

34.
17th September, 1968



I attach a Note of the ad hoc meeting of Ministers on the subject of Demonstrations and Student Unrest, held on Monday, 16th September.

I am sending copies of this letter, and of the Note, to Maitland, Cubbon, Cormack, Hardyman and Diamond; and also to Weaver at the Department of Education and Science.

D. GAUFFYDD JONES

A. N. Halls, Esq., MBE, TD.

Reference: A04238

COPY NO. 9

NOTE of a Meeting held at 10 Downing Street, S.W.1., on
MONDAY, 16th SEPTEMBER, 1968 at 12.15 p.m.

PRESENT

Prime Minister
Secretary of State for Foreign Affairs
Secretary of State for the Home Department
Secretary of State for Scotland
Secretary of State for Education and Science
Secretary of State for Wales

ALSO PRESENT

Mr. T. Weaver, Department of Education and Science

SECRETARIAT

Sir Burke Trend
Mr. D. Heaton

The Meeting considered a Note by the Home Secretary on Demonstrations, dated 10th September, and a Note by the Cabinet Office on Student Unrest, dated 9th September.

THE HOME SECRETARY said that the demonstration planned for 26th-27th October was not primarily a student affair, though the organisers would rely heavily on student support. Among the large number of reasonable and essentially peaceful protesters would be a hard core of agitators and militants, who wanted violence and would seek to provoke the police into responding with violence. Nevertheless it would be undesirable, even if it were practicable, to try to prevent the demonstration or march taking place. The behaviour of the police on recent occasions had enhanced their standing and increased public confidence in them. On this occasion, as long as they avoided unnecessary violence, they would forfeit the sympathy of neither the ordinary demonstrator nor the general public. Indeed to the public it was the demonstrators who would be on trial, and if there was a punch-up it was they who would forfeit public sympathy. The organisers were a mixed lot, many of them fairly woolly-minded, and it would be difficult to hold them responsible for the actions of small groups which might get out of control.

[REDACTED]

The police proposed, however, to call them in and agree upon the route for the march, which would have to be one which would not cause undue dislocation of traffic, or undue inconvenience to people who did not wish to demonstrate and who also had rights. Arrangements would be made to prohibit the entry to this country of those with a record of violence in other countries. The police would also arrange to search groups (e.g. coach-loads) of demonstrators on their way into London, to make sure they were not carrying offensive weapons. In general, police powers were adequate for this purpose, though consideration would have to be given to the treatment of such items as marbles and ball-bearings for use in catapults and metal poles on placards and banners, and to the period for which those found to be carrying offensive weapons could be detained. The attitude of the courts was critical, and when the House reassembled he proposed to take a further opportunity to remind magistrates of the need to impose adequate penalties on those brought before the courts on charges arising out of violent demonstrations.

Summing up the discussion which followed, THE PRIME MINISTER said the police could be relied upon to show restraint at the 27th October demonstration, as they had before. But the Government had a duty to ensure that isolated policemen were not unnecessarily exposed to violent attacks, which might well cause a backlash, as in the United States. The powers of the police seemed adequate for the present, though the Home Secretary had indicated certain matters into which he would like to enquire further. At a later date, it might be appropriate to consider whether the law needed tightening, particularly with a view to making it easier to deal with those who conspired to promote violence. Ministers had also expressed concern at the irresponsible behaviour of television teams on a number of occasions, and it would be right for the Home Secretary to talk to Lord Hill and Lord Aylestone on this matter and to invite their cooperation.

The Meeting -

- (1) Took note, with approval, of the Prime Minister's summing up of this part of the discussion.

On the general question of student unrest, THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE said that it was necessary to distinguish between the genuine grievances which many students undoubtedly felt, and on which they had a right to make themselves heard, and the problem of law and order to which student demonstrations gave rise. Some of the recent trouble had been caused by junior members of the staff, who were of much the same age as the students, and imbued with the same sort of sense of grievance. The legal position was that non-violent demonstrators on university and college premises were trespassers, but in practice could probably not be removed by force. The police were understandably reluctant to interfere on private property, unless violence or damage were threatened. The university and college authorities wished to deal with student demonstrations themselves, without Government interference, and a series of meetings had been arranged to take place within the next few days: between representatives of Vice Chancellors and of Local Education Authorities; between Vice Chancellors and the National Union of Students; and between Local Education Authorities and the National Union of Students. From these discussions a more concerted policy ought to emerge. In the last resort, however, each case was a matter for individual judgment.

