

OPTIONS FOR VOTING BY THE PARTY ON THE SECOND READING
OF THE DEVOLUTION BILL. (A paper by Mr. Whitelaw)

Given the state of Party opinion there are six possible options for the Party:

1. Three line whip against the Bill.
2. Two line whip against the Bill.
3. Abstention.
4. Free vote for the whole Party.
5. Free vote for all except the Shadow Cabinet.
6. Free vote for the backbenchers with Opposition Spokesmen and Shadow Cabinet taking a common line.

In addition there are four major possibilities that need to be taken into account in reaching a decision:

1. The failure of the Bill at Second Reading or subsequent stage.
2. General Election before the Bill completes its Committee stage.
3. Success of the Bill.
4. Success of the Bill and a referendum.

For a number of reasons I have ruled out all but a three line whip against the Bill or a free vote. If colleagues opt for a free vote then a decision will need to be made on the position of the Shadow Cabinet and Opposition Spokesmen. This can be decided most effectively by discussion at the meeting.

Option A

Three line whip against the Bill

Advantages

A. Parliamentary

(i) The vast majority of English MPs, all the Welsh and some of the Scots would be united because they are either against Devolution or this Bill.

(ii) If the Bill failed we could seize the initiative by inviting the Government to talk about an agreed solution for Scotland.

(iii) We could put forward our own proposals very positively during the debate to satisfy the Scots, including a promise to legislate along these lines, blaming our opposition on the inclusion in the Bill of the Welsh proposals and our doubts about the need for an executive in Scotland. At the same time there would be no way the Party could vote against this line.

(iv) The Party would have a clear view on the major constitutional issue of the day.

(v) There could be some control over the backbenchers during the remaining stages.

B. Electoral

(i) The Welsh Party could claim that only the Conservative Party was representing the real interests of the Welsh people.

(ii) If the Bill failed the Welsh Party could claim the credit.

(iii) If there were a General Election before the Bill was completed, then the Welsh Party could claim that the only way to stop an Assembly was by voting Conservative.

Three line whip against the Bill

Disadvantages

A. Parliamentary

(i) Some of the pro devolution Scottish MPs would be in difficulty unless the opposition was balanced by a very strong and clear commitment to legislate for our proposals if we won an election.

(ii) Some English MPs may feel unable to positively vote against a Bill which is not so different from their own suggestions.

(iii) It would be easier for the Government to reject any Conservative amendments we might make if they could present the Opposition as being totally opposed to the Bill anyway.

(iv) If in the future we agreed to, or pushed for, an Assembly for Ulster it could seem that violence succeeds where peaceful political persuasion fails.

(v) The SNP could hold the balance of power in the next Parliament if they increased their vote as a result of an anti-English/unionist backlash.

(vi) It would restrict us in subsequent stages and make us less flexible on our final attitude if, for example, referenda were included or other amendments made.

B. Electoral - Scotland

(i) As a result of the decision earlier in the year to adopt a low profile for the sake of Party unity, our alternative proposals have not been sold. Consequently such a vote is likely to be interpreted as anti-Assembly rather than anti this Assembly. This would be the case in Scotland regardless of any technical parliamentary tactics to make it appear as a vote against the Welsh provisions or a separate executive.

(ii) If the Bill failed, regardless of the voting, Labour's manoeuvres to present the Tories as the wreckers, and to identify them as the English Party in Scotland, would be made easier.

(iii) If the Bill failed, or if there were a General Election before the Committee stage was completed, in a subsequent election the Tories would be labelled by all other Parties in Scotland as anti-Assembly. This would divert attention from their other proposals. The success of this ploy would depend on how strongly we sold our own proposals and how much credibility we had for being able to get them through.

(iv) If the Bill failed, or if there were a General Election before the Committee stage was completed and a large number of SNP MPs were elected, if the Tories then introduced plans for an Assembly with an executive it could be presented as a submission to SNP demands. If the Tories held only 16 out of 71 seats and most of the 55 other seats were held by pro Assembly MPs it would be morally difficult to rule Scotland on Scottish Office matters on the basis of such a small minority.

(v) If the Bill failed or if there were a General Election before the Bill was completed it would be better for the leadership to retain its credibility as a UK leadership, even if some backbenchers opposed it, thereby appearing in Scotland as aware of Scottish opinion, than to seem to be English (South East) dominated, leaving Scottish backbenchers to make the running in defying it.

(vi) If there were a General Election before the Bill was completed, this would be the only vote on an Assembly on the record. It would be taken as a measure of Party attitudes to an Assembly, the intricacies being lost on many voters.

(vii) If there were a General Election before the Bill was completed, the SNP could claim that the Tories were likely to win power across the UK so that if the Scots did not vote for the SNP in large numbers they would not get anything.

(viii) The Tories could be presented as the Party of centralisation.

(ix) If Scottish MPs were unable to support the line, then all the dangers of an English/Scottish division would open up.

(x) The Scottish Party, having voted consistently for an Assembly, could feel betrayed by hard line opposition if we did not sell our proposals and make clear our intention of implementing them, if elected, during the Second Reading debate.

(xi) If the Bill succeeded, the Tories would be identified as the anti-Assembly Party, extended to anti-Scottish interests Party, affecting its chances in Westminster and Edinburgh.

