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The Wilson government, the rise of nationalism and the road to the royal commission on the constitution, 1966-1968

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ABSTRACT

The Royal Commission on the Constitution was a rare moment when the UK's territorial governance was considered as a whole. Established as a response to the rise in electoral support for the SNP and Plaid Cymru in the mid to the late 1960s, the Commission was seen by some at the time and others since of being a cynical attempt to kick the constitutional 'can down the road'. This article is not an analysis of the Royal Commission's findings, rather it offers an examination of why it came to be established. Drawing on an extensive range of primary and secondary source materials, including Cabinet papers and ministerial correspondence, this paper provides a detailed assessment of the months of debates and deliberations, which preceded the decision to establish a Royal Commission on the Constitution. The by-election successes and unnerving near-misses for Scottish and Welsh nationalist parties at by elections between 1966 and 1968 created a sense within the Cabinet that the Government needed to have a clear response to the electorate. That this response was a Commission only followed an intense process of debate and deliberation within Government that failed to produce a broadly acceptable alternative.

KEYWORDS

Devolution; British history; Welsh politics; UK constitutional political history; Scottish politics

Introduction

The Royal Commission on the Constitution was the most recent example, and one of only two episodes, in which the UK's territorial governance was considered as a whole.¹ The Commission was tasked with an expansive and ambitious (or perhaps unrealistic) terms of reference which spanned not just the relationships between the constituent nations of the UK with the central government, but also the relationship between the Channel Islands and the Isle of Man with the UK. Perhaps unsurprisingly, the Commission spent years deliberating, during the course of which its first chairman (Lord Crowther) died. When the Commission finally concluded in 1973, it was marked by considerable divisions of opinion among the Commissioners. Indeed, the Commission concluded its work with two publications: an official report signed by the bulk of the Commissioners (although they were internally divided on key aspects of the official report's proposals) and a memorandum of dissent signed by two commissioners.

However, this article is not an examination of the Royal Commission on the Constitution, rather it aims to provide a detailed account of the debates within Wilson's

Government which led to the establishment of the Commission in 1969. The role that the electoral rise of the SNP and Plaid Cymru at by-elections in the mid to late 1960s had in driving devolution onto the political agenda is well known.² However, by drawing on an extensive range of primary and secondary source materials, including Cabinet papers and ministerial correspondence, this article further enhances our understanding of how this nationalist challenge resulted in the Wilson Government eventually settling upon a Royal Commission as its response.³ As this paper demonstrates, it was a response that emerged only after an intense process of debate and deliberation within Government that sought to divine a clear package of proposals that could be offered to voters in Scotland and Wales. It was only after this process failed to produce a unanimous way forward, and in the context of continuing electoral pressure from the nationalist parties, the Government reached for the option of a Royal Commission.

Background

Questions about the UK's territorial governance (i.e. how the various constituent parts of the United Kingdom should be governed and what their relationships should be with the central UK state) have a long history. While the Irish Question dominated parliamentary and public debates on the future of the Union at the turn of the century, there were also powerful voices in favour of Home Rule for Scotland and for Wales. In 1919, after a successful vote in the House of Commons, a Speaker's Conference on Devolution was established to consider devolution for Scotland, Wales and England, however it concluded in stalemate. Yet while devolution (in the sense of directly elected parliaments or assemblies for Scotland and Wales) gradually disappeared from the political agenda, this did not bring an end to the debate about the UK's territorial constitution.

Administrative devolution for Scotland began in the late nineteenth century with the establishment in 1885 of a Scottish Office and Secretary for Scotland (later to be given Secretary of State status in the 1920s). Within Parliament, a Scottish Grand Committee was, after a brief experiment between 1894 and 1895, re-established in 1906, providing a forum for Scottish MPs to debate Scottish-only legislation. In the 1950s, the Conservative Party had committed itself to strengthening 'Scottish control of Scottish affairs'. A Royal Commission on Scottish Affairs was established in 1952 and reported in 1954, resulting in an extension in the responsibilities of the Scottish Office and the Secretary of State.⁴

In Wales, the road to institutional distinctiveness was a longer one than in Scotland.⁵ There was a trickle of decentralisation in the early Twentieth Century with the establishment of a Welsh Department in the Board of Education and a Welsh Board of Health and Council of Agriculture for Wales. However, there was no equivalent to the Scottish Office or Scottish Secretary. In 1949, the then Labour UK Government, having rejected further calls for a Welsh Office and Secretary of State for Wales, established an advisory body, the Council for Wales and Monmouthshire. A further modest step forward was taken by the Conservative Government in 1951 with the creation of a Minister for Welsh Affairs—although this was a role bolted-on to existing Cabinet responsibilities (first held by the Home Secretary and then moved in 1957 to be held by the Minister of Housing and Local Government). Labour would commit itself in 1959 to the creation of a Secretary of State for Wales, a pledge which the party re-affirmed in its 1964 manifesto.⁶ After 13 years in opposition, Labour had returned to power at the 1964 General Election by the slimmest of

margins—with Harold Wilson entering 10 Downing Street with a wafer thin majority of only four seats. A Secretary of State for Wales was established that year, followed a year later by the formation of the Welsh Office.

