Trade unions cannot be alien groups in any country. They cannot succeed in this way. They must be of the people, by the people and for the people.

Vic Feather

Victor Grayson Hardie Feather was TUC general secretary for only a relatively short time – from March 1969 until September 1973. But his brief tenure in office coincided with some of the most turbulent years in the organisation's history. Feather was outwardly a jolly Yorkshireman from Bradford with a love for compromise and conciliation as well as a zest for backstairs intrigue with government ministers, union leaders and employers. Unlike Woodcock, he was hyperactive, gregarious and had an uninhibited zest for the good things of life. It is all the more ironic that a man who thrived as an arch-fixer in a public policy world of endless negotiation should preside over the TUC during a period that was characterised by the most serious outbreak of industrial conflict in Britain since the early 1920s.

Feather had no time – according to Barbara Castle – for making the TUC, as Woodcock wanted, a 'philosophic-economic affair'. He told her on one occasion that he wanted to concentrate on organisation when he became general secretary. 'I suspect for all Vic's affability we shall get
even less help from the TUC under him than under George', she commented sourly in her diary. Feather happened to be one of her childhood acquaintances. He had grown up alongside Barbara in the backstreets of Bradford where he was born on 10 April 1908 and left school to work in a grocer's shop at the age of 15, while she went to St Hugh's College, Oxford. Her father, Frank Betts, had been his mentor. To Barbara Castle, Feather was always 'the pawky young Yorkshire lad of my youth'. He used to call her 'luv' and patronised her in his unconsciously sexist way. Memories of their shared past did nothing to endear him to her. In truth, Feather was widely regarded as a canny and manipulative operator, a much more accomplished practitioner of the 'shoddy shabby compromises' associated with Woodcock. He was a doer rather than a deep thinker, but none the worse for that, with a wide and diverse network of personal contacts and acquaintances built up over the years.

Feather was regarded understandably with some suspicion by the increasingly influential left-wing union leaders on the TUC general council. He had won a well-earned reputation for being a hammer of the Communists on the trades councils during his years working in the TUC's Organisation Department which he joined in 1937 under the direction of Edgar Harries. 'I could see little difference in method at any rate between what Hitler was trying to do and what the Soviets themselves were doing', he recalled. The Communist party was quite determined to supplant a democratic system at that time by a system of dictatorship.' In 1947 Feather was made an assistant secretary and during the years of Vincent Tewson at the height of the Cold War his anti-Communism was confirmed by events. He was well-known for his behind-the-scenes work in helping to unite the trade unions in Greece against Communist influence at the end of the Second World War. Some on the left even believed - without a shred of evidence - that he was and remained an assiduous member of the British intelligence services. Feather also played a part in the introduction of free trade unionism into post-war West Germany. In the late 1950s he was a great confidential help to the anti-Communists in the Electrical Trades Union battling against the ballot-rigging of its Communist leadership.

Feather was always an energetic and friendly man. But he was frustrated by his lack of understanding with Woodcock in the 1960s. As Feather remembered of his predecessor: 'There was a kind of resentfulness or a non-committal grunt' when he sought to discuss issues with Woodcock. He saw him as a 'great fatalist' with a 'lack of interest in organisation'. 'He didn't like people. He liked ideas, arguments', said
which did not seem to amount in practice to more than an 'expectation'. No human agency could devise perfect proposals but paragraph 42 required strengthening to ensure that the unions did in fact take all action available to them to secure compliance of their members.

Wilson wondered whether there was some way in which the government could 'back the authority of the TUC in implementing the proposals in paragraph 42, perhaps by changes in the law or by adopting some recommendations' in the Donovan Report. If both sides could find an agreed alternative to deal with unconstitutional strikes as a substitute for the so-called 'penal clauses', that would be satisfactory. But Feather emphasised the TUC proposals could 'not be strengthened' and 'would be fully effective' as they were already spelt out.

Affiliated unions would be reviewing their rules so as to ensure that they had the necessary powers to secure the compliance of their members with a TUC recommendation or award. But the union executives themselves would determine in each particular case what sanctions should be applied in order to secure compliance.

Wilson would not accept this, arguing that the TUC's paragraph 42 would have to be strengthened under agreement with the government. Fred Hayday of the GMW tried to reassure him that placing the TUC general council's authority behind any imposition of sanctions by unions on their members would strengthen the position.

Hitherto union executives had sometimes feared that if they attempted to discipline their members, the latter would transfer to another union with laxer discipline. This fear would now be removed. The trade union movement were fully convinced that legal sanctions would do nothing to solve industrial disputes but would indeed make matters worse.

Wilson made it clear that the talking should continue. Even if agreement could not be reached before the introduction of the first Bill, action could be taken in the second Bill in the next parliamentary session to remove the so-called 'penal clauses'.

After meeting Feather and Hayday on 9 June, Castle and agreed that negotiations should continue with an inner group TUC that would include Feather but also Scanlon and Jones. The prime
minister gained the impression that Feather and Hayday were ‘very cool’ about acceptance of the ‘model rules’ formula. Wilson told the management committee that ‘he believed that they were so concerned they were prepared to discuss anything which gave them a way out. His view remained, however that Mr Feather might take a very different view when he received legal advice.’ Wilson added that he had repeated to the general council that the government was prepared to drop the penal clauses if they could make paragraph 42 more acceptable, and he also indicated in general terms that in default of any breakthrough in the negotiations the following week, the government would then introduce a Bill containing penal clauses in cold storage, but that the clauses could be repealed before the second Bill came into effect. All this has been indicated in general terms and without committing the cabinet in any way.20

It is apparent from the public records that Feather was seeking – independently of his general council colleagues – to find a way forward that would prevent a split between the TUC and the government. ‘Mr Feather is in a very exposed public position himself in relation to his constituents’, Wilson admitted to the management committee. The prime minister convinced himself that the TUC would give ‘grudging, reluctant acquiescence’ to the appearance of a Bill containing penal clauses in cold storage and the Croydon decision could be interpreted in that way. Healey wondered if Feather could be persuaded to get the September congress to agree to the implementation of the TUC proposals while the Act containing the penal clauses in cold storage remained in operation. Wilson replied that ‘his impression was that the TUC did not feel themselves bound not to go ahead in these circumstances and in any case the government might get agreement with them on an alternative to penal clauses before the September conference’. He added that he wanted to keep the government’s proposals in reserve for the moment until the TUC had established its small seven-strong negotiating committee, and when this was done, he and Mrs Castle ‘could then decide as a matter of tactics when to say the government would be going ahead with the Bill containing the penal clauses in cold storage’.

Wilson was convinced that

if the government did not continue to press on with the Bill, Messrs Jones and Scanlon would in fact not surrender sovereignty to the TUC even though they supported the Croydon decisions. The basic difficulty with the TUC was that they were bound not to accept fines on unions and workers. The government could offer them that no
Feather. The puritanical Jack Jones noted in his memoirs that Feather was 'attracted to establishment figures like a moth to a candle'. But he was a man of genuinely cultured tastes, with a special love for art. 'I liked the way he didn’t play mock austere; the way he asked for a particular cigar and accepted my offer to choose the wine without being pretentious in any way', noted Barbara Castle on 23 January 1969. 'As I started to explain my aims for the trade union movement, he interrupted to say he would help in any way he could with trade union conferences. “Let's keep contact like this.” I think he may turn out to be a very great General Secretary.' Feather’s outward-going chummy manner and extrovert personality suggested that the TUC under his leadership would be taking a perhaps more assertive role than it had done under Woodcock.

He may not have been a philosopher but it would be wrong to suggest Feather was completely bereft of any ideas of what he wanted to do as TUC general secretary. It is true that in 1966 he had attached a 22-page memorandum to the TUC’s evidence to the Donovan Commission that gave a rather pedestrian account of how its organisation worked without much obvious sign of original thought or vision. But this was somewhat misleading. Feather certainly lacked Woodcock’s wider understanding of the political economy. He was much more at home glad-handing trade union officials at social functions outside London than arguing with Treasury mandarins about the finer points of incomes policy. But after more than 30 years in the backrooms of TUC headquarters, mainly dealing with internal organisational and inter-union matters, he was determined to show in a very short length of time that he was just as capable as Woodcock in furthering the ambitions of the TUC.

