



6th November 1975

DEVOLUTION

There is, surely, a fourth option in addition to Willie's three. This is to say that our overriding belief is in the necessity to maintain the unity of the United Kingdom, and that the way the Government are setting about it is almost certain to create an assembly which will be a sounding board for the separatist wing of the Scot Nats. This thing cannot be done by the procedure of a White Paper followed by Government legislation. Major law reform is never satisfactory if carried out by this means and whatever else devolution is it is a major law reform in the field of constitutional law. As such it requires much more careful attention than it has so far received as regards method.

For myself, I write as a convinced devolutionist, but equally convinced that any attempt to give Scotland something which is not given to regional areas in England is bound to lead to stronger and stronger demands for separation from England, which, as in the tragic case of Ireland, it may in the end be impossible to resist. If we had only come to terms with devolution in the 1880's, we might still have a totally united U.K. and no Ulster problem on our hands today.

I believe that the case for constitutional reform on a grand scale is overwhelming and rapidly becoming more and more urgent. The difficulty of creating a Bill of Rights worth the paper it is written on is, in the absence of a real



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Constitutional Devolution really insuperable. It is my considered opinion that the weakness of the present House of Lords as an effective brake on the tyranny of the Commons is more and more apparent. The inability of the Courts to give effect to minority and human rights is becoming more and more frustrating. The inability of local government on our present scale to raise credible local taxes other than rates is an increasing absurdity. The Labour party's doctrine of mandate and manifesto makes every Labour Government a potential dictatorship. All these things are accentuated by the present electoral system, to which proportional representation is not the correct answer.

The basic fault is the omnipotence of Parliament that is, in practice, ^{of} the temporary majority in the House of Commons. Until this is tackled, and tackled comprehensively, we shall go on ruining ourselves and tearing ourselves apart.

I think it should be made clear from our Benches that we would favour a comprehensive reform of the whole constitutional fabric of the U.K., that we would not contemplate any form of separation without a referendum of the whole U.K., and that in any case a comprehensive constitutional reform of the magnitude required would almost certainly have to be made the subject of a referendum after the enabling legislation had been passed.



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I am sorry to inflict these views upon you. But I believe that the real choices before the party will in the end prove to be (1) stand pat on the status quo and (2) go nap on a written constitution with regional assemblies, a reformed Parliament, a Bill of Rights and a Supreme Court.

At all events I hope we may avoid any more fiascos like

the Alec Home proposals