

S E C R E T

Copies to

Lord Windlesham
Mr Channon
Mr Howell
Sir William Nield
Permanent Secretaries
Mr Holden *Sir H. Bloch*
Mr Woodfield
Mr H Smith
Mr McDowell
Mr Duncan
Mr Burns
Mr Whalley

OATH OR DECLARATION OF ALLEGIANCE

SECRETARY OF STATE

1. As Mr Holden is engaged outside the Office to-day, he has asked me to submit to you the attached Paper on the Oath or Declaration of Allegiance required of certain public representatives and officials.

2. It will be evident from the Paper that the details of this subject are of some complexity. In taking your decision, however, you will I fear have the unrewarding task of weighing a balance of disadvantages.

3. The question of the oath and/or declaration will inevitably be raised when draft Orders-in-Council for Education and Libraries and Health and Personal Social Services are published, since these drafts must either

- (i) include a provision for a declaration of allegiance by certain officers, and therefore become a focus for attack by those who are opposed to such provision, both in Northern Ireland and at Westminster; or
- (ii) exclude any such provision, thereby reversing a decision of the outgoing Unionist Government, and declining to follow the line of policy taken by the Stormont Parliament on the Local Government Act, enacted as recently as 23 March 1972.

/4. There is

4. There is the further point that a decision to omit any provision for a declaration from these Orders-in-Council will at once throw up (see para 13 of the Paper) a number of obvious anomalies. Yet the rectification of these anomalies would mean not only a specific Order-in-Council, but a clear reversal of a line of policy consistently followed by successive Northern Ireland Governments.

5. The pressures on both sides will be intense. If you decide to retain the provisions, you are likely to face not only political pressures but militancy from particular interests in Northern Ireland (eg student teachers). If, on the other hand, you are seen to reverse previous policy, you can expect to face an emotive political campaign on the lines of "Loyalty to the Crown no longer required. What next?"

6. It would be tempting to refer this difficult issue to the Advisory Commission, when constituted; but I fear it could prove so divisive in that body as to subject it to great strains at the outset.

7. The options available to you seem to be:-

- (a) to include in the two Orders-in-Council provisions for a declaration of allegiance, knowing that this will lead to widespread criticism, and that no such declarations are required in Great Britain;
- (b) to exclude any such provisions from these Orders-in-Council, but to resist any pressure to rectify anomalies;
- (c) to exclude the provisions, and undertake to introduce a further Order to remove such provisions in existing legislation across the board; or
- (d) to exclude the provisions, and modify by a later Order some of the existing provisions (eg in relation to teachers, manual staff of the Civil Service, etc).

8. If you agree, we would propose that this matter be discussed and decided at one of your morning Meetings early next week.

K.P. Bloomfield
K P BLOOMFIELD
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