

Discussion on possible use of Troops in aid of the Civil Power arising out of disturbances in Belfast on 2nd-3rd August, 1969

Following a Cabinet Meeting held during the afternoon of Sunday, 3rd August, 1969, I spoke to Mr. North of the Home Office to let him know (in fulfilment of our obligation to consult in advance on an inter-Governmental basis) that we might be approaching the point when, with continuing disorder in Belfast, the police might no longer be able to contain the situation and we would have to seek help from the Army. I asked that Her Majesty's Government should be alerted to this possibility so that any necessary prior approvals could be obtained.

Later that evening I was told by Mr. North that Her Majesty's Government were not prepared to give any prior approval in principle, that this decision had been taken in the light of an up-to-the minute assessment by the General Officer Commanding which suggested the police were confident they could cope with the situation overnight on their own resources, and that on the basis of this more optimistic appraisal it would be better if our request for "prior approval" were to be regarded as withdrawn so that the General Officer Commanding would not be inhibited (by the existence of a negative response) in the exercise of his common law responsibility, which could not of course be diminished or superseded, to give any necessary aid to the civil power that might be required to effect the restoration of public order.

At the same time I was told that in view of the serious constitutional consequences of the use of troops, which had been mentioned at the Downing Street meetings, it would be advisable for Northern Ireland to endure a quite considerable degree of disorder before invoking military assistance. I suggested that it was time we knew precisely what these "constitutional consequences" were and Mr. North said he hoped it would be possible to be more specific on this topic in the morning.

From subsequent discussion with the Minister of Home Affairs and the City Commissioner of Police it became clear that the police were by no means prepared to go along with the General Officer Commanding's optimistic assessment of their ability to remain in control of events overnight. It was pointed out to Mr. North that the response by his Ministers had been based on false information but that, nevertheless, in view of what had been explained about the General Officer Commanding's common law obligation we were prepared to regard our request as withdrawn.

On Monday morning, 4th August, Mr. North telephoned me to say

He now had authority to spell out the constitutional aspects of the use of troops to maintain law and order in Northern Ireland. Her Majesty's Government had willingly acquiesced in the employment of troops for guarding key-points following damage by explosives to water mains, but it had been made clear at the time that any extension of these duties to riot or crowd control tasks would require prior discussion between the two Governments. In the event of troops having to undertake these duties they could clearly not be placed under the orders of the Northern Ireland Government. It was, in addition, the Home Secretary's view that it would be necessary for Her Majesty's Government to consider whether drastic action involving legislation at Westminster might not have to be taken to provide for temporary direct rule from Whitehall. Mr. North went on to say that he was now able to tell me that the previous evening the General Officer Commanding had been informed that if in fulfilment of his common law responsibility to give aid to the civil power he decided to put troops on the streets he might by that action be committing the United Kingdom Government to take over the Government of Northern Ireland. It was emphasised to me that these views did not represent decisions which would necessarily be taken by Her Majesty's Government but indicated rather the kind of matter which would come under immediate consideration by the British Cabinet once troops were employed on law and order functions. It was thought that Parliament would certainly have to be given an opportunity of debating the use of troops and for this purpose would have to be recalled if in recess.

To all this I felt it necessary to express my astonishment that such penal consequences could be in contemplation, that it had never occurred to us that the veiled hints at the Downing Street meetings about "review of the constitutional relationship" had ever meant more than the possible removal of responsibility for law and order - an extreme enough course in all conscience - and that our Ministers were bound to react vigorously against this attitude. Other points were made which were later elaborated and strengthened when I went to see Mr. North and Sir Philip Allen in London next day, Tuesday, 5th August.

In a lengthy discussion at the Home Office on the following day, Tuesday, 5th August, I made it clear to Sir Philip Allen and Mr. North that -

- (1) it was extremely unwise and potentially dangerous to impose such constraints upon the Northern Ireland Government that they would delay a call for the intervention of troops up to and indeed beyond the last extremity; there could well be many situations

in which limited intervention - limited, that is, in both numbers, time and area - could prevent escalation to the point of anarchy, by which time it might require much greater forces to restore order;

