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Secretary of State:

OATHS OF ALLEGIANCE

1. On 5 May we submitted a paper on this subject, setting out the difficulties and anomalies of the existing situation and drawing attention to the increasing problems which are likely to arise. In particular, we pointed out that you were likely to be caught between conflicting pressures - pressure at Westminster to bring Northern Ireland into line with the rest of the United Kingdom and pressure in Northern Ireland not to revise a clear line of policy followed by successive Northern Ireland Governments. As a result, you decided that there should be no provision for an Oath or Declaration of Allegiance in either the Education and Libraries Order or the Health and Personal Social Services Order which have since been approved at Westminster, but that no further change should be made.
2. Since that decision was taken there has been mounting evidence that the law as it stands will soon be unworkable in practice, and pressure to rectify anomalies has continued to build up. The existing situation can be briefly summarised as follows:-
 - (a) all full-time civil servants including manual and industrial staff, and all teachers including those in voluntary schools, must take an Oath of Allegiance to Her Majesty and Her Government of Northern Ireland;
 - (b) local government members and officers (but not industrial staff) must make a Declaration of Allegiance to Her Majesty and Her Government of Northern Ireland.
3. As local government re-organisation is implemented the inherent anomalies will become even more apparent. The Irish National Teachers' Organisation has raised with Mr Channon the question of teachers being required to take the Oath and has suggested that the Promissory Oaths Act (Northern Ireland) 1923 might be ultra vires. In the opinion of the Government's Legal Adviser this is not so, but the INTO approach is symptomatic of the feelings of some teachers. They are likely to be even more hostile when it is generally realised that, while teachers must continue to take an Oath, the members and officers of Education Area Boards will not be so required. During the passage of the Education and Libraries Order there was pressure

from several members for the amendment or repeal of the Promissory Oaths Act 1923 and since then there have been two Questions on the same subject.

4. Recently in the Coalisland area several men who had been selected for an Unemployment Relief Scheme refused to take the Oath and therefore could not be taken on. Two similar schemes in Newry have had to be postponed for the same reason, and it is probable that a normal drainage scheme about to start in the same area will also have to be abandoned. If this practice continues, as well it might, it would become increasingly difficult to recruit men in certain areas and the Government could be accused of using the requirement to take an Oath as an excuse for not grappling with the unemployment problem in those areas.
5. It has always proved difficult to administer the Oath to Forestry and Drainage labourers and there was strong criticism in the Stormont Parliament from SDLP Members about the necessity for such men to take the Oath. The Ministry of Development will be faced with an almost impossible task in administering the Oath to several thousand manual workers who will be transferred to that Department on 1 April 1973. It is possible that some of these men, who were not required to take the Oath while in local authority employment, will refuse to do so and we will be faced with further public criticism.
6. The Local Government Elections later this year could well bring the matter to a head. Members will be required to make a Declaration of Allegiance under pain of losing their seat. In some districts continued refusal to make a Declaration by successful candidates could jeopardise local administration. The early days of newly created local authorities, with redefined powers, would be clouded by recriminations from some members about the continued existence of this divisive requirement.
7. The most telling argument against the Oath is that no such provision exists in the rest of the United Kingdom. Nor are there sufficient practical, as distinct from emotional, considerations in Northern Ireland which would justify different treatment.
8. We would therefore recommend that an early opportunity be taken to repeal the Promissory Oaths Act (Northern Ireland) 1923 - which deals with Civil Servants and Teachers - and sections 7 and 43 of the Local Government Act (Northern Ireland) 1972 which deal with members and officers of local authorities. It would be better to do this voluntarily before public pressure from the minority forces us to do so. It would involve an Order

in Council later this year but an early announcement of intent could be made together with a decision that, pending the passing of the necessary Order in Council, the existing law would be allowed to fall into abeyance.

9. There is bound to be some opposition to the proposals among Unionists, even if only as a natural reflex. We suggest that in the course of your talks you should inform the political parties of your firm intention to take action to bring practice in Northern Ireland into "parity".

D C B HOLDEN

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STORMONT CASTLE

11 August 1972