‘In Place of Strife’

From the moment he became general secretary elect on 1 March 1969, with Woodcock’s departure to chair the newly formed Commission on Industrial Relations, Feather made it clear to both Harold Wilson and Barbara Castle, Employment Secretary, that, like most of the TUC general council, he did not want to provoke any showdown with the government over its ‘In Place of Strife’ White Paper. But he urged them to trust the TUC to reform itself and not impose what he regarded as hasty, ill-conceived legislation which trade union leaders from both left and right on the general council believed would turn out to be unenforceable. As Barbara Castle reflected in her memoirs, he and Wilson spent many an evening in the prime minister’s study sipping brandy and ‘puffing companionably on cigars’. ‘Vic was obviously trying desperately..."
to find a way out’, she accepted. ‘Indeed the most remarkable thing about the whole In Place of Strife episode was the anxiety of the unions lest Harold should indeed resign.” Feather had a low opinion of her. On one occasion he recalled:

Barbara was round the bend. Hysterical. Not listening, not discussing. Just wanting to thump down her ideas. When I was talking to Harold she was muttering away with her soup. It was a most astonishing exhibition.”

Feather’s initial task was one of damage limitation with the government. But he found himself in a difficult position. Wilson and Castle met him on 11 April to discuss their proposed industrial relations legislation. But the prime minister reported to the cabinet that the TUC remained opposed to what Feather described as ‘the introduction of criminal law into industrial relations’. He told Wilson that they were not only ‘bitterly opposed to the proposals imposed by the suggested Industrial Board should in certain circumstances be collected from workers by detachment of earnings’, but also to compulsory strike ballots. The prime minister told his cabinet colleagues that the negative attitude being displayed by Feather and the TUC suggested it would be wrong to delay industrial relations legislation until the next session of parliament. Wilson added that the Chancellor, Roy Jenkins, ought to reveal in his budget speech that the government would propose an interim industrial relations measure and announce he did not intend to introduce any new prices and incomes legislation when the 1968 Act expired. The proposed Bill would give workers the legal right to belong to a union; compel an employer to recognise and negotiate with a union; introduce a conciliation pause before unofficial strikes and amend the present rules concerning disqualification for unemployment benefit. It was decided that instead of legislating for a compulsory strike ballot, the Bill would empower the proposed Industrial Board to deal with inter-union disputes. The cabinet discussions indicate that many ministers – even at that early stage – were keen to ensure any legislative measure that emerged must do so through consultation with Feather and the TUC, whom they believed had ‘already shown signs of modifying their attitude’ on some points.

But Feather did not simply want to see a few amendments to the government’s planned legislation. He sought to carve out a credible and agreed TUC alternative to Castle’s proposals that would win the prime minister’s backing. In this he was – in the end – to achieve a high degree
penal clauses would in any case be in effect until well into next year, but they had made clear that they did not wish to see penal clauses on the statute book even in reserve, and again they had returned to the argument that in 1966 after they had voluntarily introduced a Prices and Incomes policy themselves the government had nevertheless taken and used their reserve powers.

Healey admitted at the meeting that 'if he had realised the impact the proposed Bill would have on party morale he would not on balance have supported it in the first place'. Wilson also admitted he had not been 'at first' in favour of a short Bill in the present session but he 'had then been persuaded and convinced this was right'. 'The party was already in a poor state in any case at the time the decision was taken. He was sure that if the Bill had been left over until next year it would never in any event have been introduced.'

But support in the cabinet for Wilson and Castle was ebbing away. Many ministers were impressed by Feather's efforts to reach a compromise settlement that would prevent a dangerous division of opinion between the TUC and the government, as the 17 June Cabinet Minutes indicated.21 As they argued:

The government had already procured a very substantial advance by the TUC from their original position; and if they could now reach agreement on the sole outstanding issue they would be seen to have secured, in a few months, a more significant reform of trade union organisation than had been achieved in many years. It would be foolish to put this potential achievement at risk for the sake of a difference of presentation which would, in any event, be of little practical importance.

But Wilson and Castle continued to agree that the TUC must be required to accept an amendment to their own rules to deal with unofficial disputes that would have some teeth. They told the cabinet that both Scanlon and Jones were opposed to this because they did not want the TUC to acquire the power to order workers back to work in an unofficial strike. Neither said they were impressed by the TUC offer to circulate a letter making its obligations clear. As they reasoned:

It was clear the more intransigent elements in the general council hoped, by blurring both the precise nature of the TUC's obligations and the means by which they would be discharged to reduce those...
obligations or to evade them altogether. The essence of the problem was their refusal to be made publicly answerable for the effective implementation of the principles to which they themselves purported to have subscribed in the TUC's own document Programme for Action.

Wilson and Castle acknowledged that Feather had told them the TUC would withdraw its own proposals if the government pressed on with 'penal' legislation, but they believed the TUC instead would in practice modify that position, especially if it became clear that penal clauses would not take effect for a defined period. But if the government backed down and accepted the TUC promises because of 'their fear they would be unable to carry legislation which was against the wishes of the TUC and the parliamentary Labour party, in that event they would forfeit all respect and authority both at home and abroad'. Many cabinet ministers were unimpressed by such arguments and took comfort from the TUC's position. As they reasoned:

The gap between the positions of the government and the TUC was now so narrow that it would be politically unwise to confer the privilege of martyrdom on the more recalcitrant unions by introducing legislation which public opinion would regard as directed largely against them. The government's position would be far more defensible if they took their stand on the solid achievements already secured in the course of negotiations with the TUC and did not jeopardise all the ground they had won for the sake of one exposed salient which was in fact untenable.

Wilson and Castle argued that the cabinet must stand firm and require rule 11 to be toughened up, believing that to do otherwise would mean caving into the TUC militants like Jones and Scanlon.

The final meeting took place at 12.30 p.m. on 18 June at Downing Street. The TUC side was made up of John Newton, the TUC's chairman, Feather, Hayday, Allen, Greene, Scanlon and Jones. Feather told Wilson and Castle that the general council did not object to the wording of the draft amendment to rule 11 which the government had proposed. The question was whether it should be made an amendment to the rule or issued as a circular to affiliate unions on how they proposed to operate in future over unofficial disputes. He said he favoured a circular rather than a rule change, and was backed up in this by Hayday who thought a 'solemn undertaking by the general council'
of success. Feather secured the approval of the TUC general council to develop a ‘programme for action’. This indicated the trade unions were not simply being negative but demonstrating that they were perfectly capable of reforming themselves without any need for government intervention. What Feather proposed, however, was that the TUC should take a key role in trying to resolve inter-union disputes and unofficial strikes. At a meeting with the TUC on 12 May, Wilson sensed ‘a strong desire on their part to avert a split in the movement’. The prime minister conceded that under Feather’s leadership they had already come a ‘very long way’ in their readiness to try and deal with inter-union disputes. As Wilson recorded:

The general council was to be given power to issue an award in any inter-union dispute it dealt with which would be binding on all unions concerned. Refusal by an individual union to accept such a decision would mean that the general council could either suspend the union from TUC membership or report it to Congress with a view to disaffiliation. This had been accepted by all the unions; Frank Cousins and Jack Jones both stressed to us how far the TUC had gone

Mrs Castle agreed, suggesting the TUC had moved ‘farther and faster in two weeks than in all the past fifty years’. Under Feather’s influence the TUC general council agreed to strengthen its existing rules so that it would empower them to adjudicate over inter-union disputes and gave the right to congress to suspend and expel any union which refused to accept its judgements.

However, Feather and his colleagues were unable to provide a similar unequivocal commitment, which Wilson and Castle demanded, that the TUC would also be able to deal in an effective way with unofficial strikes. Under the new policy Feather tried to convince the government that the TUC was keen to be helpful by strengthening its existing powers to make it ‘an obligation’ on any affiliate union that it must inform the TUC in the event of an unofficial strike that it would ‘take immediate and energetic steps to obtain a resumption of work’. Feather also proposed that the TUC general council would be given the power to express its ‘considered opinion and advice’ on such disputes when they occurred. None of this went nearly far enough to satisfy Wilson and Castle. Barbara Castle believed that it was a ‘question of establishing the will of unions to deal with unconstitutional strikes instead of hiding behind them’. Feather told her and Wilson that the TUC would not be able to effective discipline over affiliated unions in unofficial stoppages because
the only sanction available to them was the threat of being expelled from the TUC which the general council would be generally unwilling to put into effect. Wilson was at least optimistic in front of his cabinet colleagues that the TUC could be persuaded to toughen up its position on dealing with unofficial strikes. As he told them, a paragraph of the TUC's own 'programme for action' made it clear that the general council would 'require' unions to satisfy them that 'they had done all that they could reasonably be expected to do to secure compliance with a council recommendation or award'. But Wilson added that it was still uncertain 'what practical steps the general council would take if an affiliated union failed to use all its powers to get members on unconstitutional strike back to work when the council so ruled'. 'There was no assurance that in such circumstances the unions concerned would invariably use their full powers to obtain a return to work and this was the essential weakness of the present TUC proposals.'

