Governance and Legal Unit

Labour Party, 20 Rushworth Street, London, SE1 0SS Labour Central, Kings Manor, Newcastle NE1 6PA 0345 092 2299 | https://labour.org.uk/contact

Mr Mike Cushman,



By Email Only:

Tuesday, 30 January 2024

Membership: A044272

Case Reference: CAS-01489-Q9G4R

Dear Mr Cushman,

Notice of Allegation

As set out in our letter of 02 August 2023 the Labour Party (**the Party**) has received an allegation that you have committed a Prohibited Act contrary to the provisions of Chapter 2, Clause I.5 of the Labour Party Rule Book (**the Rule Book**).

Chapter 2, Clause I.5.B.v of the Rule Book provides that the following constitutes a Prohibited Act:

Possessing membership of, providing financial assistance to, sitting on the ruling body of or <u>otherwise</u> supporting (as may be defined by the NEC) any political organisation that the NEC in its absolute discretion shall declare to be inimical with the aims and values of the Party. [emphasis added]

In your response of 3 August 2023 you state "I am not and never have been a member of [Labour Against the Witchhunt or Resist]". Having reviewed the evidence we have better particularised the allegation, as set out below, to make it clearer the different incidents which could constitute support of Labour Against the Withchunt if proven on the balance of probabilities.

Allegation 1: Support for Labour Against the Witchhunt, 2018 to 2021

Between 2018 and 2021 Mike Cushman supported Labour Against the Witchhunt in breach of Chapter 2, Clause I.5.B.v of the Labour Party Rule Book by:

- a) On 30 March 2018, signing a petition organised by Labour Against the Witchhunt. ¹
- b) On 15 May 2018, speaking at launch in London organised by Labour Against the Witchhunt and others²
- c) On 24 September 2019, speaking at the Labour Against the Witchhunt Fringe Meeting outside of the Labour Party Conference. ³

² Exhibits 2 and 3

¹ Exhibit 1

³ Exhibits 4, 5 and 6

- d) On 14 January 2020, signing a petition co-sponsored by Labour Against the Witchhunt. 4
- e) On 20 July 2021, speaking at a lobby of Labour Party HQ organised by Labour Against the Witchhunt and others. ⁵
- f) On 28 September 2021, speaking at the "RESIST! event which was organised by Labour Against the Witchhunt and others. ⁶

You have the right to make further written representations in response to this amended allegation within 14 days of the date at the top of this letter.

Please submit any representations you may wish to make in response to the allegation either by email to <u>disputes@labour.org.uk</u> or by post to Disputes Team, Labour Party, 20 Rushworth Street, London, SE1 OSS. Please quote case reference CAS-01489-Q9G4R in all correspondence pertaining to this matter.

In accordance with the Rule Book, the General Secretary will then convene a panel of at least three members of the National Executive Committee (**the NEC**) to consider the allegation (**the NEC Panel**).

The NEC Panel will also consider any representations submitted to the Party in your defence within 14 days of the date at the top of the letter. In its absolute discretion, the NEC Panel may consider any representations that you submit after that 14 day period, but you should be aware that the NEC Panel is not obliged to do so.

The NEC Panel shall consider all the relevant evidence available to it and will make a finding (or findings) of fact as to whether, on a balance of probabilities, you have committed a Prohibited Act. The NEC Panel shall give prompt notice of its findings to the General Secretary, and you will then be subsequently notified of the NEC Panel's decision.

Should the NEC Panel make a finding that you have committed a Prohibited Act, you shall cease to be eligible for membership of the Party and your membership shall terminate with immediate effect.

The email address that we will be corresponding with during the course of this process is mike@mikecushman.co.uk. If this email address is incorrect, please call 0345 092 2299 to update it.

Confidentiality

The Party's investigation process operates confidentially. This is crucial to ensure fairness to you and the complainant, to maintain the integrity of the investigation, and to protect the rights of all concerned under the Data Protection Act 2018.

You must keep all information and correspondence relating to this investigation private. You may not share it with unauthorised third parties or the media. You may not share it on social media.

However, you may disclose the above information for the purpose of and in order to obtain legal advice, medical support, social support, or support from close family members or trade unions.

If you fail to maintain confidentiality in this investigation, the Party reserves the right to take further disciplinary action to protect confidentiality pursuant to Chapter 2, Clause I.11 of the Rule Book and the Code of Conduct: Confidentiality and Privacy.

