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Prime Minister

PRIME MINISTER

20 December 1984

CRIME AND THE COAL DISPUTE

I understood you to ask for a report before Christmas. Both the Police and the Home Office confirm a slowing down in the spate of crimes relating to this dispute. The decline is probably due to the fact that miners' pickets are not congregating in such large numbers but intimidation is still rife and the commission of serious offences is increasing. I attach the latest schedule of offences committed during this dispute.

The Courts

Ninety-eight per cent of the cases have been disposed of in the Magistrates Court and the remainder have been dealt with in the Crown Court. Altogether, 51 per cent of those arrested have had their cases heard and 11 per cent were found 'Not Guilty'. Stipendiary Magistrates have been appointed in eight towns and continue to sit in Chesterfield, Pontefract, Rotherham and St Helen's. The Lord Chancellor's Department is currently planning the appointment of more stipendiary Magistrates in two more towns and is responding to requests for help. No new additional assistant recorders are needed.

The Police

There is considerable evidence that local Constabularies

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are getting to grips with the problem and have adjusted to the demands of the situation marvellously. The police have welcomed new proposals for the use of computer technology which we discussed. A national computer is already in use tabulating the conduct of trouble makers. There is progress towards the apprehension of conspirators behind some of the intimidation.

The Public Order Review

The principal points which are likely to emerge from the Home Office Report which is due soon, are:

1. The police should be given additional powers to control static demonstrations including picketing.
2. There should be a revision of offences along the lines envisaged by the Law Commission Report with certain improvement. This will provide for serious offences from riot down to an offence of sober and disorderly conduct.
3. The Report will also deal with consequential areas such as protection of Embassies and the recovery of costs.

You may be interested that our discussion on violence is continued by Peter Utley on pages 45-47 of the attached paper (Flag A).

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Of Peter Utley's eight points, number one underlines Mr Kinnock's misuse of the language. Numbers 3-8 deal with pursuit, deterrence and punishment of terrorists. Number 6 makes an interesting point on the "martyrdom" of terrorists. He is broadly in favour of a determined solution in which more force is used both judicially and militarily.

Hartley Booth

HARTLEY BOOTH

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PERSONS ARRESTED BY CATEGORISED OCCUPATIONS

<u>NUMBER</u>	<u>OCCUPATION</u>
8,189	Miners
7	Retired Miners
4	M.P.s (including MEP)
15	Transport Workers incl. Coach driver H.G.V. driver Railway Worker
69	Students in Academics School/College Students/Lecturers
5	Medical Workers incl. Nurses Hospital Workers
32	Non Manual Workers incl. Planning Officer Community/Social Worker Clerks
231	Manual Workers incl. Construction Workers - Welder Labourers - Electrician Refuse Collector- Builder Industrial Worker Royal Navy - Fire Service
1	Serviceman
10	Fireman
50	Housewives
210	Unemployed
2	Retired (Non miners)
10	Female (Other)
74	Not known/Given

} 82

8907

NUMBERS OF CHARGES BY TYPES OF OFFENCE

<u>NUMBERS</u>	<u>OFFENCE</u>
2	Murder
3808	Section 5 Public Order Act 1936
1623	Obstruct Police
619	Obstruct Highway
929	Criminal Damage
4	(a) Criminal Damage with Intent to Endanger Life
15	(b) Arson
317	Assault on Police
365	Assault - Actual Bodily Harm
38	Assault - Grievous Bodily Harm
204	Theft
18	Resist Arrest
47	Offensive Weapon
273	Conspiracy and Protection of Property Act - Besetting
30	Burglary
1	Handling Stolen Property
1	Drug Offence
170	Breach of the Peace
30	Breach of Bail Conditions
18	Attempt (Various Offences)
59	Drunkenness
509	Unlawful Assembly
18	Railway Offences
21	Affray
137	Riot
1	Incitement
15	Reckless Driving
12	Threats/Conspiracy to Cause Damage
3	Explosives Offence
3	Threats to Kill
2	Unlawful Imprisonment
216	Other Offences

9508

COURT SENTENCES IMPOSED

<u>NUMBER</u>	<u>SENTENCE</u>
19	Remand in Custody
106	Custodial Sentence - [Longest sentence 9 Months]
19	(a) Detention Centre [Maximum 6 months]
2	(b) Youth custody Order [Maximum 6 months]
1	Attendance Centre
9	Detained in Police Custody - [1 day]
53	Suspended Sentence - [Longest sentence 6 Months]
	<u>Fines</u>
6	Under £10
167	£10 - £24
319	£25 - £49
386	£50 - £74
503	£75 - £99
419	£100 - £149
92	£150 - £199
182	£200 and above
11	Community Service Order [80 hours]
2	Probation Order
330	Conditional Discharge/Absolute Discharge
1055	Bound Over to Keep the Peace
973	Acquitted
3004	Court Bail