(xii) If the Bill succeeded and was endorsed by a referendum (and Opinion Polls suggest that only a very small minority even of Tory voters would vote against the Government's plans), then the Tories as a Party would be in danger of being shown up as overwhelmingly out of tune with Scottish opinion.

(xiii) It could be interpreted as a victory of the English party over the Scottish.

Electoral - Wales

(i) If the Bill succeeded and there were a referendum the Party machines of Labour, Liberal and Plaid Cymru would be ranged against us so we could be in danger of losing regardless of present opinion.

Electoral - General

(i) It is unlikely we would gain any seats in Wales, but we could lose more in Scotland.

(ii) It is unlikely there will be many votes to be gained in England from any attitude to the Bill.

Option B

Free vote for the whole Party

Advantages

A. Parliamentary

(i) It would recognise the reality of the divisions in the Party from top to bottom.

(ii) It would not force pro-Assembly Scots, who would like to go beyond the Second Reading so as to make amendments, to choose between the danger of appearing anti-Assembly and voting against the Party line.

(iii) It would allow the Welsh to vote on a block basis without harming the Scottish interests.

(iv) It would allow the Party to face both ways at once with the leadership free to present our Scottish proposals with a hard sell to maintain credibility in Scotland as pro-Assembly, yet oppose the Government and not face any backbench rebellion in the lobbies.

(v) We could claim that we would still be free to vote differently in Committee, Report and Third Reading with three line whips against the Welsh provisions.

(vi) The potential weakness could be highlighted and turned into a positive advantage i.e. we could claim that this was such an important issue with so many divisions in all parties that it was right to leave the vote to people's own judgement.

(vii) The Government might be more prepared to accede to constructive amendments, or at least find it more difficult to dismiss them, if it could not claim we as a Party were trying to destroy the Bill.

B. Electoral - Scotland

(i) The Party could not be presented, as a Party, as being anti-Assembly or anti-Scottish interests, everyone who voted against being free to give their own interpretation as to why they did so.

(ii) If the Bill failed the Conservatives could not be accused of having sabotaged it as a Party. It would be easier to make stick the suggestion that the Bill was defective.

(iii) The Party could still present its own proposals.

(iv) If there were a General Election before the Bill was completed the Tories would still have room for manoeuvre with their own proposals and, though lacking credibility as to their ability to implement them, at least could not be weighed down with one anti-Assembly Party vote and could try to divert attention more successfully to their other policies.

(v) If the Bill succeeded the Tories could claim that they had not rejected the Assembly as a Party and that the Scots Tories would participate constructively in it.

(vi) If the Bill succeeded and there were a referendum the Tories would be freer to support the proposals in a referendum if they so wished, thereby avoiding the risk of being shown up as out of tune with Scottish opinion.

(vii) It would give greater freedom for action if there were an SNP balance of power after an election held before the Bill had been completed.

(ix) We would have greater freedom for action in the Committee stage and for deciding our final attitude on the basis of whether a referendum was included and other amendments.

(x) If the Bill failed or if there were a General Election before the Committee Stage was completed and a large number of SNP MPs were elected, then the Tories could, if necessary, introduce a Bill without so easily being labelled as submitting to SNP demands.

Electoral - Wales

(i) The Party's position in Wales could still be maintained by voting on three line whips against all the Welsh provisions.

(ii) If the Bill failed the Conservatives could still claim credit on the Welsh provisions.

(iii) If there were a referendum the Party could still campaign against a Welsh Assembly while favouring a Scottish Assembly.

Free vote for the whole Party

Disadvantages

A. Parliamentary

(i) The Party could be accused of having no clear view or guidance on the major constitutional issue.

(ii) Most English, some Scots and the Welsh would vote against the Bill anyway.

(iii) It could divide the Party on an English/Scottish basis.

(iv) It might be difficult not to extend the free vote to amendments.

(v) There would be no leadership in the debate for the genuinely confused, possibly a majority.

(vi) The Shadow Cabinet and Opposition Spokesmen could appear disunited

(vii) There would be less restraint on backbenchers during the passage of the Bill.

(viii) Many English and the Welsh would resent not being able to oppose the Bill with all their strength.

(ix) It would not make clear our dislike as a Party of the Welsh proposals or the proposals for an executive in Scotland.

B. Electoral - Scotland

(i) If the Bill failed or if there were a General Election before the Bill was completed we would have less credibility in Scotland for our ability to get our own proposals through, than if those were linked very firmly to a three line rejection of the Government's proposals for which the whole Party had voted.

(ii) We would not be able to give the Parliamentary Party's imprimatur to our proposals for Scotland.

Electoral - Wales

(i) The Welsh Party would feel let down and less able to present itself as the sole champion of the Welsh people.

(ii) If there were a General Election before the Bill was completed the Welsh Party would be less convincing in its claim to be the anti-Assembly champion.

(iii) If the Bill succeeded, the Welsh Party could be accused of not having pulled its full weight in opposing the measure.

CONCLUSION

I regard the arguments for and against these two options as so finely balanced that I would not wish to make a recommendation one way or the other.

Alick Buchanan-Smith will wish to argue that, for electoral reasons in Scotland, we should have a free vote.

W.W.