After just under 18 months in office, and in a bid to win a more secure parliamentary majority, Harold Wilson called a snap General Election for the spring of 1966. Wilson's reward for this gamble was a 98 seat majority. In Wales, Labour swept the board winning 32 out of 36 seats and polling 60.7% of the vote. In Scotland, Labour polled just under 50% of the vote and returned 46 out of 71 seats. As for the nationalist parties in Wales and Scotland, Plaid Cymru (which had never returned an MP to Westminster) polled only 4.3% of the vote, while the SNP (whose sole electoral success at Westminster was in the 1945 Motherwell by-election) polled 5% of the vote.

1966/68: by-elections, buoyant nationalism and a need to act

The results of the 1966 General Election seemed to have guaranteed a comfortable parliamentary majority for Labour and to have confirmed that nationalism in Scotland and Wales was electorally peripheral. Labour's honeymoon would not last for long, however, in either nation.

In May 1966, shortly after having won re-election as the Labour MP for Carmarthen, Lady Megan Lloyd-George died. At the subsequent by-election, held in July 1966, Plaid Cymru won a historic victory, defeating the Labour candidate (Gwilym Prys Davies) by 39% to 33%.

The following year saw a near-miss for Plaid Cymru in the Rhondda West by-election (where Plaid polled 39.9% of the vote) and the SNP poll nearly 30% of the vote in Glasgow Pollock (resulting in Labour losing the seat to the Conservatives). Finally, in November 1967, the SNP and their candidate, Winnie Ewing, secured a famous victory in the Hamilton by-election, securing 46% of the vote.⁷

According to the political scientist and historian of devolution, James Mitchell, Hamilton 'moved the SNP and the case for a Scottish Parliament from the fringe of politics'.⁸ Certainly, the SNP's victory prompted some discussion within Wilson's government of how, if at all, it should respond. On 13 November 1967, Richard Crossman, the then Lord President of the Council and Leader of the House of Commons, wrote to the Prime Minister, 'prompted by further reflection on the Hamilton by-election'.⁹ According to Crossman, whatever their views on the nationalist parties themselves, 'it would be unwise to disregard the growing feeling that Wales and Scotland are not getting a fair deal from Whitehall'. Referring to a previous discussion between the two of them, Crossman suggested that Wilson had, at least in passing, floated the idea of a 'Stormont model' for Scotland and Wales. Expressing his attraction to the idea of constitutional reform, Crossman went on to press for the issue of devolution to be explored, arguing that 'recent events have given added urgency and importance' to discussing the topic.

Eleven days later *The Times* ran an editorial, titled 'A Celtic Dawn' responding to the recent by-election successes and near-wins for the Scottish and Welsh nationalist parties. These parties, the editorial exclaimed, were no longer 'regarded as the lunatic element on the Celtic fringe'. Noting the existing and extensive administrative devolution which Scotland enjoyed via the Scottish Office, the paper stated that there were 'strong arguments why this should be accompanied by a comparable degree of political devolution'.

The editorial strongly echoed the arguments that Crossman had put forward in his letter to Wilson, urging that the 'next step should be to set up a commission of inquiry into the possibility of a Stormont solution for Scotland and Wales'.¹⁰ This would not be the last time that the press appeared to publicly air views which aligned with those of Crossman.¹¹

On 4 December 1967, the Cabinet Secretary Sir Burke Trend wrote to the Prime Minister to discuss the Crossman memo. Noting the potential opposition which devolution could provoke within Government, Trend suggested the Prime Minister should 'approach the subject [...] with some circumspection'. He advised that the 'simplest' way to look at the issue would be for a general discussion to be held in Cabinet which might then 'result in the appointment of a group of Ministers to examine the implications of further devolution for Scotland and Wales before the Government accept any formal or public commitment'.¹²