Feather was told by Wilson and Castle that if the paragraph were suitably amended to 'make clear that individual unions must proceed with their full powers against unconstitutional strikers who refused to comply with a general council ruling that they should return to work, then they believed the government and the TUC would be very close to agreement'. For his part, Feather warned that a prerequisite for going ahead at the planned special Croydon congress with 'programme for action' was that any new legislation introduced by the government should not incorporate penal clauses against either individual workers or unions.

The most revealing confrontation between the TUC and the government took place over dinner at the prime minister's country home of Chequers on Sunday 1 June, four days before the TUC's special congress at Croydon to approve 'programme for action'. Wilson kept detailed minutes of what happened on that occasion. It remains one of the most important documents of the whole crisis and deserves to be quoted at length. The meeting that evening at Chequers was small and intimate. The union leaders present were Feather, Jones and Scanlon. Originally it had been planned that Wilson would meet them alone but Mrs Castle insisted on being present and was flown back from Italy where she had been holidaying on businessman Sir Charles Forte's yacht. It was clear from the discussion that erupted over the main course at dinner that the union leaders were in no mood to respond to the prime minister's warnings of the political consequences of his government not pressing ahead with its industrial relations legislation. Their general view seemed to be that there was nothing in this, that the political dangers of proceeding were far greater and Jones and Scanlon who did most of the
would be 'more binding' on unions than amending rule 11. Wilson told them that the

government would not introduce penal clauses in any legislation introduced in the present Parliament if a satisfactory agreement could now be reached with the general council, with the provision that this must be subject to review if the TUC Congress in September failed satisfactorily to endorse the agreement. The government was insisting on a change in the rules because it was necessary, if legislative sanctions were to be abandoned, to demonstrate that the TUC itself had 'legislated'.

But Alf Allen from USDAW, the Shopworkers' union, said that any undertaking on the lines of the draft amendment given by the TUC to the government would be an unprecedented commitment.

The government should recognise the very great difficulty which the general council would have in securing the agreement of union members to a change of rule which had been dictated by the government. The undertaking offered which would have the unanimous support of the general council would be far more valuable than an offer to seek an amendment to the rules; it was indeed doubtful whether the proposed amendment to rule 11 could be carried. The government's proposal was simply not a runner.

Jones added that the general council could give no undertaking that an amendment on the lines the government wanted would get through congress in September. He pointed out that the TUC's promised 'firm undertaking' would have all the force of a rule change. The Bridlington provisions that regulated inter-union conduct may not appear in the TUC rule book, but they were clearly rules. 'In substance and in public presentation, the undertaking which they were offering was as binding and important as an amendment to the rules', he added. But it was Hugh Scanlon's intervention that proved to be the decisive moment that ended the crisis. He told the prime minister that his union's National Committee had only agreed by a narrow majority to back the TUC's 'programme for action', and then only on the basis that 'no further sovereignty would be surrendered by the TUC'. If the government insisted on an amendment to rule 11 he would have to bring back his union's National Committee, and 'he could not predict the outcome'. But on the other hand, it would not be necessary to recall the National
Committee to authorise him to support the general council’s proposed undertakings on dealing with unofficial disputes. Sid Greene of the NUR added that it was really a ‘mere technicality’ whether the TUC made a solemn declaration or amended its rules, but there was a ‘very real risk that all the ground gained’ at Croydon would be lost if a rule change was attempted at September’s congress. Wilson was unconvinced, even at this late hour. A change in rule 11 was vital, he told them, if agreement was to be reached and the government was to drop any legislation with penal provisions for the rest of the parliament in exchange for ‘clear and binding procedures’ by the TUC to deal ‘effectively’ with unofficial strikes.

In fact, the breakthrough came after a short recess with Scanlon’s suggestion that the TUC would accept a ‘solemn and binding’ commitment on the lines of the Bridlington rules to deal with inter-union disputes and unconstitutional strikes. This was treated as a face-saving compromise that enabled the government to back down, but it was a better outcome than had seemed possible only hours before.

Wilson reported back to the cabinet that the TUC had promised to give a ‘solemn and binding undertaking’ which would be ‘the virtual equivalent of the more stringent formulation of rule 11 proposed by the government at an earlier stage’. Moreover, it would have the ‘same binding force as the TUC’s Bridlington principles and regulations’. In return, the prime minister agreed to abandon the government’s intention to introduce interim legislation, and there would be no ‘penal clauses’ in any future Bill in the present parliament unless the TUC failed to ratify its undertaking at September’s congress. Wilson concluded that the deal would never have been achieved unless the TUC had ‘been allowed to understand very clearly that the only alternative was legislation incorporating “penal clauses”’. ‘In the event, however, good sense had prevailed’, Wilson told the cabinet. ‘The final outcome could be regarded as a very significant advance in industrial relations. It was essential that it should be so presented to public opinion and that neither side should claim that its views had prevailed over those of the other.’

The final settlement of the TUC’s gravest crisis since the 1926 General Strike owed much to Feather’s indefatigable energies and negotiating skills. As Barbara Castle conceded, he ‘kept the TUC’s part of the bargain, intervening as an intrepid fire-fighter of unconstitutional disputes and he undoubtedly helped us to avoid several strikes’. Jones noted that ‘A victory had been scored in defence of the right to strike without fear of legal sanctions but the TUC took aboard some big new responsibilities.’
talking, seemed determined to try and warn us off our proposed course of action.' The two men made it 'quite clear that they could not agree to a greater transfer of sovereignty than was in the TUC document. Scanlon indicated that 'he was personally opposed even to the transfer of sovereignty that had been agreed'. He told Wilson that he faced a dilemma at his union's recalled national committee on the following Tuesday because he had personally gone on the record in total opposition to any transfer of the power to deal with disputes affecting AEF members to either the government or the TUC.

He now had to contradict his earlier stance and the only credible explanation he could give, which was the true one, was that he accepted the lesser evil of strengthening the powers of the TUC in order to avoid the greater evil of legislation. He thought he would be able to carry the national committee but it would clearly be on the understanding that the AEF support to the TUC was conditional on there being no government legislation which included penal clauses.

Wilson's account goes on:

When the First Secretary [Castle] said – but was he not in fact opposed to all legislation – he confirmed that he was. At this point he appeared to be attempting to give instructions to Vic Feather in relation to his speech at the Croydon Congress saying that in his winding-up speech at any rate he should make clear that support for the TUC was based on the clear understanding that the penal clauses would be dropped.

Both Scanlon and Jones pointed out that Feather had succeeded in avoiding a vote on their joint proposal that 'programme for action' would be withdrawn and the general council would not seek any additional powers if the government went ahead with penal clause legislation. Both men acknowledged that they would agree to a 'very weighty transfer of sovereignty' to the TUC over inter-union disputes, giving it the power to make binding awards. But they refused to increase the TUC's powers over affiliate unions when it came to dealing with unofficial strikes.

Scanlon turned out to be the main trade union protagonist at the Chequers showdown. He told Wilson and Castle that the government's whole approach to the 'unofficial strike problem' was wrong. The trouble lay with 'all strikes'. 'He indicated pretty clearly that if the government continued with this distinction certain unions, clearly his own, would tend to make more unofficial strikes official at an early stage.' Scanlon
also complained that the large majority of disputes were due to management, whether over dismissals or imposed changes in working practices.

Wilson then records:

Scanlon, who had driven down from his meeting in the Midlands (organised by Engineering Voice) was full of dire warnings about what would happen in the factories if the government went ahead with the intended legislation. He implied that the kind of activists he had been talking to would see to it that a rash of strikes on May Day lines would be organised all over the country and the government would be powerless to deal with them. Working to rule; go slows; one day strikes etc were all referred to (he also seemed to think that the kind of activists he had been talking to represented the real voice of the labour and trade union movement – and was sharply corrected by me).