In the discussion which followed, there was general agreement that provided student demonstrations did not involve violence, the university and college authorities must themselves decide how to handle them. Most students were in receipt of a grant from their local authority, and there was considerable support for the view that university and college authorities should in appropriate cases report students to the local authority, with a view to their grant being withheld at least for a term. There was certainly a need for a common policy between universities and between local authorities on the handling of such cases. In Scotland the problem was simpler, because all grants were paid centrally by the Scottish Education Department.

Television was an important factor in influencing student opinion. The interview by Robert Mackenzie with Cohn-Bendit and the other student leaders last June had shown up the woolliness of their thinking. It might be worthwhile trying to get the television authorities on our side, and to organise, for example, a confrontation between three leading radical students and three tough, intelligent, moderate students. The

intellectual destruction of the radicals would have a considerable impact on intelligent student opinion. Alternatively, an interview might be arranged between a BBC interviewer and a group of radical students. Only if the interview went well need it be used.

The National Union of Students had suggested that the Prime Minister might mention in a speech the theme of giving responsibility to youth, but for this a more favourable time than the present would have to be found.

Summing up the discussion, THE PRIME MINISTER said that the meeting had shown general agreement that, while the problem of student unrest was essentially one for university and college authorities to deal with, they would be well advised to adopt a common policy on the question of reporting students with a view to the withdrawal of their grants. There was a strong case for reporting any student who, by boycotting examinations or preventing others from attending lectures, prevented his university performing its proper function. Every encouragement should be given to moderate bodies of students to assert themselves (as they had done, for example, in Bradford) against a small minority who wished to disrupt the university. He would give further thought to the question of an approach to the television authorities on this subject.

The Meeting -

- (2) Took note, with approval, of the Prime Minister's summing up.

Cabinet Office, S.W.1.

17th September 1968

In a discussion with the Commissioner
- to 21st Sept. the S. of S. mentioned the fact
- that [blank] had said nothing about confounding

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3/20/57

Covering

Mr. Fitzesbury

Taking the points in Mr. Waddell's minute in turn -

Point 1. (a) I have written to Mr. Fitzgerald and sent him a copy of

Mr. Waddell's minute.

(b) I have spoken to arrangements for the
review of the 400 names is being put in hand.

Point 2. By the Prevention of Crime Act, 1953, an offensive weapon means

"any article made or adapted for use for causing injury to the
person, or intended by the person having it with him for such use
by him".

This is a wide interpretation and I have seen reports showing
that the police succeed in getting convictions in the courts in
cases involving a very large number of objects. ~~For example,~~

Steel combs (with gaps between the teeth) and leather belts are
examples.

Archbold (p. 2327, 36th Edition) explains the position as follows:-

SECT. 14 POSSESSION OF FIREARMS § 2327

did not bring him within the section: therefore, the conviction must be
quashed: R. v. Jero [1961] 1 Q.R. 308; 35 Cr.App.R. 58.

A distinction must be drawn between different kinds of offensive weapons
within the meaning of subsection (4). Once possession of an offensive
weapon in a public place is proved, if the article is not made or adapted
for use for causing injury to the person, e.g. a coin, knuckleduster or
revolver, then the onus shifts to the defence to prove, on a balance of
probabilities, lawful authority or reasonable excuse for the possession; but
if the article is not made or adapted for such use, e.g. a stunling or razor,
the onus remains on the prosecution throughout to show that the prisoner
carried it with the intention of using it to injure, and the jury should be
so directed: R. v. Petrie [1961] 1 W.L.R. 938; 46 Cr.App.R. 72, C.C.A.
Where, therefore, the definition of "offensive weapon" was not read to the
jury in the course of the summing-up and the jury were directed that the
possession of a razor in the circumstances of the case was possession of an
offensive weapon in a public place, which shifted the onus on to the prisoner
to show that he had lawful authority or a reasonable excuse for the possession
of it, it was held by the Court of Criminal Appeal that there had been
a misdirection on account of proof necessitating the quashing of the conviction.
Thus "Causing injury to the person" in section 1 (4) includes frightening
or intimidating a person. In order to ascertain whether the prisoner "had
with him" within the meaning of section 1 (1) an "article intended . . . for
use for causing injury to the person" within section 1 (4), regard should
be had to the use that was in fact made of the article. It is not necessary
to prove that the prisoner took the article out with him for the purpose of
causing injury, if, while he is out with it, he uses it for that purpose:
Woodward v. Kossler [1958] 1 W.L.R. 1235, D.C.