After this memorandum, Trend spoke to Crossman directly. In a follow-up letter to the Prime Minister, Trend reported that Crossman would be content with his suggestion of a Committee to examine the issue, 'but he would very much like to take the chair of this committee himself'. Furthermore, and to the evident surprise of Trend, Crossman 'would also prefer it to consist of junior Ministers!'.¹³ Crossman proposed a Committee including Dick Taverne (Home Office), Dickson Mabon (Scottish Office), either Edmund Dell or Alun Williams (Department of Economic Affairs), Niall MacDermot (Housing and Local Government), Eirene White (Welsh Office) and Harold Lever (Treasury).¹⁴ Reporting this to the Prime Minister, Sir Burke Trend exclaimed that he was 'not quite sure what might come out of a body of this kind'. However, he acknowledged, this was a subject 'which might benefit from a fresh and perhaps rather unconventional approach'. Indeed, he told the Prime Minister that, if he agreed, he 'would rather like to go ahead [...] and see what happens'. However, he also argued that if the Committee did get the go ahead, then its terms of reference should clearly state that it would report to a more conventional body—namely, the Cabinet's Home Affairs sub-committee (HAC). The Prime Minister agreed, writing in the margins that Crossman's committee could 'go ahead' provided that it is clear that it reports to HAC 'or whatever other Ministerial body the Prime Minister may direct when the Committee has completed its work or wishes to seek further instructions'.¹⁵

Spring 1968: the ministerial committee on devolution

In March 1968, the Ministerial Committee on Devolution began its work. The first week of the Committee's deliberations would prove influential in moving Crossman away from his previously expressed enthusiasm for a 'Stormont solution' for Scotland and Wales and towards a more modest set of reform. On 20 March 1968, the Committee met for the first time and heard from the then Welsh Secretary, Cledwyn Hughes, on the Welsh dimension. Crossman claimed that Hughes had put forward a paper on 'what he thinks Home Rule for Wales would mean based on the Stormont parallel. But he does not want anything like the power of Stormont. He wants to leave social security, judiciary, civil service and central government all at Westminster. I wasn't at all clear what the devil the Welsh Parliament would do'. Indeed, Crossman was so nonplussed by Hughes' presentation that he argued he was wondering whether Wales was ready for full national devolution or whether they

wanted a regional structure which might 'parallel the English regional structure we will have in the local government reorganisation'.¹⁶

Later that week, on 26 March, the Committee met again to hear from the Scottish Office. Dickson Mabon, a junior Scottish Office Minister and member of the Committee, put forward proposals agreed by the Secretary of State (Willie Ross). These proposals were firmly focussed on reforming how Westminster worked, rather than creating new institutions. According to Crossman, what Ross wanted was a 'regional select committee, a UK one with English Members as well, but sitting in Edinburgh [...] he is also willing to consider the expansion of the work of the Scottish Grand Committee, possibly meeting in Edinburgh as well as in London'.¹⁷

The following day, Crossman's diaries record a conversation he had with Freddie Warren, the Principal Private Secretary to the Chief Whip on the topic of devolution. According to Crossman's diary, after just a week of the Committee's work, it was 'clear that neither the Welsh nor the Scottish are ready for full self-government'. Instead, he now felt that 'what they would like and what would go down well is devolution (by which he meant administrative devolution) plus the visible signs of MPs being interested in regional affairs'. Crossman therefore put Warren, and by extension the Chief Whip, on notice that he wished to look at 'special Scottish and Welsh select committees sitting in Cardiff and Edinburgh', as well as a 'host of other devices which would present the image of Parliament in the regions'.¹⁸ Crossman's attention was now firmly fixed on intra-Westminster and Whitehall reforms as a response to national sentiment in Scotland and Wales.

In early April 1968, Crossman put forward his own thoughts to the Ministerial Committee on Devolution. In his diary entry for 3 April, Crossman reported that he had told colleagues that there was a 'sharp choice between moving on to genuine self-government or devolving a certain number of obvious regional activities while strengthening the office of the regional Secretaries of State'. According to Crossman, the 'only effective answer' the Government could make to the nationalists, if political devolution was not on the agenda, 'was to make our present regional system work infinitely better'. As had been trailed in his discussions with Freddie Warren, Crossman's mind was now focussed on intra-Whitehall and Westminster reforms, such as moving grand committees to Cardiff and Edinburgh, or new territorial select committees. However, Crossman warned that an obstacle to this agenda was that 'the Welsh want the best of both worlds by trying to have both a Secretary of State and an effective regional council'.¹⁹