He also warned that the trade union movement would see to it that the fines were paid by sympathisers of the men concerned, clearly hinting at a whip round though I suspect - and this was confirmed by something I heard the next day as having come allegedly from TUC sources - that he also had in mind that some of the more militant unions such as his own would set up special funds of union money for paying fines imposed on unofficial strikers.

The whole atmosphere was one of a clear determination by Jones and Scanlon to make the legislation unworkable. After dinner the discussion continued some three hours and became very much harder hitting but also highly repetitive. No new agreements were produced but the old arguments tended to be clothed in different phraseology.

Scanlon confirmed, on being challenged by Mrs Castle he was in effect manoeuvring in order to defeat the entire legislation, that his motive in supporting the TUC had nothing to do with seeking to deal with the problem of strikes and that it was legislation he was against not strikes. He cheerfully admitted this and so did Jones, because he said the question of legislation raised a fundamental principle about unions and about the whole system of collective bargaining. Once this principle was admitted there was no limit to the extent to which it could be pushed. There was clearly some fear that an incoming Tory government would seek to go very much further but the two union leaders were totally confident on their ability to make Tory-type legislation unworkable and drew pictures of British industry stopped by a series of shorter or longer strikes in a large number of industries. They thought nothing of the argument that failure to deal
Castle was convinced that the TUC had done itself great harm as a result of its hands-off attitude and would pay a price for its behaviour from a future Conservative government. The crisis over 'In Place of Strife' has been seen ever since as a lost opportunity in the modernisation of the trade union movement. But it did not really seem like it at the time. The TUC had agreed to a highly proactive strategy for itself, designed to reform industrial relations. What it represented was a significant step forward by the unions towards greater self-coordination. During the following twelve months up to the June 1970 general election, the TUC under Feather became an energetic focus of trade union activity. But as Wilson noted: ' Strikes did not diminish in number, scale or duration after 18 June 1969. All the spectacular strikes in which the TUC failed were disputes where our legislation directed mainly against unofficial strikes would have been ineffective.'

Indeed, growing rank and file militancy was rapidly undermining the position of union leaderships, let alone newly acquired TUC authority. Moreover, speaking at his first congress as general secretary, Feather reassured delegates that the TUC would not be seeking to acquire power at the expense of affiliate unions. 'The TUC never has been and never will be something separated and apart from the unions, sitting in judgement on them', he said. 'I never talk of TUC authority or union discipline or chain of command. Unions are independent voluntary organisations and the TUC is their federal body. We move by discussion, persuasion and argument.' In the new militant atmosphere evident at congress in the shape of Jones and Scanlon as heads of the two largest unions, there was little desire to build constructively on the June 1969 settlement. Indeed, the industrial scene was worsening. By the early months of 1970 unrest was growing in the docks, in the car industry, and above all in the public services sector among low-paid manual workers. The industrial relations legacy bequeathed to Edward Heath and the Conservatives after their surprise June 1970 general election victory was hardly an enviable one.

Working with the Conservatives

Feather was not personally hostile to Heath. On the contrary, the two men had grown to like each other when Heath had been Minister of Labour under Harold Macmillan. After Heath left the Ministry in July 1960, Feather wrote to him saying he was sorry to see him go because he had 'so quickly won the respect and confidence of the unions.' Feather was a delightful man in many ways but my dealings with him
were often frustrating', Heath later admitted. 'Time and time again he was obliged to be inflexible in the face of perfectly straightforward problems because of the fundamental weaknesses of his position.' In Heath's opinion, Feather 'must go down in history as a victim of circumstances, for the early 1970s could not easily accommodate such a reasonable and inherently decent man in the position of TUC general secretary'.

At his first private meeting with Feather after he became Prime Minister on 1 September 1970, Heath made it clear that he was keen 'to resume the cordial and constructive relationship' they had enjoyed a decade earlier. 'Although I knew that Vic was close to Harold Wilson, I was determined that the TUC should never be able to accuse me of being aloof or hostile towards them.' Heath suggested that Feather agreed with him that 'we had to stop the economic cat chasing its own tail through wage inflation and even indicated that the TUC might help with a policy of wage restraint'. 'He did not believe that he and his colleagues could at this stage at least sign up to such an agreement publicly', Heath wrote in his memoirs. 'The meeting was an amicable one but although I had always liked Vic I knew that he was not really in a position to deliver: the general secretary of the TUC has no troops.' Perhaps Feather flattered in order to deceive. It is hard to believe he gave Heath the impression that the TUC was in any mood to talk about wage restraint in the autumn of 1970. If Feather had found it increasingly difficult for the TUC to hold back wage expectations in the last months of the Wilson government, it is unclear how he could have expected to exercise any similar moderation with the Conservatives in office, with a election mandate to reform the trade unions through the use of comprehensive legislation.

However, Feather continued to hold regular private meetings with Heath unbeknown to the TUC general council or his Congress House colleagues. He tried to convince the prime minister that his proposed industrial relations legislation would not work because most companies would simply not use its provisions against the unions. It was Feather in April 1971 who suggested talks over incomes policy of a voluntary kind to break the inflation cycle. Feather told Heath that Jones and Scanlon wanted 'the kudos of militancy without really desiring to achieve the results for which they are fighting. They are in a way relieved when they find themselves out-voted by the moderates.' Heath believed Feather 'privately agreed with what we were trying to achieve'. He informed the prime minister in June 1971 'there was widespread realisation among leaders of the trade unions that it is not possible to
with this problem would make such a government and such legislation more likely.

It was becoming increasingly clear that neither Scanlon nor Jones were prepared to accept any legislation that involved even putting the penal clauses into cold storage.

They appealed to the government to drop their plans and obviously feeling they had to offer some face-saving to the government, said the government could of course claim – as it would – that the TUC had only been stirred into action by the threat of legislation. The threat had achieved its purpose; there was no need for the legislation which could not achieve anything.

Wilson and Castle responded vigorously to this onslaught. They warned that

the unions would lose all their credibility and so would the government; that since they had admitted that their willingness to transfer a degree of sovereignty to the TUC was only for the purpose of getting rid of legislation, not getting rid of strikes, there would be a gradual erosion of that transfer; that individual unions, particularly those faced with a difficult strike situation, would be more likely to wash their hands of it, while the TUC for its part would become less willing even to use the vague powers hinted at in paragraph 42.

Wilson continued:

Feather said that the TUC never envisaged that they would go to the limit in every case, any more than the government would. I said I felt with the heat off – which they conceded had produced some results – this phrase ‘decided each case on its merits’ would mean that more and more cases were let go, both by the union concerned and by the TUC and this would not perhaps even be a conscious decision, though we had every right to be suspicious in view of the motives of transferring sovereignty but the hopes raised by para 42 would give way to weakness and atrophy. Feather did not attempt to argue seriously against this but simply asserted that it would not happen and a great deal of case-law would be built up and that a momentum would develop.
Jones – backed by Scanlon – argued that a dual system made up of the TUC plus legislation with the latter requiring activation by an appointed-day procedure was a non-starter because of what had happened over the prices and incomes policy and the TUC’s vetting machinery vis-a-vis government legislation.

Referring to George Brown’s descent on the Brighton conference (in 1965), they implied that there had been a real breach of faith in that he had gone there with the terms of no legislation if the TUC had acted. Jones was unrepentant about TGWU opposition to the TUC pay-vetting machinery as well as to government legislation.

Wilson added:

Further attempts were made to discover how far they might agree to disagree – that after their protests they should accept the legislation and should judge it – as Woodcock had done in his famous phrase about the Prices and Incomes Act – not by what it said but by how it was used. All three made it very clear that the Woodcock era was over.

Wilson then painted a lurid picture of a

lame duck government seen at home and abroad to have lost control and to be unable to govern. I said that in particular that if the TUC hoped to crack their whip over trade union group members to vote against the government it would clearly mean that the TUC, a state within a state, was putting itself above the government in deciding what a government could and could not do. They made no attempt to deny this because they said a fundamental principle was at stake. I pointed out that an even more fundamental principle was at stake, namely the right and possibility of a Labour government to govern and the very essence of democracy in this country. The first secretary raised the whole question of social democracy all over the world but from Scanlon’s reaction it appeared that she was not referring to the party he loved.