⁴ Exhibit 7

⁵ Exhibits 8, 9 and 10

⁶ Exhibits 11, 12 and 13

You can find more information about your rights and responsibilities with respect to the confidentiality of the investigation at https://labour.org.uk/members/my-welfare/rules-and-codes-of-conduct/labours-confidentiality-and-privacy-policy/

<u>Support</u>

You can find details of organisations who can offer support for your health and wellbeing at https://labour.org.uk/complaints/#support

If you have questions about the investigation process, please contact the Disputes Team, whose details are included in this letter.

Yours Sincerely, **Disputes Team**Governance and Legal Unit
The Labour Party

c.c. London Labour

Exhibit 1 - Change.org Petition of 30 March 2018

Source: https://www.change.org/p/labour-against-the-witchhunt-anti-semitism-open-letter-to-jeremycorbyn-and-the-left-on-the-nec

change.org

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Petition details Comments

Anti-Semitism: Open letter to Jeremy Corbyn and the left on the NEC



Petition to

30 March 2018

Jeremy Corbyn (Leader of Labour Party)

Why this petition matters



Started by Labour Against the Witchhunt

Open letter to Jeremy Corbyn and the left on the NEC

As socialist members and Labour Party supporters, we are firm opponents of all forms of racism, fascism, anti-Semitism, Islamophobia and all other kinds of oppression. Many of us have been actively campaigning against them for many years, often alongside you, John McDonnell and other comrades.

We know anti-Semitism exists in society and needs to be combatted. But we are seriously worried about the current climate in the Labour Party, where any criticism of the actions of the state of Israel is now immediately conflated with anti-Semitism. But anti-Zionism does not equal anti-Semitism.

What we are seeing is a cynical alliance between those who wish to deflect criticism of Israel and Zionism, and the right-wing in the Labour Party and the news media, who oppose your wider politics. They are thereby undermining genuine anti-racism and opposition to anti-Semitism. Their real target is you, because they oppose



both your record of internationalism, in particular your lifelong support for the rights of the Palestinians, and your commitment to socialism. That is what the few bitterly oppose: the many gaining power.

In the last two years, more than 300,000 people have joined the Labour Party to support your progressive politics. Not all of them will have much experience of, for example, recognising anti-Semitic tropes. We believe the best way to combat any such naivety, lack of knowledge or problematic choices of words among Labour's membership is through open debate and discussion. It is the sort of political education that has been lacking in Labour, a party that prides itself on fighting prejudice and discrimination and championing social justice.

Yet we are witnessing the development of the opposite to open and frank debate. There is now a chilling culture of fear, self-censorship, of members afraid to openly ask questions and learn, particularly on social media. We have seen many good Corbyn-supporting comrades being thrown to the wolves of the Tory Party and their supporters in the mainstream media. They are publicly smeared as Holocaust deniers, anti-Semites, racists – and have no way of fighting back against such vile accusations. These types of smears have ruined lives. Labour's broken disciplinary procedure, that voices on all sides now accept is not fit for purpose, has actually resulted in suicides.

We therefore welcome your direction to the new Labour general secretary to at last implement the recommendations of the 2016 Shami Chakrabarti report about the party's disciplinary procedures, based on natural justice and due process. As socialists we insist on our right to continue to publicly and sharply criticise the actions of a state that brutally oppresses Palestinians and black migrants. If we stop doing this, we stop being socialists.

We also believe that the Party should thoroughly investigate the attempts instigated by an Israeli agent to infiltrate and subvert the Party, as revealed in the January 2017 Al-Jazeera exposé

(http://www.aljazeera.com/investigations/thelobby/ and we note that you called for an enquiry into the activities of the embassy officer who was caught discussing a plot to "take down" British politicians.

The right-wing in the party will demand more and more scalps. But the history of appeasement in politics teaches us they will never be satisfied. Capitulation to their

have enough suspensions, enough expulsions, enough compromised principles, including your lifelong support for the rights of the Palestinians.

We pledge to mobilise with comrades of all faiths and none to end the attacks against the Labour left, which daily damages the party's effectiveness in helping those people most harmed by the austerity and cuts-obsessed Conservative government. We hope you will give your support.

