

CIVIL DISOBEDIENCE

Counter-measures proposed by the Ministry of Health and Social Services

1. As yet the Civil Disobedience campaign has neither a clear focus of control nor a clearly formulated strategy or objective. Tactics are random and seem to be dependant mainly on local initiatives. Some attempt must be expected, however, especially on the part of members of the rump "Parliament" in Londonderry with the help of the Government of the Republic, to define and give cohesion to the campaign. Civil disobedience, as viewed from this standpoint by Mr. Hume and his associates, is likely to cover -
  - (a) withdrawal from all institutions of civil administration - Parliament, statutory bodies, local government, etc.;
  - (b). non-payment of rent, rates, gas, electricity, water and telephone accounts to public authorities;but to stop short of any form of violence, industrial action or sanctions against private firms or individuals.
2. This will not satisfy the gunmen, nor is it likely to command the allegiance of the extreme left-wing dissidents. The latter are already meddling in industry, not without minor success, by calling for strikes and other forms of industrial action. Their aim is presumably to destroy the whole social fabric by non-violent methods as the prelude to the creation of a "Socialist Republic". The I.R.A. can be relied upon to exploit any opportunity created by the other elements. It remains to be seen which faction, if any, will gain the upper hand in directing the campaign. The most realistic assumption is that there will be divided control in the leadership, and some confusion among the followers both as to aims and methods.
3. The Government's tactical response to the campaign will therefore depend partly on the way it develops and the amount of support it receives. The first step, however, is to settle the Government's broad strategy for countering the campaign, so that tactics will be mutually consistent and mutually supporting.
4. It is suggested that the Government's strategic aims should be:
  - (a) To maintain all basic services, especially supplies of food, fuel, water, etc. and, in addition, the full range of essential social services - health, education, welfare and other such.

(It is important to preserve as far as possible an atmosphere of normality to encourage the law abiding, discourage the subversive and project a satisfactory image abroad.)

(b) In so far as the campaign assumes a non-violent form - e.g. a rent and rates strike, or withdrawal of labour - to defeat its purpose by the simplest and most direct methods available but without recourse to overtly or excessively punitive measures, especially measures directed against the old, the needy, the sick and the (genuinely) unemployed.

(c) In so far as the campaign assumes a violent form - e.g. industrial or other sabotage - to oppose it with the utmost rigour.

5. Measures under 4(c) above are not for this Ministry but for the security forces and the Ministry of Home Affairs. This Ministry is, however, directly involved in 4(a) and (b). The following paragraphs summarise its present assessment of the position under the two latter heads and its proposals for counter-action.

#### Maintenance of Essential Services

6. It is not thought that any serious threat exists, or is likely to develop, against the health and social welfare services. The withdrawal of minority representatives from the membership of bodies like the Hospitals Authority, Hospital Management Committees, the General Health Services Board, local Health and Welfare Committees, or the Supplementary Benefits Commission, while regrettable, would not impair the efficiency of such services. Any major withdrawal of labour by doctors, nurses, social workers and other members of the caring professions is highly improbable in present or foreseeable circumstances. Further, there is no reason to doubt the loyalty of the Ministry's own staff on whom the administration of headquarters and local office services depends. For these reasons the Ministry sees no need at present for specific steps to safeguard the maintenance of the essential services for which it is responsible.

#### Non-Payment of Rent, Rates, etc.

7. The Judgements (Enforcement) Act (N.I.), 1969, provides machinery for the collection of debts by means of Instalment Orders or Attachment of Earnings Orders. The procedure under the Act, however, is too slow and cumbersome to deter strikers or frustrate the purpose of the campaign.

Even if - as is proposed in the Appendix to this memorandum - the Act were radically streamlined and the resources of the Office for the Enforcement of Judgements were greatly strengthened, this in itself would be unlikely to provide an effective answer, since the full co-operation of employers would be required to apply numerous individual Attachment of Earnings Orders and this may not be forthcoming or if forthcoming might precipitate industrial action against the employers concerned.