Scanlon asserted the right of the trade unions to take their fight over the proposed legislation to industrial confrontation, but he also referred to the dangers of another 1931 crisis. ‘I reminded him sharply that in that context I was not a Ramsay MacDonald but in the context of his previous comment I wasn’t a Dubcek’, noted Wilson.
continue with the present rate of wage and price increases'. But Feather was looking to the CBI rather than the government for a closer understanding on how both sides of industry could cooperate. Nevertheless, he informed Heath on 15 February 1972 that 'the TUC would always be ready to cooperate if they were properly consulted and agreed in advance about the basis for cooperation'. However, if Feather was determined to keep informal channels of communication open between the TUC and the government, in public Congress House was clearly set on a collision course with Heath and his cabinet. The TUC general council was dismayed in the autumn of 1970 at the refusal of Robert Carr, the employment secretary, to negotiate on the details of the proposed comprehensive industrial relations legislation the Conservatives had prepared while in opposition. Their meeting with him on 13 October confirmed the view of more militant union leaders that the government had no genuine wish to consult with the TUC and were hell-bent on pushing through their proposals on to the statute book, even if it meant risking a confrontation with organised labour. The atmosphere was not improved by the growing industrial unrest, particularly in the public sector with strikes by local government manual workers and electricity power workers. In addition, the TUC was opposed to what it saw as Heath's disengagement of the state from industry with suggestions that lame duck enterprises should not be saved by government subsidies. Rising unemployment added to a sense of a crisis. The TUC found itself with little direct influence over government policy while the increase in rank and file militancy, reflected in the growth of the Communist-dominated Liaison Committee for the Defence of Trade Unions, was unsettling Congress House.

The TUC general council was united in its opposition to the Industrial Relations Act from the beginning but it was not certain how to combat the legislation effectively. The measure was highly complex and enormous in scope with 163 clauses, 8 schedules and 97 amendments. Even Carr admitted he did not understand all of it. But its aims were clear enough - to reform industrial relations by bringing trade unions within a new framework of law and giving workers new rights and responsibilities. Its very intricacies ensured that it was a flawed piece of legislation. The TUC, helped by Bill Wedderburn, the eminent law professor at the London School of Economics, were able to work out an effective method of rendering the more important parts of the legislation inoperable. The measure accepted that trade unions should decide for themselves whether or not they should stay on the existing register and by doing so ensure they did not become vulnerable to crippling financial
damages in the event of their involvement in unlawful disputes. The act of deregistration by a union was a clear and legal option it could take to defy the new law quite legitimately. Carr and Heath were anxious not to force the unions into doing what they did not want to do, confident that they would see the advantages open to them of staying on the register. A late amendment to the Act, however, sought to trap the unions on the register by indicating they would be transferred automatically to the new permanent register unless they took the positive step of requesting their removal. But there was another weakness that the TUC quickly saw in the Act. The government decided that trade unions and employers should not be compelled to sign collective agreements that were legally enforceable if they did not wish to do so. In practice, employers made it clear they did not want to invoke the Act except in a last resort, preferring to reach voluntary deals with unions. It is possible that Feather gave the wrong impression to Heath that once the Act was on the statute book the unions would come round to accepting it despite their public hostility. As Brendan Sewell, special adviser, confessed: ‘In opposition, private talks with trade union leaders had led us to believe that, while the unions would be bound publicly to oppose the introduction of legislation on industrial relations, once the law was passed it would be accepted. Where we (and probably they also) went wrong was in not realising that such a head of opposition would be built up that it would become impossible for the law to operate properly.’

From the start, Jones and Scanlon sought to mobilise resistance on the general council among those who wanted nothing to do with the measure. They believed the TUC would need to ‘instruct’ affiliate unions to deregister and then boycott the National Industrial Relations Court as well as the other bodies designed to administer the Act. Such an absolutist and pure position was, however, difficult to sustain in practice. Nobody could doubt the TUC’s strong and united opposition to the measure. As many as 140,000 trade unionists attended the TUC protest rally in London’s Trafalgar Square on 21 February 1971. It was the biggest event of its kind the TUC had ever organised. It is true that public opinion in general was more sympathetic to the legislation in so far as they understood it. But the TUC’s reasoned opposition was based on a trade union perspective. Feather was as convinced as the general council that the measure was both unnecessary and dangerous. At a special congress the TUC held at Croydon in March 1971 it was agreed that the unions should seek to nullify the Act and they were ‘strongly advised’ not to remain on the register or serve on the new statutory bodies.
At this point, they started to appeal again, almost in a wheedling tone. It would be quite possible for us to drop the penal clauses without loss of face, after all it was the threat of them which had brought the TUC so far along the road and we could claim that. Jones, supported by the others, said that in view of our tribute to the TUC, why should we not drop all legislation for this session, giving the TUC a chance to show what they could do and if necessary introduce the Bill next session. I replied their objection could be fully met by an Appointed-Day Procedure which might provide at any rate time to see what the TUC could do. But I pointed out that they were no doubt gambling on the fact that the government, having been stopped from introducing legislation this year, would find it doubly difficult to introduce it when a general election was much nearer. Furthermore once the TUC or unions concerned had tasted blood and been successful in getting the government to dance to their tune, the pressure next year from them might be all the greater.

The angry exchanges continued until after midnight, at which point Feather indicated to Wilson ‘we could not take it any further’. A ‘general and quite friendly conversation’ ended the occasion. But then the prime minister disclosed a further talk he had alone with Feather that evening. As he wrote:

Jones had not been shown his room [the Prison room] so we all went up to install him there and I left them thinking they would want to talk together. Before I did so Feather stuffed a piece of folded foolscap in my pocket on which he had written – ‘I will see you downstairs in ten minutes’. He came to my room and discussed the matter further. He was not unduly concerned but I think he felt that his suggestion of a dinner of this kind had at any rate achieved one of the effects he had intended, namely that the First Secretary and I were left in no doubt about the root and branch opposition of the leaders of the two biggest unions and the unions most concerned with the industries subject to unofficial disputes.

Feather seemed determined to keep on talking and consulting continually in the search for a settlement.

Wilson recorded:

Jones and Scanlon had to leave very early in the morning separately. Scanlon left for me on the table a letter as follows: ‘Dear Prime Minister
and First Secretary. Sorry we could not find basis of agreement but thanks for an enjoyable and interesting evening. H. Scanlon'.

The atmosphere was not improved two days later when Castle sent a highly formal and niggling letter to Feather on the eve of the Croydon special congress in which she expressed the government's view that his proposals on TUC involvement in resolving unofficial strikes were 'inadequate'. Feather was incensed by her intervention. He phoned Denis Barnes, permanent secretary in her department, to tell him. His message reached Wilson. 'Feather was very angry', he told the prime minister.

He asked me what was the point of the letter. Denis Barnes said it was intended to reaffirm the government's position before Thursday's congress. Feather said it was impertinent. Denis asked him what he meant and Feather replied that the government was asking for more and more from the unions and offering nothing in exchange.

He added that if the letter went to the general council it would 'hit the roof'. In Feather's view it was now 'really a straightforward issue of whether the TUC went ahead with their programme for action or whether the government pressed forward with their proposals'. Feather warned Wilson on the phone that her letter was a 'bit of a catastrophe' and if he circulated it to the general council 'all hell would be let loose'.

His colleagues would certainly consider the letter to be pernickety, a view which he shared, and they would particularly object to the sentence suggesting changes in their proposals which would almost certainly be passed by a large majority at the Congress. They would take the view that after the Congress tomorrow they could not change a 'dot or a line' of the document.

Feather told Wilson that the timing of the letter, late in the evening just before the congress, 'imparted a crisis atmosphere'. But the prime minister sought to calm him down, arguing that the letter 'did not go beyond what had been said before to the TUC and there was no significance in the timing of its delivery'. Feather said that he was grateful for his explanation which was most helpful. Wilson took the opportunity to tell him in return that he took a 'gloomy view' of what Jones and Scanlon had said to him at Chequers, 'that they were reluctantly acquiescing in the TUC proposals only because they regarded them as the lesser of two evils'. In the event, Feather carried the day.
Unions were also promised financial indemnification against damages by the TUC in 'exceptional circumstances' that were not spelt out if they found themselves forced before the new court to defend themselves. However, the TUC rejected by 5,055,000 votes to 4,284,000 against an attempt by left-wing affiliates to 'instruct' all unions to deregister under the threat of the ultimate sanction of expulsion from the TUC if they refused to do so. As Congress House argued: 'To impose on unions such a general condition of affiliation would impose on the TUC the obligation to support unconditionally an affiliated union which put itself in jeopardy by one of its members — by an action that would not have been in contravention of the Act if the union had been registered. The general council could not commit its affiliates to accept such an automatic obligation to each and every member concerned.'