Initial signatories include:

Moshé Machover, Israeli socialist and co-founder of Matzpen

Jackie Walker, chair of Labour Against the Witchhunt (and ex vice-chair of Momentum)

Noam Chomsky, author

Asa Winstanley, investigative journalist

Mick Brooks, political secretary, Labour Representation Committee

Deborah Hobson and Hassan Ahmed, co-chairs

Grassroots Black Left

Mike Cushman, chair Free Speech on Israel

Lee Rock, Sheffield Labour Left List

Graham Bash

Pete Firmin

Suzanne Gannon

Ian Malcolm-Walker

Keith Henderson

Louise Reecejones

Patrick Hall

Chris Knight

Join Labour Against the Witchhunt:

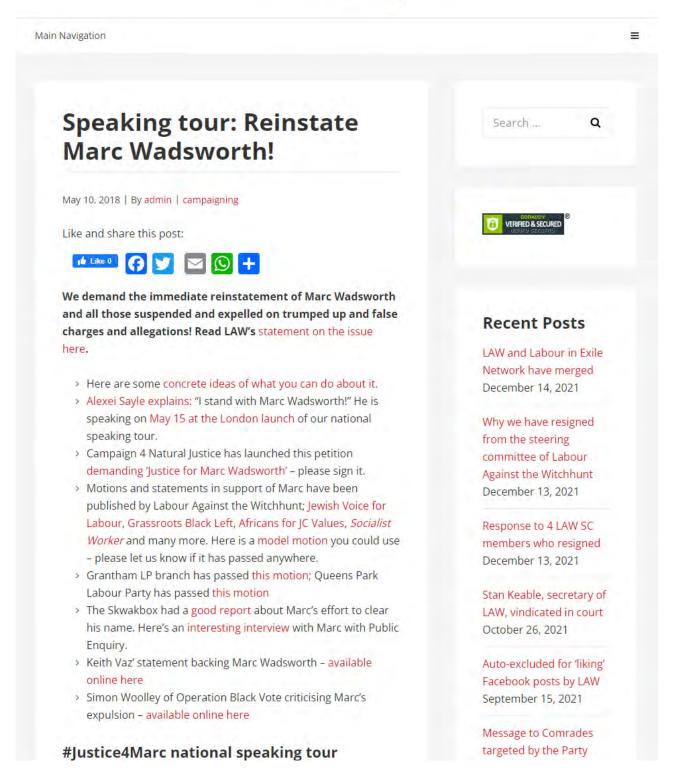
http://www.labouragainstthewitchhunt.org/contact/

Report a policy violation

Exhibit 2 - LAW Article of 10 May 2018

Source: https://www.labouragainstthewitchhunt.org/campaigns/justice4marc-national-speaking-tour-from-may-15/





LAW, Jewish Voice for Labour, the Labour Representation Committee and Grassroots Black Left are sponsoring a national speaking tour with Marc Wadsworth. The dates:

Tuesday May 15, 6.30pm: London

with Marc Wadsworth, Alexei Sayle, Jackie Walker, Mike Cushman (Jewish Voice for Labour), Moshé Machover, Angela Nubia (Genesis Radio) and Glenroy Watson (ex-president RMT). Chair: Deborah Hobson (Grassroots Black Left) Indian YMCA, Games Room, 41 Fitzroy Square, London W1T 6AQ – Facebook event here. following the NEC decision to proscribe LAW and LIEN September 9, 2021

Stay and fight: A strategy for the next few months September 6, 2021

Labour Party conference 2021 – what's going on? August 30, 2021

Exhibit 3 - LAW Article of 17 May 2018

Source: https://www.labouragainstthewitchhunt.org/campaigns/justice4marc-launch-in-london-spotted-hyenas-and-labour-right/