8. There would be great merit, however, in extending the provisions of the Act (suitably streamlined) to cover social security payments in general and place this Ministry in the position of an "employer" in relation to beneficiaries. Provided effective liaison were established between the Ministry, housing authorities and other public agencies involved, it would then be feasible for the Ministry to deduct from social security payments the amounts due from strikers to such bodies and thus largely to nullify the affects of the strike.
9. Details of these proposals are set out in the attached Appendix. It should be noted that they deal only with action against public authorities, not private persons. But even within this field their coverage would not be complete. Strikers not in receipt of social security payments - e.g. families with incomes above the Family Income Supplement/Supplementary Benefit level with only one child or children above the qualifying age for family allowances - would escape the net. It would therefore be necessary to apply to such persons the proposed streamlined procedures under the Judgement (Enforcement) Act through the Office for the Enforcement of Judgements. Such a step would be required on grounds of equity (to counter criticism that the Government was acting only against the most vulnerable section of the community while allowing those outside the ambit of the social security system to escape scot-free) as well as of effectiveness (to ensure complete coverage). Nevertheless, it is thought that the majority of strikers would be caught in the social security net, and the burden likely to fall on the Office for the Enforcement of Judgements or on private employers in co-operating with the Office would be relatively light.
10. Implementation of these proposals would be dependant on the following prior steps -
  - (a). The early passage of emergency legislation to streamline the Judgements (Enforcement) Act, to make social security payments

amenable to its provisions, to suspend appellate machinery under social security legislation and for other consequential purposes or foreseeable contingencies such as the curtailment of normal social security benefits in the event of widespread industrial action of a subversive nature.

It is suggested that carriage of such legislation should rest with the Ministry of Home Affairs and that it might take the form of a simple, wide-ranging measure which would enable Departments to amend their legislative codes by Order or Regulation. The Act might be given a life of 12 months, subject to renewal under the Expiring Laws (Continuance) Act if civil disobedience were prolonged.

- (b) The working out of detailed administrative procedures within the Department and the allocation of whatever additional resources of manpower might be needed by the Department to undertake this new commitment without detriment to its normal functions. The Department would expect unstinting co-operation from C.S.M.D., the Stationery Office etc. in these matters.
- (c) Early consultations with the Ministry of Development, housing authorities and other public bodies concerned to ensure prompt notification to the Department of all material particulars concerning strikers and their debts.
- (d) Consultation with employers and trade unions to secure their support for Government policy generally and their co-operation in the private sector (see Paragraph 9 above) in particular.
- (e) Consultation with the Home Office and the Department of Health and Social Security in London - with the former on general political grounds and with the latter on social security in particular since there is a single, interlocking system of social security throughout the United Kingdom.

The steps at (b) to (e) above could be set in train immediately and completed within a few weeks from the date of decision. Parliament might have to be recalled in, say, the second half of September to pass the necessary emergency legislation under (a).

- 11. The proposals in this memorandum, as amplified in the Appendix, are

accordingly submitted to the Emergency Committee for early consideration and transmission, if approved, to the Cabinet Sub-Committee.

Industrial Action

12. It remains only to add a footnote on this subject. The Department is maintaining close contact with the N.I.C. of I.C.T.U. on the industrial aspects generally of the present unrest. The N.I.C., with the support of I.C.T.U., has made several appeals to trade-unionists to follow the guidance of the official trade union movement and ignore appeals from any other quarter for industrial action. The Department strongly supports the N.I.C. in this line and is urging the Committee to make its appeals as effective as possible at local level.
13. The response generally to the Committee's appeals has been encouraging, despite some transitory failures in the Western parts of the Province. It is vital in the present delicate situation that no action should be taken, or statements made by other Departments which would cut across the Committee's line, usurp its functions, or cast doubt on its standing or effectiveness. Departments which may be aware of industrial action, or the possibility of industrial action against any of the services for which they are responsible should seek this Ministry's advice immediately before taking any overt steps to deal with the problem directly.

Ministry of Health and Social Services  
26th August, 1971.