Feather was anxious to preserve the maximum unity of action among affiliate unions. But the moderate stance adopted by the TUC at Croydon proved difficult to sustain during the summer of 1971. On the eve of the September Congress the general council noted that:

Many unions were interpreting the Croydon registration decision as passive and had not endeavoured to implement it. Six months after Croydon members were still sitting on the fence and as a result there was disarray. Very soon, if the policy was tightened up a large number of unions which intended to carry out the Croydon registration request would reconsider their position.

Indeed, a week later Feather found himself out-voted when congress backed a motion moved by Scanlon that instructed affiliates to deregister, with 5,625,000 votes in favour and 4,500,000 against. 'A single scratch can lead to gangrene,' warned the AUEW president. 'Whatever the motives a single step forward towards an implicit cooperation with the Act by any section of our Movement might give temporary relief but in the long run it would be disastrous to all.' This was generally interpreted at the time as a serious defeat for the TUC Establishment but it was hardly the final word on the matter. The passage of a militantly-sounded resolution in the heated atmosphere of congress was one thing, but its automatic acceptance in practice by every affiliated TUC union was quite another matter. Many union leaders were extremely reluctant to take any action that involved them either in breaking the law of the land or placing their union's financial assets in jeopardy. The TUC made its position quite clear on that point in the spring of 1972. It was agreed by its finance and general purposes committee that: 'It would be wrong
for the TUC to deliberately to court actions by putting itself in a position where it was clearly contravening the law just as it would be wrong for the TUC deliberately to encourage unions to break the law.\(^{137}\) The issue of legality came to head inside the TUC with the formal request from the Transport and General Workers to others unions for advice on what it should do when it was fined £55,000 for contempt of court in refusing to attend the National Industrial Relations Court or obeying its order to stop unofficial picketing and blacking by its dock members of goods being transported to the new container terminals by Heatons, a road haulage company on Merseyside. In the face of an imminent threat to the sequestration of all its assets the TGWU asked the TUC for support. The TUC Finance and General Purposes Committee told Jones his union would have to pay the fines. 'The whole movement could not be expected to meet fines arising from an unofficial action which was also in defiance of specific advice from the union', it reasoned.

Two months later the committee went even further and warned that 'trade unions existed to protect the interests of their members and this implied they should defend themselves against attacks in the bodies established by the Industrial Relations Act'.\(^{38}\) Feather was particularly concerned that affiliate unions should not take their hostility to the legislation so far as to defy the law. He told the general council at its April 1972 meeting that 'there was a danger unions would not be lame ducks but sitting ducks. He expected the great majority of trade unionists would expect trade unions in certain circumstances to defend themselves before the new courts.'\(^{39}\) Feather's efforts to dampen down emotions alarmed Scanlon who warned the general council that it was 'on a slippery slope which would lead to cooperation with the NIRC, injunctions and involvement of the Act into the trade union movement'. But Fred Hayday from the moderate General and Municipal Workers' Union, suggested the unions 'must move away from a situation of defying the institutions of the Act and facing endless fines which unions could not meet. It would be better to reconsider and reassess the situation at this juncture rather than have a reconsideration forced on them later by force of circumstances.' An attempt at that meeting to have a recall congress to reassess strategy was defeated by 15 votes to 11.

It was becoming clear that a majority of the general council was not prepared to confront the government through an uncompromising resistance to the Act in practice. The whole edifice of TUC opposition seemed in danger of collapse by the early summer of 1972. At the end of June as many as 38 affiliate trade unions had still not deregistered from the provisional register. These included large unions like USDAW, the
comfortably at Croydon, with 7,908,000 votes in favour of 'programme for action' and only 846,000 against, but delegates made it clear the unions would not accept the use of statutory penalties to deal with unions in unofficial strikes.

A frosty and terse press release from her department saying none of this was enough to persuade the government to drop its proposed legislation may have infuriated Castle who had returned to Italy, but it had been issued with the prime minister's authority. He told her on the phone on 6 June at 10.20 p.m. that 'he thought it was necessary that the statement should be issued because if there was no reaction from the government, rumours would be put forward that the government's position was weakening'. Moreover, Wilson added, it had had 'a generally good effect on the press'.

Castle discussed the situation on the phone again with Wilson on the Saturday evening of 7 June. He told her that his meeting with Feather on the previous evening had 'gone rather well'. Wilson said he informed the TUC general secretary that the government faced a dilemma because it could not postpone its Bill until next year. Feather said he was against the cold storage proposal, 'but not as much as expected'. He also said to Wilson that a lot of members of the general council might go along with this proposal. The prime minister told Castle that he 'did not think Mr Feather had fully grasped all that was involved in this proposal', although he had said he realised this was in the majority recommendations of the Donovan Commission but that its two trade union members (Woodcock and Collinson) had opposed it. However, Wilson and Feather agreed that the idea should not be brought up at the 10 June meeting with the TUC but held back for a later session when they might be given a choice between either the cold storage or the model rules option. The prime minister told Castle that 'he had the impression the TUC had overreached themselves in their opposition to fines and that they were now anxious for any way out of their difficulties'.

Castle suggested as an alternative to fines that the government should take power to require unions to accept model rules which would be binding on them as a condition for their registration as trade unions. If they refused to adopt and use them they would lose their legal immunity protections from the 1906 Trade Disputes Act. Wilson told the government's management committee that he 'had been attracted by this proposal since it seemed to link in well with the powers the TUC were taking and the comments the government had made on them'. Wilson had met Feather privately on June 6 and explained what happened.
He was friendly but had nothing to offer except the proposal to drop the Bill for a year and he confirmed again that even if the government postponed the penal clause the TUC would drop its proposals. When the 'model rules' proposal had been put to him, however, he had reacted well and said this could be the basis for an agreement, although his reaction might be very different when he received advice from his legal and constitutional experts.

Wilson admitted to the cabinet's management committee that he did not yet know how the trade unions would react to this proposal. One thing which might make it attractive to them was that they were so committed in their opposition to penal clauses that this proposal might give them a way out. It was interesting that Mr Feather had 'bitten hard' on the suggestion when it was put to him and had said that at worse the proposal would split the general council. A possibility might be to put the idea to the TUC and see if it would be acceptable to them or to offer both the alternative options of cold storage and model rules and see which they would prefer. If they rejected both they would certainly lose some support within the parliamentary Labour party and from public opinion generally.

The prime minister acknowledged that the TUC position had in fact been strengthened by the Croydon decision. Healey admitted that 'Mr Feather had brilliantly got over to the public that neither the government nor the TUC could have any more than a marginal influence on strikes', while the Chancellor 'agreed Mr Feather had greatly improved the public image of the trade unions and of the TUC's proposals'. Mrs Castle insisted that the government were in a war of manoeuvre with the TUC. It was important to remember the trade union movement was not monolithic and that Mr Feather positively welcomed pressure on him from the government which enabled him to press the unions to take action which had been delayed for years and to strengthen the TUC. On the other hand, Messrs Scanlon and Jones were concerned only to manoeuvre to get the penal clauses dropped and this was why Mr Scanlon had persuaded his own national council to change their previous decision which he had personally led them to take. Mr Feather had therefore to operate through the two major unions, neither of which were genuine in their approach to this matter and so
EETPU, ASTMS and the ISTC, the steelworkers’ union. Their behaviour angered the left on the general council who believed they were threatening to undermine the tough stance adopted at the 1971 Congress. Scanlon urged the TUC to start disciplinary action against the errant unions. However, if those unions had remained on the register in defiance of a threat of expulsion from the TUC, it is hard to see how the facade of unity established by Congress House could have remained intact for very long.