} 2074

PERSONS ARRESTED PER FORCE AREA

<u>N.R.C.</u>		<u>ARRESTS</u>	<u>CHARGED</u>	<u>CASES DEALT WITH</u>	<u>ACQUITTALS</u>
<u>NO.</u>	<u>FORCE</u>	<u>CUMULATIVE TOTAL</u>			
6	CLEVELAND	58	53	53	6
7	CUMBRIA	25	5	5	0
8	DERBYSHIRE	1179	959	663	126
11	DURHAM	442	393	150	17
12	DYFED-POWYS	14	4	2	0
13	ESSEX	212	164	28	0
15	GREATER MANCHESTER	236	144	96	31
16	GWENT	212	209	118	39
17	HAMPSHIRE	11	11	0	—
19	HUMBERSIDE	98	60	37	5
20	KENT	267	247	145	56
21	LANCASHIRE	26	13	2	0
22	LEICESTERSHIRE	54	50	50	13
24	MERSEYSIDE	193	186	180	58
25	METROPOLITAN	133	116	67	12
28	NORTHUMBRIA	535	478	187	31
29	NORTH WALES	31	28	26	1
30	NORTH YORKSHIRE	157	140	114	12
31	NOTTINGHAMSHIRE	2374	1875	1086	341
32	SOUTH WALES	467	409	152	19
33	SOUTH YORKSHIRE	1256	1137	479	97
34	STAFFORDSHIRE	392	277	274	31
37	SUSSEX	5	4	4	0
38	THAMES VALLEY	3	3	0	—
39	WARWICKSHIRE	196	134	73	12
42	WEST YORKSHIRE	331	272	241	78

TOTAL 8,907

7371 4232 985

FALLACIES ABOUT VIOLENCE

T. E. UTLEY

Few activities are generally more boring and pretentious than the habit of listing and analysing the fallacies which prevail in current political discussion. Politics is not a contemplative art. Those who engage in it are obliged to talk and write incessantly, and that, perforce, means to talk and write a great deal of rubbish. Rhetorical flourishes, undistributed middles, sly little tacit assumptions are its stuff.

Normally, this does not matter, because the public just vaguely listens to what is said on both sides and gives its support to the chap whom it thinks (whatever the standard of his logic) will be able to get something relatively acceptable done.

But there are occasions when the clichés of political controversy amount to something like a conspiracy, partly conscious and partly unconscious, to corrupt the public mind and direct it to courses designed to destroy the public good. I think this is exactly what is happening to us over the question of terrorist violence, and that it is, therefore, permissible to present to you eight startling fallacies (there are probably a good deal more) by which the discussion of this question is now dominated. Much that follows will be familiar, but its total effect may not.

1 That violence is a word that can properly be used to signify any kind of evil resulting from human wickedness. Mr Kinnock, at the Labour Party Conference this year, supplied a classic illustration of this fallacy by giving a list of the various forms of "violence" to which contemporary society is exposed, ranging from "ugliness" and "unemployment" (placed high on the list) to beatings-up on the picket line, which was placed significantly near the bottom of the list.

The function of this particular fallacy is to suggest a moral equivalence between the unlawful use of physical force by one citizen against another, and a crime of supporting or acquiescing in economic and social policies thought to be unjust. The same object could, of course, be achieved by simply saying that having perverse views about the economy is as sinful as kicking working miners and threatening to murder their wives; but thus baldly stated the proposition would not be widely believed.

Hence, the absurd extension given to the meaning of "violence". Very often something more than a moral equivalence between disparate offences is implied by those who use this particular trick of the trade. Insofar as thuggery on the picket line is seen as a general protest against the corruption of society and the errors of monetarism, it assumes a defensive or retributive quality, and this of course confers on it a positive moral advantage.

2 That there is no distinction in terms of morality between public force properly applied to the defence of legitimate authority and private force exercised in defiance of that authority. It is true that, in some of its definitions, the word "violence" can be used simply to mean extreme force (e.g. a violent storm), but in a political context the word always has contained strong overtones of illegitimacy, as its connection with the verb "to violate" clearly shows.

A policeman behaves violently when he uses more force than is strictly necessary in the discharge of his duties, a rioter is guilty of "violence" when he uses any force at all. This is not to say that it can never be morally tolerable to riot or that it is always just and prudent to use even necessary force in defence of the law. However, in order to make rational discussion of these matters possible it is necessary to distinguish between public force exercised lawfully and private force exercised unlawfully. The object of blurring that distinction is too obvious to need description.

3 That most terrorist offences are the work of psychopaths, who, lacking the capacity for restraint, must be assumed to be unsusceptible to the fear of punishment. The overwhelming majority of terrorist offences are, on the contrary, the calculated work of highly rational men and women who are, perhaps, by virtue of their very cold-bloodedness, particularly likely to be influenced by rational calculation of the probable consequences of their actions.

Attempts to destroy whole cabinets, for instance, are not the result of uncontrollable tantrums or deep psychiatric deficiencies. However, the inevitable consequence of believing this fallacy is the assumption that there is very little that can be

done about terrorism by way of punishment. It also provides terrorists (though it is often not intended to) with the cover supplied by the notion of "diminished responsibility".