Where several persons are charged jointly with possession of offensive
weapons, and the evidence shows that each was carrying a weapon not
made or adapted for use for causing injury to the person, particularly if
the carrying takes place by day and in a place where the oddity of the
articles carried is not itself manifest, the jury should be directed to con-
sider whether they are sure that the prisoner whose name they are con-
sidering intended himself to use the article which he was carrying to injure
someone, or, in the alternative, whether he was a party to a common
purpose of using some or all of the articles
for the purpose of . . .

covering

Commander Lawlor is not immediately available, but Superintendent Hope tells me that in the March demonstrations several students were taken off coaches approaching London, found to be in possession of marbles, pepper, paint sprayers and like material, charged with being in possession of offensive weapons and subsequently convicted. In practice everything depends on the attitude of the courts and fortunately the courts in the counties round London take a strong line (and impose heavy penalties); the attached F.2 Division papers ^(Ref to 37/40 r/42) go into this problem more fully and show the difficulties. *Amman-ban-pen-sin-ta-fan*

Point 3. Persons taken off coaches and charged with possessing offensive weapons or like offences would be released on bail. They would be held only while their addresses were verified, and possibly sureties obtained. There would be no case for detention over-night in police cells.

Point 5. Proceedings for conspiracy to commit any offence punishable by law are taken under the common law and I cannot do better in the time than refer to the following extract from a Metropolitan police handbook on demonstrations:-

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persons so assembled are guilty of a misdemeanour if they have determined to carry out their purpose by themselves using force.

36. Every person is guilty of a common law misdemeanour of seditious conspiracy who agrees with someone else (not being his or her wife or husband) to do any act for the furtherance of a seditious intention, e.g. to hold a meeting for the purpose of disturbing the public peace or of raising discontent and disaffection or exciting hatred and contempt of the Government. But an intention is not seditious if the object is to point out errors in the Government or Constitution with a view to their reformation, or to excite the subjects to attempt reforms by lawful means, or to point out, with a view to their removal, matters which are producing or have a tendency to produce feelings of hatred and ill-will between classes of the Sovereign's subjects.

37. If any of these common law misdemeanours occur, it is the clear duty of all Constables to check the misdemeanours and deal with the offenders. It is also the special duty of a Constable to anticipate the actual commission of offences; that is to say, if he has reasonable ground to apprehend that an offence is about to be committed, it is his duty to warn the intending offender and, if necessary, to use force to prevent the commission of the offence.

38. Further, it would be open to the Commissioner to apply to a Magistrate, by complaint, to order any person who, he had reason to believe, was organising disorder or a breach of the peace, to enter into a recognizance and find sureties to keep the peace or be of good behaviour (Justices of the Peace Act, 1936).

39. Anticipatory action to disperse a procession in its early stages, or to prevent its reaching the point at which danger is apprehended, must be taken very sparingly. It is not a matter on which any general rules can be laid down; it depends entirely on the circumstances at the particular moment (the size of the

Covering

[REDACTED] [REDACTED]

It will be recalled that Lord Russell (Bertrand Russell) and members of the former Committee of 100 were successfully prosecuted under the Justice of the Peace Act, 1360 in the 1960's for inciting others to commit a breach of the peace. (This was in the days of the large-scale C.N.D. demonstrations). He was bound over to keep the peace; declined and served seven days in prison. The case caused a good deal of controversy.

As regards amending the law, my first thoughts are that any such proposal would lead to a good deal of criticism without, in the event, bringing much advantage. Whatever provision is made in law, there would remain great difficulty in establishing to the satisfaction of a court that organisers of a particular demonstration were conspiring to promote violence. This is already the position with Mr. Tariq Ali and his collaborators; they say that they are doing no more than plan a political demonstration and avoid any reference, particularly in writing, to plans for violent acts during the demonstration. It is in any case the fringe groups of anarchists or hooligans who create the violence on the day, often without much premeditation.

... I attach a further report by Special Branch on the demonstration; the plans of the organisers are clearly not closely co-ordinated or finalised.