Unforeseen events, however, came to the TUC’s rescue. They were saved by the London dockers. The TGWU had gone to the National Industrial Relations Court arguing they lacked the power to stop their docker members from picketing a container terminal in east London in what was an unofficial strike. When it failed it took the case to the Court of Appeal which then unexpectedly decided that indeed the union was not liable for the behaviour of its shop stewards. This transformed the situation. As a result five dockers’ leaders were committed to Pentonville prison for contempt of court over a case involving unofficial blacking and picketing of Midland Cold Storage. The spectacle of trade unionists being sent to prison in such circumstances threatened to provoke widespread national sympathy strikes. A triumphant Scanlon told a shocked TUC general council that, while he ‘did not want to see confrontation, revolution or a general strike’, the unions could ‘not permit the imprisonment of five dockers however misguided they may be’. The crisis ended with the unlikely intervention of the Official Solicitor who had the dockers leaders freed. But it dealt a fatal blow to the credibility of the Industrial Relations Act. Key unions like USDAW and the EETPU now decided to deregister as a mark of their disapproval at the imprisonment of the dockers. Their decision ensured the vast majority of TUC affiliates would remain united in their resistance to the Act as non-registered organisations. But such an outcome had by no means been inevitable. The TUC’s strategy had succeeded but it was a close-run thing.

However, there were already clear signs that Feather’s desire for negotiations with the government on a broad policy agenda was coming to fruition. By the early months of 1972 the government was in retreat. In the face of the work-in at Upper Clyde Shipbuilders its industrial policy was falling to pieces. Unemployment was threatening to rise above the politically dangerous figure of 1 million. Above all, the first national miners’ dispute since 1926 threatened to bring the government to its knees. The TUC took a backseat in these events. Its influence over the mineworkers’ union had been limited since 1926...
and it was not asked to intervene. But the outcome strengthened Feather's bargaining position. The famous Heath U-turn provided the TUC with the opportunity to try and help bring an end to the politics of industrial confrontation.

The return of relative industrial calm by the late summer of 1972 after the trauma of defeat at the hands of the miners also enabled Heath to bring the TUC and the CBI into serious discussions on the creation of a new national consensus for managing the economy. The breadth of the lengthy tripartite discussions that lasted until the beginning of November was astonishing. It seemed that Feather's faith in the willingness of Heath to negotiate with the TUC had been vindicated. After being frozen out for nearly two years, the TUC found itself being actively encouraged by the prime minister to abandon its public intransigence to the government and accept an active and positive role in the public policy-making. At first the going proved difficult. Union leaders were in no mood to either forget or forgive the turbulent industrial events since June 1970. It took all Feather's guile and finesse to keep the discussions on course, and it was only after the September 1972 Congress that a serious and protracted effort was made to reach a common agreement between the TUC, the CBI and the government.

Jack Jones was impressed by what he saw as a serious attempt by Heath to negotiate a deal with the TUC. 'No Prime Minister either before or since could compare with Ted Heath in the efforts he made to establish a spirit of camaraderie with trade union leaders and to offer an attractive package which might satisfy large numbers of work people', he wrote in his memoirs. The more conciliatory Heath was in evidence when he met senior TUC leaders on 9 March 1972 and offered them 'wide-ranging discussions without any limitations on the subjects concerned'. At their meeting at Chequers on 27 September, the prime minister told Feather and his colleagues that he was ready to commit himself to a 5 per cent growth rate for the next year in return for voluntary wage and price restraint. He was prepared to create an independent body to help the low paid and introduce threshold payments to protect workers from inflation, something the TUC had been demanding. Heath also made a gesture to Jones by offering a better deal for old age pensioners. He sought, in his own words, a 'new era of cooperation'. But the TUC drew up a massive shopping list of its own demands which seemed to grow longer with each meeting. These included a prices and rent freeze, a wealth tax, a surcharge on capital gains, a huge rise in family allowances, and above all the repeal, if not suspension, of the Industrial Relations Act. The tripartite discussions dragged on through the autumn but it is
far as the TUC proposals were concerned they had given him powers which he knew he would not in the event be able to work.

Healey concurred with her analysis but believed that 'Mr Feather had been very skilful in stating quite truthfully the TUC could achieve little'. Mrs Castle described Feather's dilemma, as recorded in the Minutes:

He was concerned that if the legislation went forward he would have to drop his proposals, but, on the other hand, he considered that if the pressure from the government was off him his own proposals would soon become ineffective. She did not think the cold storage proposals were anathema to Mr Feather personally.

Wilson intervened to say that Feather had made it clear at their Friday meeting that he would have difficulty in selling the cold storage proposals to the general council. But Castle believed they should stand firm. She told the management committee that she believed that if 'the PLP kept its nerve and if the government were able to put a "cold storage Bill" through, public opinion would begin to react violently for the government and against the TUC if the TUC then withdrew its own proposals'. 'It was important for the government to stand firm', she declared. 'She had lived through such pressure before, eg on the Fords dispute. The government had created problems for itself by losing its own nerve on major issues such as prices and incomes policy and House of Lords reform.'

Wilson said that he trembled to think what the effects would be abroad and on sterling if the government simply withdrew its proposals with nothing in their place. It should be remembered we were dealing with people who had spent all their life negotiating and were masters of brinkmanship. Although the TUC had gone on record against the cold storage proposal he did not believe this was necessarily their last word on the matter. Mr Scanlon had come out strongly against penal clauses during the Fords dispute but at the end of the day he had agreed to penal clauses. If the government continued to press hard it might get agreement on the cold storage proposals. In any case it would be a great mistake to accept defeat now, even though it was true that the TUC had the great advantage of the overwhelming support of trade unions for their proposals while the government were in a weak position not only with the PLP but also inside the cabinet. If the
government gave up the fight now it would be clear they had no will on the issue. They could, however, still get the proposals through if the nerve of the PLP held.

Crossman said that ‘if the government played on the nerve of the PLP and the nerve broke we should lose all the ministers identified with the present policy. This was therefore an important matter of calculation as the government should not play into the hands of Mr Callaghan who would then become Prime Minister with Mr Crosland as his chancellor.’ Wilson retorted: ‘Whoever became Prime Minister in that situation would not be able to survive a month because of overseas reaction and an almost certain run on sterling.’

Castle was convinced the TUC would come to accept the government’s cold storage proposals if Labour MPs backed them. Her officials told her that about 2 million of the 9 million possible congress votes at Croydon would have accepted them if they had been presented to delegates. She mentioned that the GMW and the ETU would have voted for them. ‘This was not a bad foundation to build on at this stage’, Castle suggested. ‘She had not the slightest doubt that if the government were able to get the cold storage proposals through the House, the whole atmosphere would change and the position at the TUC in September would also be completely changed. Basically the government were suffering from a lack of nerve in the PLP.’

Wilson summed up the position:

The main issue to be faced was what chance was there of getting anything out of the TUC. The government was not in so hopeless a position in the negotiations with the TUC since Mr Feather was most anxious to continue the negotiations and had himself suggested that the meeting on Monday should be played short and that acrimonious dispute should be avoided. He had also said he would hope to form a negotiating committee which be on constant call and which would include Mr Scanlon and Mr Jones and had agreed to meet the government again later in the week.

Wilson believed that it ‘would be useful to offer the TUC as many alternatives as possible for if they subsequently were seen to have rejected the White Paper proposals, a toughening up of their own paragraph 42, the cold storage proposals and the model rules, they would not be in so strong a position and might well have less sympathy and support from the PLP’. But he added that he was ready to consult with
doubtful they could have proved successful. Whatever Feather might have wanted, most of the general council had no desire to reach a deal with Heath that might ensure him a second term in office. Indeed, the TUC was developing a much closer relationship with the Labour Party through the newly formed Liaison Committee. Leaders like Jones and Scanlon were not going to rescue a Conservative government in such circumstances.

And yet it is clear that the TUC was being offered an unprecedented package of measures which would have guaranteed it a more prominent institutional role in the political economy than it had ever enjoyed before. Even after the end of the tripartite talks in November 1972 and the imposition of a statutory prices and incomes policy, Heath believed that the TUC should be given the opportunity to participate in key areas of policy. He pursued a conciliatory and activist employment policy which assumed close future TUC involvement. The Manpower Services Commission was formed after extensive consultation with the TUC and its nominees were given equal representation with the CBI in its development. A similar approach was made with the creation of the Health and Safety at Work Commission where TUC nominees were to have a key role to play. There seems little doubt that if Heath had won a second term in February 1974 he would have developed other such bodies to cover conciliation, sex and race discrimination and even worker participation. In fact, some of Labour’s Social Contract agenda after February 1974 was already being developed by the Conservatives in their final months of office. It had never been Heath’s intention to ignore or marginalise the TUC.