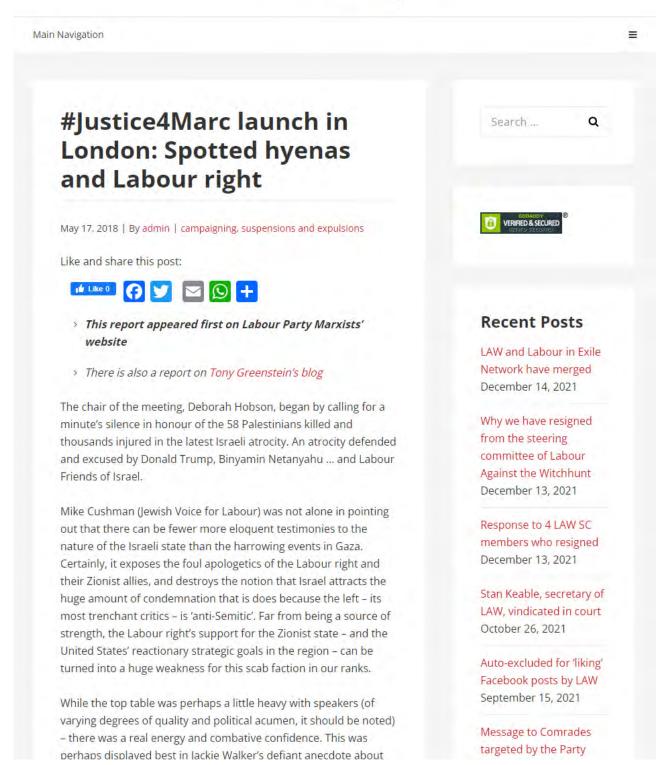


Exhibit 4 - Facebook Post of 24 September 2019

Source:

https://www.facebook.com/Labouragainstthewitchhunt/posts/pfbid02LkFnF4gNM4UP3w7W7hsAE7s1yzMFFGrMp16LMw8V3fkZMnEYiSyeyTQgQQJmtCEpl



TONIGHT: LAW fringe meeting with Ken Livingstone, Chris Williamson MP, Jackie Walker, Asa Winstanley, Mike Cushman and others.

Meet 6.30PM OUTSIDE COSTA COFFEE next to Brighton Centre (please note that Ben & Jerry's has closed down - clearly they're part of the witch-hunt;-))



Exhibit 5 - Facebook Video of 24 September 2019

Source: https://www.facebook.com/watch/live/?ref=watch_permalink&v=755166518267664



Exhibit 6 - Tweet of 25 September 2019

Source: https://twitter.com/law_witchhunt/status/1176771986418278403



Labour Against The Witchhunt

@LAW_witchhunt

Absolutely fantastic meeting last night: over 200 people packed into our fringe event to discuss with Ken Livingstone, @Jackiew80333500, @DerbyChrisW, @AsaWinstanley, Mike Cushman and Roger Silverman how we can organise against the witch-hunt. Video: bit.ly/2lp9Ct4



9:14 AM · Sep 25, 2019

26 Reposts 2 Quotes 58 Likes 2 Bookmarks

Exhibit 7 - Facebook Post of 14 January 2020

Source:

https://www.facebook.com/Labouragainstthewitchhunt/posts/pfbid0QmdzmPSuhp6n1eZ2rHqmm5qyCtszRjB3PmHp2A1SBb1ZqKPoiZi3iNR4Q5LenxErl



PLEASE SIGN AND SHARE: LAW is very happy to co-sponsor this petition, urging Rebecca Long-Bailey to distance herself from the Board of Deputies' '10 Pledges'. The letter has also been signed by Moshé Machover, Leah Levane, Alexei Sayle, Jackie Walker, Glyn Secker, Cllr Jo Bird, Asa Winstanley, Roland Rance, Cllr Sam Gorst, Mike Cushman, Graham Bash, John Dunn, Cllr Pam Bromley and many others.

Dear Rebecca (rebecca.longbailey.mp@parliament.uk)

We call on you to reject the Board of Deputies' 10 Pledges!

We address this letter to you, because, unlike Keir Starmer, you state that you intend to "stay true" to Jeremy Corbyn's "radical socialist vision".

The Board of Deputies (BoD) is not the representative body for the majority of Jews in Britain, many of whom are very critical of the actions of the state of Israel – unlike the BoD. The BoD is a pro-Israel organisation. It claims, for instance, that the Palestinians in Gaza are "using its civilians – including children – as pawns" in their fight against Israeli occupation and oppression.

The BoD have supported every war, every attack launched by Israel. The BoD is not a neutral body, but one with an evident political agenda: to attack, weaken and destroy any opposition to the systematic and brutal oppression of the Palestinians by the Israeli government. The BoD encourages the conflation of criticism of the Israeli government (anti-Zionism), with antisemitism (hatred of Jews).

The BoD, and its individual officers, have maintained open hostility to Labour since Corbyn took leadership of the party. They organised the 'Enough' is Enough' demonstration outside parliament in March 2018, which was clearly aimed at weakening and attacking Jeremy Corbyn.

We believe that the BoD's '10 Pledges' are an outrageous political interference by an organisation that is overtly hostile to today's Labour Party and everything it stands for. If implemented, these policies would for example, result in the suspensions and expulsions of the thousands of Labour members who have stood in open solidarity with those wrongly accused of antisemitism, including Chris Williamson, Jackie Walker, Ken Livingstone and Marc Wadsworth.

