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## TIME FOR A BALLOT

As a matter of industrial diplomacy, the Coal Board's decision yesterday to postpone its case against the Yorkshire region of the miners' union has obvious advantages. If the police prove able effectively to inhibit illegal picketing at the gates of mines whose men want to go to work, why should the board risk the odium of seeking the same end through the courts? If the union's leaders do eventually allow its members the national ballot which is now so manifestly necessary, to heal the internal rifts that their leadership has opened up, the board would serve its own interests best by staying on the sidelines. The possible spectacle of an enforced seizure of union funds to meet claims awarded under the Government's Employment Acts might be the very thing needed to create that embattled spirit in the union which Mr Scargill's strategy has so far failed to evoke.

But it is generally better to deal with large scale organized threats to public order through the courts rather than by mass movements of police. The chief constables in the areas concerned have been entirely right to move energetically to ensure that people who want to go to work are not prevented from doing so by coercion – and to cooperate with their colleagues to ensure

that they have the resources to do so. The precedents of Warrington, Grunwick and the 1972 miners' strike, and also the rhetoric of the leaders in the present dispute, amply justified taking precautions on the largest scale. Prompt action seems at this stage to have forestalled further major clashes, and perhaps further casualties. But there is less risk of injury, and less public expense, if these matters are determined in the courts and not on the streets: the law should, and now does, provide means of achieving this.

The law of contempt exists to serve the public interest as well as that of aggrieved parties. The public interest requires that defiance of the law should not be seen to succeed. In exercising an aggrieved party's right to withdraw, the Coal Board can justify itself with the argument – perhaps premature – that the police have already ensured that the defiance will fail. But at the same time, a precedent has been set for union leaders to claim – as Mr Scargill has already claimed – that the law of contempt is an empty threat and that employers will generally be too cautious, or too intimidated, to exercise their new rights. The defiance and disorder that have already occurred will go unpunished, however.

The present dispute is at least as much about politics as about coal. The argument within the union for a national strike is wholly perverse and self-defeating except as an expression of the crude doctrine: "Don't mess with us!", and an attempt to weld the miners again into the political force they were in 1974. Even if that attempt succeeded for a time, it could only be at the expense of the union's long-term cohesion and the well-being of the industry. The many marginal pits in Britain can have no secure future while the industry is burdened by the small number of heavy loss-makers which should have closed years ago. The true interests of miners in the latter are best served by calling for industrial investment in the areas where they are often the main source of employment – not by calling on the majority to sacrifice their interests so as to postpone briefly the inevitable closure for those pits which cannot be saved.

The internal conflicts that have been made acute by the attempt to lure the union unawares into a national stoppage can now only be resolved by a national ballot. There is no other way for the union to recover its self-respect, and for the industry to put a lengthy, futile and irrelevant episode behind it.

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