Feather retired as TUC general secretary in September 1973. Heath was saddened by his departure. He stayed in touch with him. ‘In January 1974 I had a chat with Vic Feather about how things might be after the next election’, he wrote in his memoirs. ‘I recall saying to Vic that “your people are always complaining about some aspect of the Industrial Relations Act but when I give you the opportunity to raise it in discussion you never utter a word.” “Look Ted”, he said. “If you win the next election we will discuss it all with you and it will be there forever. But if you lose the next election the whole thing will be wiped out in the first week.” Feather never said a truer word.”

For most of his time Feather had been involved very much in a high-profile fire-fighting role – working against ‘In Place of Strife’ in 1969 and the Industrial Relations Act after 1971. But his years at the top of Congress House were not entirely negative. Feather enhanced the stature and influence of the organisation through the sheer force of his
flamboyant personality, his boundless energy and never-ending bonhomie. His long experience in the backroom of the organisation department had enabled him to establish an unparalleled network of friends and contacts which he had often been able to use to good effect. In many ways Feather was the man who could have given a human face either to the Social Contract or a One Nation arrangement with the Conservatives. He may have lacked Woodcock's brains, but he was probably better equipped to jolly along the TUC general council in turbulent times. Never a deep thinker, he was perhaps more what the TUC needed when faced with the dangers of a confrontation with the state.

Moreover, he did preside over two pieces of internal reform that very much reflected his experiences as a TUC organiser. In 1973 a TUC report recommended the formation of regional councils to replace the advisory committees that had been established during the Second World War to perform liaison work. They were to provide a more consistent institutional presence for the TUC in the regions. Feather's other change was the introduction of more industrial committees, designed to improve policy coordination and common action between unions in the same industry and perhaps to smooth the path to further union mergers and amalgamations. He was also keen to press for more and better TUC services in areas like union education and training, legal advice, press and publicity. During his time as TUC general secretary Feather took a steadfast pro-European Community position, even if congress vacillated from one side to the other over the argument about UK membership. In 1973 he was made president of the newly formed European Trade Union Confederation (ETUC), a body which included members from countries outside the European Community. He also raised the increasingly important issue of industrial democracy. No doubt, in quieter times much of Feather's behind-the-scenes efforts to reform the unions would have received recognition. But this was not to be the case.

Both Wilson and Heath had reasons to thank him for his constant efforts to seek compromise and conciliation between the TUC and their governments. Feather and the TUC are often criticised because they failed to achieve a reform of the trade unions in the way the impatient critics wanted. However, the TUC offered perhaps more sensible and moderate alternatives. There is no doubt that Feather rescued Wilson and Castle from disaster in June 1969 with his TUC programme to intervene in inter-union and unofficial disputes. This may well have proved impossible to sustain in the face of rising rank and file militancy, even if Labour had won the 1970 general election. Again, Feather rightly
the TUC after the Bill had been introduced, and even beyond September's congress.

We could offer to reach agreement with the TUC on the model rule, so that the penal clauses would never in fact come into effect and could be repealed in the second Bill. If on the other hand the TUC said that unless they had an assurance that no Bill containing penal clauses would be introduced that they would not continue negotiations, the government clearly could not accept such an ultimatum and would have to go ahead with the Bill in any case.

The model rules would be in the second Bill and the penal clauses on cold storage in the interim legislation. 'Mr Feather might be able to carry his people on this', suggested Wilson. But Jenkins wondered 'if the TUC proved to be adamant and would not budge an inch from their present position on cold storage, he wondered whether the present proposals would be approved by cabinet and he also wondered what the PLP reaction would be'. Wilson said that he 'was not entirely happy about the Chief Whip's position on this', because he had 'strong feelings himself on this issue and his report might not be uninfluenced by his own opinion'. He added that the 'main question now was, if the talks were going on with the TUC reappraising paragraph 42 and including the possible substitution of model rules for the penal clauses, what would be the chance of getting a Bill containing penal clauses in cold storage through the House'.

Mrs Castle said her officials believed that the TUC 'would be mad to accept the model rules proposal because it 'was so draconian'.

At the present time most union rules had no reference to unconstitutional strikes. Some militant unions preferred unofficial to official strikes as they viewed them as commando force operations which paid dividends. This was why Mr Scanlon was so reluctant to surrender authority to the TUC. It therefore became important to turn the 'may' in paragraph 42 to 'must'. In her view if the model rules approach was used to do this it would not be as flexible an instrument as the original proposal of the conciliation pause because it would not leave the same degree of discretion to the Secretary of State.

Wilson disagreed, suggesting that the model rules clause could be drafted to give discretion to the Secretary of State and not the Registrar. He still believed that 'the Labour movement generally was fully in support of
the government's proposals and he had been surprised at the good reception he had from workers and from Labour party members' on a visit the previous weekend to the north and Yorkshire. Wilson concluded that the government was operating in a highly political situation and in dealing with Mr Feather they were dealing with 'a very political animal. No firm decisions could be taken at this meeting nor the cabinet tomorrow until the TUC reaction to the proposals the committee had discussed had become clear. It was obviously important that the TUC were not provoked at the meeting tomorrow."

Wilson, Castle and her senior advisers met the TUC general council on 9 June. Feather led off for the TUC, explaining that the Croydon congress had backed by a ten to one majority the TUC's own programme for action, and there was 'no difference between the government and the trade union movement about the aim, which was to minimise strikes. Their differences were about means.' Feather assured Wilson that the TUC's own proposals to deal with unconstitutional strikes had the necessary authority and would be backed by the necessary sanctions to make them effective. But no-one could guarantee success in every case. Nor was it possible to say in advance what particular sanctions would or should be imposed in various circumstances to ensure compliance with a recommendation or award. The TUC did not envisage taking over any part of the present conciliation work of the DEP but wished their existing links with that department to continue and to become closer if possible. This continuing liaison, however, must be dependent on the government dropping the 'penal clauses' since the TUC could not cooperate or appear to be cooperating with arrangements which might lead to penal sanctions.

Wilson tried to be conciliatory in tone, praising the TUC for the progress that had been made, particularly in dealing with inter-union disputes. 'In this field, the government regarded the TUC proposals as effective because an award by the TUC would be binding on the unions and the unions had voluntarily accepted this provision', the prime minister told them, but he added that their response to measures to deal with unconstitutional conflicts was still unsatisfactory.

It did not spell out sufficiently clearly and positively the actions which unions should take in order to secure compliance with a TUC recommendation or award; nor did it provide any means by which the general council could enforce the 'requirement' in the first sentence.
detected, when his general council colleagues did not, that the TUC would eventually be able to do business with Heath despite set-piece public confrontations over public sector wage restraint and the Industrial Relations Act.

It is most unlikely that Feather would have made any difference to the final days of the Heath government with its second confrontation with the National Union of Mineworkers in only two years if he had remained TUC general secretary. Heath may have regarded Len Murray, his successor, wrongly as a more politically partisan figure, but the main difference was that he missed Feather’s endless efforts to conciliate and cajole behind the scenes. Would it have really made much difference to the outcome? There was perhaps one missed opportunity to settle the mining dispute without any resort to a general election. On 9 January 1974 at the regular monthly meeting of the National Economic Development Council, Sid Greene as chairman of the TUC economic committee told Chancellor Tony Barber that the general council would give the government an ‘assurance’ that other unions would ‘not use as an argument in negotiations with their own pay settlements’ what would be used to resolve the miners’ pay claim. This was not perhaps what it seems. It is unlikely that the electricity power workers and other groups with muscle would have heeded such TUC advice, no matter what Congress House pressure there might be. Heath noted in his memoirs that the TUC could not give him the firm guarantees he required. Perhaps Feather might have found a way out of the crisis, but probably not.
I have never been an Emperor. I have never been a king. All I have ever been is a soldier in the great army of Labour and I will remain that until my death.

Jack Jones

The union I lead and myself personally have never supported the idea that trade unionism is a licence for any group to look after themselves and to hell with the rest. Our policy is to use our general strength and influence to promote social justice.

Jack Jones

He was a rod on my back right from the beginning.

Len Murray on Jack Jones

No period of the TUC’s history has suffered more from distortion and caricature than that covering its Social Contract with the Labour Party during the 1970s. Conservatives have condemned those years, alleging they were a time when the trade unions became over-powerful and destructive forces in the economy, even a dangerous threat to the future of representative democracy itself. Many on the left have denounced the TUC for its Social Contract with Labour, seeing it as a corporatist arrangement that frustrated the militancy of a self-confident and aggressive shopfloor, intent on much more radical change. But the Social