Solidarity is surely what the Labour Party stands for? If implemented, the pledges would create an atmosphere of fear, distrust and self-censorship. Is that really the kind of party you want Labour to become?

Also, it is not for the leader of the Labour Party, or candidates aspiring to be the leader, to commit themselves to such pledges. The policies and rules of the Labour Party are determined by the members of the party via annual conference. By agreeing to these pledges, you are at risk of undermining of our democratic processes.

We believe you are on a very dangerous path. Please turn around while you still can. We ask you to reject the '10 pledges' and stand with us – for the democratic transformation of the Labour Party into a vehicle for positive change, free speech and open debate.

We reject all of the '10 pledges', in particular:

Pledge 2: This pledge calls for the disciplinary process to be run by an "independent provider". No, Labour party members should be judged by their peers only, not by outside agencies with their own political agenda.

Pledge 3: This would hand over confidential details of ongoing disciplinary cases to "Jewish representative bodies". Which "bodies"? Of course the BoD chiefly mean themselves, because in pledge 8 they reject any engagement with what they call "fringe organisations and individuals", by which they include principled, non-Zionist organisations like Jewish Voice for Labour.

Pledge 4: This would impose a lifetime ban from membership for what the BoD refers to as "repeat offenders, such as Ken Livingstone or Jackie Walker." However, Ken Livingstone resigned his membership; whereas Jackie was not found guilty of antisemitism, but "bringing the party into disrepute". Clearly, neither of them has said or done anything antisemitic (defined as "hatred of Jews"). Not only is this crass harassment of two individuals who have fought against racism for their entire life, it allows an anti-Labour organisation to decide who should or should not be a member of our party.

Exhibit 8 - Facebook Post of 19 July 2021

Source:

https://www.facebook.com/Labouragainstthewitchhunt/posts/pfbid02ZLm9pi6rDAt81vaXY5LN5KJN3K5okBsdOL7UvdTFb8piGdEXDrN4qKLtRicku378l



Exhibit 9 - YouTube Video of 21 July 2021

Source: https://www.youtube.com/watch?v=g3|WgMA2UmU



Highlights from July 20 Labour protest: No bans, no proscriptions - we need justice and democracy!



Exhibit 10 - Facebook Post of 20 July 2021

Source:

https://www.facebook.com/Labouragainstthewitchhunt/posts/pfbid0jZ1WEzvpC1dhbQEMkpuWc5dd9u9vSE7gi6DWwaNTX1ncKAeanS9DiD3szMhBJh1jl

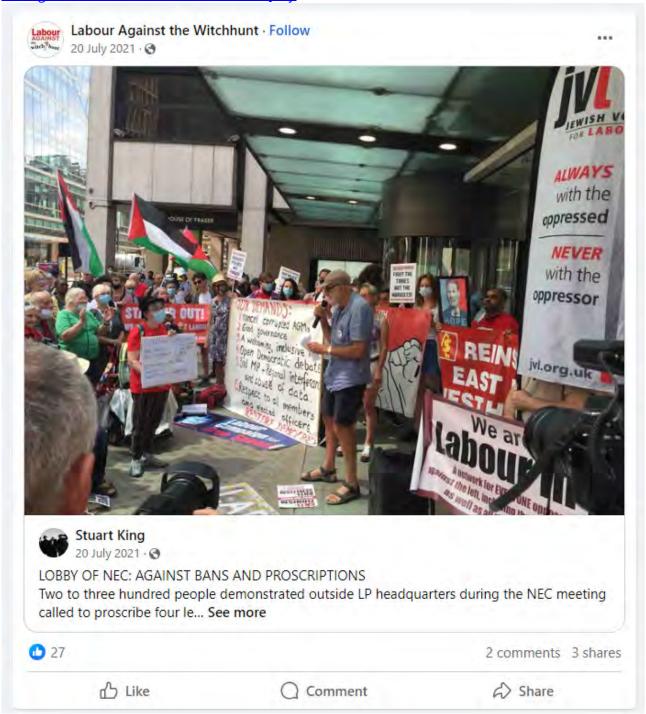


Exhibit 11 - Facebook Video of 28 September 2021

Source:

https://www.facebook.com/Labouragainstthewitchhunt/posts/pfbid0dvgxRRnEDmCsFUsMEoFyRGwKS <u>Uo1zc1EiXFH8TTuaEHK8mcHp34NvgnwWYweTgaXl</u>



Tuesday, September 28

Time: Ham

Title: The threat to academic freedom



Professor Moshe Machover via Zporn Moshe is a mathematician, philosopher and socialist activist. He was founder in Israel in 1962 of Matzpen, the revolutionary socialist and anti-Zionist organisation.