R.A.S.

20th September 1968

F.4 Division

Mr. Sterling

To register &
6/1/72



9/10/72 Mr. Wyndham

To see; this is the break-away
(Maoist) group, not V.S.C. The
Security Service are in touch with
the Commissioner's Office about
the application. R.A.J.

With Compliments 2/10.

MINISTRY OF PUBLIC
BUILDING AND WORKS

Lambeth Bridge House, London, S.E.1

Telephone: REliance 7511 X1.1972.

Jan M. Clark

M.O.W. 1957



Mr. St. John
Tegan Jones
person. h.d. J.
27/9

Note for the record

Report to Mr. Griffith

1. On Friday, 20th September, I attended a meeting of representatives of the National Liberation Front and Metropolitan Police, which Mr. James Elliott had called to discuss the arrangements being made for the demonstration on 27th October.
2. It was reported that the demonstration would begin on the Embankment and proceed via Blackfriars Bridge into Fleet Street, the Strand and then into Whitehall. It might stop there and go no further, or it might then proceed after one or two hours via Parliament Street, Victoria Street, Park Lane and into Hyde Park. Throughout the march there might be a wide range of diversionary attacks, some of them well off the route of the march; these might include the Stock Exchange, the Banks, the offices of any American Company, the South Vietnamese Embassy in Kensington, the R.B.C., the headquarters of television companies and other places.

5. Metropolitan police officers were proposing to meet the organisers at some date before the demonstration to discuss their plans. It was thought that the organisers themselves were not in favour of acts of violence.

/The

[REDACTED]

The way ahead is not less appreciable that there would be this
dividing them during the march demonstration. The assembly was to be
at 2 p.m. and it would be dark soon after 6 p.m. This might lead marchers
to ignore the proposed line of march when they realised that darkness
was approaching. So far it was known that about twenty of 500 students
were expected from Wales and another from Scotland. A train load was
said to be coming from Cambridge. The Association of London Youth Clubs
was not willing to give up ^{their} booking of Trafalgar Square on Sunday,
27th October.

- d.
7. The Ministry of Defence had already made fairly large preparations
and were contemplating providing soldiers within their building. They were
told that any such proposal should be agreed by Ministers as it raised
wide and sensitive issues.
8. A further meeting will be held on Friday, 11th October, at 2.15 p.m.

R. A. J.

24th September 1968

F.4 Division

Note for the record

Copy to Mr. Waddell

Mr. Statesbury

Federation
I was informed on 25th September that the London Union of Youth Clubs had told the Ministry of Works that they did not wish to use Trafalgar Square for a rally on Sunday, 27th October. The Square was therefore not booked by any organisation for that date. The Ministry of Works, however, had received an application by telephone from a body called "The October 27th Solidarity with Vietnam Committee". This is a Maoist body which is a breakaway group from the Vietnam Solidarity Committee.

I consulted Mr. James Elliott and the Deputy Commissioner of Police. Mr. Elliott told me that the Security Service would prefer the Square to be made available to the V.S.C. on October 27th. Mr. Mark said that the Commissioner remained of the opinion that there was much advantage in Trafalgar Square being the rallying place for the large scale demonstration on 27th October as this would ~~have many advantages~~ *be extremely useful* for police purposes. He did not think it mattered a great deal which particular organisation behind the demonstration obtained permission to use the Square.

I went to see Mr. Petts at the Ministry of Works, who is the Principal responsible for applications for use of the Square. He confirmed that the Square remained free and that he would not approve any application for its use on 27th October without prior consultation with the Home Office. The Ministry did, however, follow a general rule of "first come first served", if the V.S.C. wished to use the Square they should put in an application as soon as possible. The V.S.C. already had a booking for the Square for Saturday, 26th October and it was usual for the Ministry not to allow any particular organisation to use the Square on two consecutive days. A booking, therefore, by the V.S.C. for October 27th would mean that they would have to drop their booking for Saturday, 26th.

I reported the position fully to Chief Superintendent Cunningham, Special Branch, and to the Security Service. It was agreed that it was up to Special Branch now to take such steps as they thought appropriate to see that an application by the V.S.C. for use of the Square on Sunday, 27th October, reaches the Ministry of Works at an early date.

(SGD.) R. A. JAMES

September 1968

F.4 Division