list and she is, therefore, ineligible to stand.

8. Circular letter from Ruth Dudley Edwards of 22 October.

She (1) gives the names of 12 Executive members who have supported her action of involving the ERS, and of 2 who supported an independent scrutineer, but

not necessarily the ERS. (2) She explains that the ERS is carrying out a random sample of members to determine whether or not they have voted. And (3) she says that when, against her will, the membership list was kept open for another week, it was used by those who had asked for it, to recruit new members and, "ever anxious to join in any fun that is going," she had recruited members at the British Irish Association conference, However these were all people with a *bona fide* interest in Irish studies.

9. Circular letter from Seán Hutton of 22 November.

This comments on Ruth's letter of 22 October and raises "a number of related issues." It (1) repeats remarks allegedly made by Ruth about developments within the BAIS and asks for an explanation of why they have been made. (2) Asks that Ruth publish the correspondence between her and members of the Executive to clarify discrepancies in figures between her letters of 6 and 22 October. (3) Asks for publication of correspondence between Ruth and the ERS. (4) Says that there are strong grounds for calling an emergency meeting of the Executive. (5) Asks for production of dated cheques to prove eligibility of new members and candidates.

10. Circular letter from Jim McAuley of 24 November.

This places on record the problems with the election as he, the returning officer, sees them. These are (1) the eligibility of Maureen Carter and Ulrich Kockel to stand for election, (2) the eligibility to vote a a group of new members recruited by Ruth at the BIA conference. He says these problems can only be resolved internally and calls for a meeting of the Executive, to which all parties would bring relevant documentation. He further raises a potential problem about the status of the BAIS with the Charity Commissioners.

11. Circular letter from Ruth Dudley Edwards of 25 November.

This comments on some of the problems which have arisen in carrying out the election and proposes that Bob Purdie be appointed as an "honest broker" to resolve the issues.

12. Circular letter from Ruth Dudley Edwards of 26 November.

This replies to some of the points raised in Seán's letters.

13. Letter to Ruth Dudley Edwards from Nesson Danaher of 27 November.

This proposes that either Shaun Richards or Bob Purdie be appointed as an "honest broker", to meet with five named members of the Executive to try to resolve the issues.

14. Letter to Bob Purdie from Ruth Dudley Edwards of 29 November.

This gives further information about (1) the procedures agreed by Graham, Jim McAuley and Ruth for accepting new members. (2) About the circumstances of her sending off membership subscriptions she had received at the BIA conference. And (3) about Cormac O Gráda, Maureen Carter and other individuals membership applications and sending of ballot papers.

15. Letter to Ruth Dudley Edwards from Seán Hutton of 2 December.

This comments on her letter of 25 November. It (1) complains of double standards in having external validation for the election but having a person (Bob Purdie), who has an interest in the outcome of the election acting as an "honest broker". (2) Reiterates his demand for a meeting of the Executive.



16. Copy of a letter from Graham Davis to Jim McAuley of 6 November.

This explains that the names of Maureen Carter and Ullrich Kockel, together with those of six other members, had been omitted by error from his original list. It also deals with problems of ballot papers, the eligibility of new members and the date of the AGM.

17. Copy of an undated handwritten note from Cormac O Gráda, asking to be enrolled as a member of the Association.

18. Copy of a membership application form, filled in and signed by Dr. Ullrich Kockel and dated 10 September 1992.

19. Copies of two handwritten letters from Ruth Dudley Edwards to Graham Davis, giving names of people whose membership subscriptions she had taken at the BIA Conference. Both are undated, but one is headed, "Exeter College, Oxford, Friday."