Mike Cushman

Mike has been engaged for 20 years in Jewish support groups for Palestinian rights and the Boycott, Divestment and Sanctions (BDS). He is chair of Free Speech on Israel

Kevin Bean

Kevin is lecturer in Irish politics at the iristitute of Irish Studies, University of Liverpool. His interests include Provisional republicanism, state counter-insurgency strategies, and the development of nationalism in Europe

Other speakers will include Ghada Karmi via Zoom.

Title: Weaponisation of racism

Jackie Walker @Jackiew80333500



Tony Greenstein

Tony was the first Jewish person to be expelled from the Labour Party in the anti-Corbyn witchhurt. A veteran Jewish anti-Zionist he has written for many publications including Guardian Comments is Free. Tribune, Weekly Worklir, Electronic intifada and Mondoweiss.

facebook.com/theresistevent

Title: The Palestinian resistance – and the need for international solidarity

Huda Ammori @HudaAn



Huda is a British Palestinian and is co-founder of the solidarity group, Palestine Action, which launched at the end of July 2020.

Natalie Strecker @NatalieSt

Natalie is a social rights activist, campaigner, and writer based in the Channel Islands. She served as a Human Rights Monitor in Hebron in 2018.

Asa Winstanley MASaWin

Ass is an investigative journalist who writes about Palestine and the Middle East. He writes for the Palestinian news site The Electronic Intilada and has a weekly column for the Middle East Monitor.

Issa Amro vio Zoom @lissamiro

issa is a human rights defender convicted in the Israeli Military Court on six counts of what Amn International described as "baseless" charges.

Title: Not the Forde Inquiry II Dorothy Walker



Dorothy was born in Jamaica in 1914. She won a scholarship to study Medicine at Howard University, Washington, where she became a Civil Rights activist.

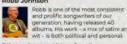
Graham Bash

Graham is an editorial board member of Labour Briefing, political officer Jewish Voice for Labour, and political secretary of the Labour Representation Committee

Paddy trained at the Academy of Creative Training in Brighton. He has appeared frequently on stage, television, and radio.

Time: 9pm Cultural event

Robb Johnson



Other performers to be confirmed.

Exhibit 12 - Facebook Video of 28 September 2021

Source:

https://www.facebook.com/Labouragainstthewitchhunt/posts/pfbid0dvgxRRnEDmCsFUsMEoFyRGwKS Uo1zc1EiXFH8TTuaEHK8mcHp34NvgnwWYweTqaXl

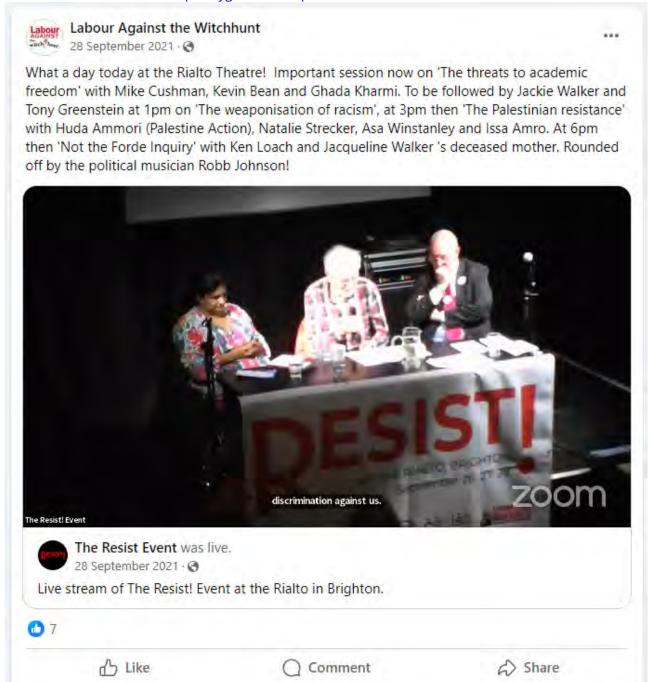


Exhibit 13 - LAW Article of 27 May 2021

Source: https://www.labouragainstthewitchhunt.org/campaigns/resist-at-labour-party-conference-2021/