- (2) what Her Majesty's Government were in fact saying to the Northern Ireland Government was that at the point where intervention was clearly needed they should pause and consider whether they were prepared to seek that intervention when one of the consequences would be their own demise;
- (3) clearly in such a situation the Northern Ireland Government would be bound to consider every other course open to them, including the putting of armed Specials on the streets - with all the implications that that might carry for a deepening of the sectarian conflict (and even for the possibility of an invasion from the Republic which the Home Office officials pointed out might also be an unavoidable consequence);
- (4) if disorders tended to continue and increase the Northern Ireland Government, in the absence of military intervention, would soon be called to explain why they were hesitating and they might have no option but to spell out the true situation, which would have to include an account of the very severe restrictions imposed upon their freedom of action by London -
 - (a) in the use of C.S. smoke;
 - (b) in the use of the Special Constabulary; and
 - (c) in the constitutional consequences which could follow a request for Army help;
- (5) this situation was totally unacceptable to the Northern Ireland Government, whose Prime Minister would want immediate talks with the Home Secretary;
- (6) the United Kingdom authorities should consider the situation that might well arise if in fact they did decide to exercise direct rule from Whitehall. There would first of all be a frightening reaction by the Protestant community which could make anything that had happened up to now seem like child's play; a provisional Government might be set up with extreme elements at its head and it was highly probable that wholesale sectarian strife would break out not only in the streets but in the factories;

- (7) United Kingdom authorities should also consider what the reaction of responsible Roman Catholic opinion would be, which, while it might initially in some quarters be favourable, could not be other than appalled at the consequences;
- (8) the action proposed by Her Majesty's Government was surely only proper in the case of a recalcitrant and intractable Government which was resisting desirable reforms. There was no ground for thinking that the present administration would wish to be other than entirely reasonable in taking any political course that might be open to them to ease the present situation; there could, of course, be no surrender to sectarian hooliganism, which was all that was afflicting the Northern Ireland scene at the moment. The present administration in Northern Ireland far from being reactionary had embarked upon every reform suggested to them by London and were completely committed to the implementation of these reforms.
- (9) the United Kingdom authorities should be in no doubt whatever that in the Northern Ireland view the suspension of a democratically-elected Government would lead to a major constitutional convulsion and the repercussions in terms of violence and civil strife would be very grave indeed.

Subsequently, in a discussion dealing with the possibility of a compromise arrangement, I said that the course we would most like to see would be a reversion to the normal arrangement, applicable to other parts of the Kingdom, of the Army being available for aid to the civil power in accordance with the accepted common law doctrine governing this matter and ~~in~~ ^{out} without any political constraints of the kind already suggested. I was told that the United Kingdom Ministers would not be prepared to accept this. In the course of further discussion we arrived at a point where the Home Office officials indicated their readiness to put to the Home Secretary a proposal for the issue of a letter by him to the Northern Ireland Prime Minister in which he would outline the common law position governing the intervention of the military in aid of the civil power, mention the recognition by Her Majesty's Government of the commendable attitude of the Northern Ireland Government in not wishing to call upon military help save in extreme necessity, then go on to indicate the readiness of Her Majesty's Government to respond to any request which the Government of Northern Ireland might make for

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the help of troops; the letter would conclude with a reference to the gravity of this step and the need to explain to the Westminster Parliament the circumstances under which it had been taken and would then say that it would be essential, once troops had taken part in peace-preservation functions, for the two Governments to meet for an urgent and immediate examination of the situation and to assess what future course of action should be adopted. It was to be understood, of course, that in this joint consultation the possibility of a takeover by Westminster of the functions of the Northern Ireland Government could not be excluded. The Home Office officials agreed that the ultimate sanction which this would involve was a rather remote possibility in practical terms but they felt that their Ministers would be bound to regard it as impossible to exclude from consideration.

The following day, Wednesday, 6th August, it became apparent from speculation in the Press, particularly in an article in the Financial Times, that authoritative guidance had been given to journalists about the circumstances in which Northern Ireland could expect to be given military help. As a result of this disclosure of considerations which had been put to us in the utmost confidentiality and which were liable now that they had been brought out into the open to become a matter of acute controversy, Major Chichester-Clark thought it necessary to speak on the telephone to the Home Secretary at the latter's farm in Kent. The Prime Minister has recorded the sense of this and a subsequent exchange on the telephone with Mr. Callaghan; it was later decided that the Northern Ireland viewpoint should be put in writing to the Home Secretary so that there should be no reason for misunderstanding ~~with~~ the grave consequences of a radical change in the existing constitutional relationship between the two Governments. This letter was sent to the Home Secretary on 6th August.

On the evening of 6th August I felt it necessary to enter a protest to the Home Office on the apparent disclosure of confidential matters under discussion between the two Governments just a day after these considerations had been spelt out to me as Top Secret and for the information of Northern Ireland Ministers only.

WBS

7th August, 1969.