4 That terrorist acts, when not committed by psychopaths, are committed by idealists who will not be deterred by fear. In fact, many terrorist acts are committed by paid agents, who receive substantial rewards for the risks to which they expose themselves, make a good living on the side by such activities as bank robbery and the illicit sale of drugs and, occasionally (thank God) decide that the time has come to switch employers and sell their information to the State. Such men cannot be assumed to be unaffected by all considerations of personal risk.

As for those terrorists who are "idealists", the assumption that their offences are on a different moral plane from those committed by common criminals, in that they spring not from ordinary human vice but from a misguided interpretation of the public good, is also rubbish. Manifestly, pride, arrogance, vanity (the love, for example, of high-sounding military titles bestowed by unlawful "armies") are motives often to be discerned among "high-minded" terrorists. It is not self-evidently true that men capable of this degree of human frailty and egocentricity will always be immune from fear.

As a result of this fallacy, however, western society as a whole now feels more compunction about punishing those whose crimes are directed against the whole of society than about punishing

Mrs Thatcher pays her last respects to Mrs Gandhi

Adrian Murrell/Observer



those whose actions are dictated by obvious self-interest and unwillingness to resist the temptations to which all mortal flesh is exposed.

5 That terrorism can never be defeated by military means because so long as even one or two terrorists survive they will be capable of committing serious crimes which cannot be anticipated. Pressed to its logical conclusion this argument would lead to the abolition of the criminal law: it is impossible to envisage a society from which theft or murder could be wholly eliminated; but that does not mean that punishments for these offences do not reduce the number of times they occur.

6 That punishing terrorists severely will create martyrs and thereby invariably promotes the terrorist cause in question: an acid test of the validity of this rule can be applied by asking a number of Irish nationalists and republicans the name of the last man to be hanged in Britain for an IRA murder. This is not a fact buried in the obscurity of time; the event took place only some 40 years ago; but the identity of the "hero" (like that of many others of his kind) is now totally forgotten by his compatriots. A more recent ironic comment on the martyrdom theory was provided by the legend said to have appeared on a wall in Northern Ireland after the death of the hunger-striker Robert Sands: "We'll never forget you Jimmy Sands."

This is not to say that hanging terrorist murderers will never prompt reactions injurious to security. There is a danger that such "victims of the law" will be promoted to the terrorist hagiography at least for a while and that the effect of this will be to increase the ranks of terrorism. This danger however has always to be weighed against other considerations; a dead terrorist may be a martyr but he has been rendered incapable of further terrorist acts and the temptation of his colleagues to take hostages in order to secure his release has been removed. What matters is that arguments about the expediency of dramatic punishments for terrorists cannot simply be disposed of, as they now commonly are, by the parrot-like repetition of phrases about making martyrs.

7 That terrorism springs from sociological causes (e.g. class and ethnic grievances) and that the way to defeat it is accordingly to remove these grievances rather than to concentrate on producing an effective military response.

That such causes do contribute to terrorism is an undeniable fact but there is an error about time-scale in the manner in which this argument is normally presented. It is an error reminiscent of Rob Wilton's famous sketch about the dour, Yorkshire fire brigade officer confronted by an

hysterical lady demanding the despatch of the brigade to extinguish a fire in her house and (if I remember rightly) to save a large number of her children trapped there. Nothing, says the fireman, must be done in a panicky way; the relevant form must be filled in first. After much time spent in searching for the form and extracting the information for which it calls, the fireman exclaims with amused astonishment that he has been a real ninny, since this particular form is the one which should be filled in after the fire has been put out.

Reforming the institutions of Northern Ireland may be a thoroughly praiseworthy venture and could even reduce the possibility of further outbreaks of republican terrorism in generations to come; but to advance it, by implication, as an immediately effective way of disarming the man who is about to place a bomb in the High Street is madness on the scale of Wilton's fireman. What is more, there are circumstances in which embarking on reforms in the middle of a terrorist campaign gives immediate encouragement to terrorism by suggesting a willingness to concede to violence what has hitherto been denied to justice. In many cases, the time for reform is when the fire has been put out.

8 That proof of oppression is a sufficient defence for terrorism in that it cannot be right to uphold a regime whose behaviour is contrary to natural justice. Theology long ago exploded this fallacy. As with the doctrine of the just war, so with the notion of the just rebellion. To make a rebellion just, several conditions must be fulfilled: there must be a reasonable chance that the rebellion will succeed in its object, that it will succeed at a cost which is not too high when measured against the importance of its object and that this object cannot be achieved peacefully. How much serious and honest consideration is given to these criteria, for instance, by the liberal sympathisers with African militancy?

These fallacies are, for the most part, not deliberately manufactured and put into circulation by terrorist movements themselves. Many of them are gratuitously presented to the enemy by tired and feeble politicians at a loss for something to say about the latest terrorist atrocity (whatever it may be) and at a loss to know what to do in order to secure the safety of the State without incurring the censure of powerful allies abroad or generating hysteria among the liberal intelligentsia at home. But their combined effect is to induce in the public the view that terrorism cannot be beaten or that it can only be beaten (a huge and final fallacy) at the cost of destroying the free society. As the hollowed journalistic cliché goes, "it is high time the nonsense stopped."