As we will go on to discuss, the Welsh focus on the powers of the Welsh Office and a regional council would become an impediment to progress. However, it was not, at this point, an obviously insurmountable one. A bigger barrier to the Committee being able to conclude successfully came instead a few days later when Wilson reshuffled his Government. The reshuffle would have significant implications for Crossman's committee. At Secretary of State level, the reshuffle saw Cledwyn Hughes replaced with George Thomas at the Welsh Office. Hughes, the MP for Anglesey, had been a longstanding supporter of Welsh devolution, having been a supporter of the Parliament for Wales campaign in the 1950s.²⁰ By contrast, George Thomas was deeply hostile to the idea of devolution. While Crossman's claim that Thomas regarded his predecessor's views on this issue as 'sheer treason' was an exaggeration, it nonetheless hit upon a fundamental truth.²¹

At junior ministerial level, Lord Stonham came in as the Home Office's representative on the Committee (in place of Dick Taverne who had been moved in the reshuffle to the Treasury). The loss of Taverne, described by Crossman as having had an 'open mind' on these issues and his replacement with the 'anti-devolution' Stonham was clearly bitterly resented by Crossman. In his diaries, Crossman mused that personnel changes on ministerial committees were 'often a nuisance' but generally do not 'matter much more than that'. However, in this case, he lamented that he had 'handpicked the Committee to get a fair balance and to get people of independent mind who wouldn't work to a departmental brief'. After a meeting of the reshuffled committee earlier that day had descended into an 'atmosphere of complete chaos', Crossman gloomily noted in his entry for 10 April 1968 that while he did not 'suppose that Harold meant to wreck the committee [...] he certainly has'.²²

While the Committee continued its deliberations, by June it was clear that a consensus on the way forward was not on the horizon. On 21 June 1968, Sir Burke Trend wrote to the Prime Minister advising him that the Ministerial Committee on Devolution 'has been unable to reach agreement'. According to Trend, 'they agree only in rejecting a separatist solution, i.e. a greater degree of devolution than the Stormont arrangements'. Below that, there were different constellations of opinion about the way forward. Trend noted that some (principally the Lord Privy Seal) favoured no further change but to instead wage 'an energetic campaign to explain how much devolution has already occurred, particularly in Scotland, and what the disadvantages of a separatist solution would be'.²³

The Secretary of State for Wales, on the other hand, had thrown his support behind a 'strong Council for Wales,²⁴ with executive functions, operating between the spheres normally occupied by local government and by central government', accompanied by a bolstering of the nascent Welsh Office via a transfer of responsibilities to it from the education, health and agriculture ministries.

As for the rest, there appeared to be agreement that there should be 'maintenance of the unitary system, but with more self-government'. This conception of self-government was, crucially, focussed around reform at Whitehall and Westminster. Trend told the Prime Minister, that for this group, the implications for Scotland would be 'further administrative devolution accompanied by some dispersal of central government departments to Scotland and further Parliamentary devolution by arranging for the Scottish Grand Committee to sit occasionally in Scotland and for a Scottish Select Committee'. For Wales, there would be greater administrative devolution in relation to health and sharing responsibilities for agriculture, but not extending to transferring education functions. There would also be dispersal of central government departments in Wales, as well as a more active role for the Welsh Grand Committee—including the right to sit in Wales. However, crucially, Trend noted that this latter proposition was opposed by the Secretary of State for Wales 'as being likely to reveal to the Welsh the ineffectiveness of the Grand Committee, which has no legislative functions comparable to the Scottish Grand Committee'.²⁵ As we shall see, the Secretary of State for Wales's opposition would prove a major obstacle to any proposals for parliamentary reform.

Even at this stage, however, there were signs that reforms which might attract the support of most ministers, were not going to prove a sufficiently attractive response to the public. Trend warned Wilson that Crossman intended to speak to him to counsel that

while the 'consensus proposals might have been adequate a year or two ago, they do not now match the mood of Scotland and Wales, which has been moving towards the nationalist position while the Committee has been sitting'.²⁶ Local elections in May 1968 had yielded strong gains for the SNP (they won over 100 local council seats on around 30% of the vote),²⁷ and in a further important development that month the Leader of the Opposition (Edward Heath) came out in favour of a policy of Scottish devolution during his speech to the Conservative Party's spring conference in Perth.²⁸

Having summed up the state of the Committee's work, Trend put a series of questions for the Prime Minister to consider and discuss with his colleagues. First, Trend queried whether the 'consensus proposals, which are admittedly the lowest common denominator between people with widely divergent views, offer any likelihood of matching the mood of the public'. Further, if they were not a 'permanently satisfactory solution', would those proposals at least offer 'something which could be done in earnest as a sign of the Government's good intentions, to be followed (for Scotland at least) by an enquiry into the possibility and consequences of a more radical solution?' This distinction between a short term reform package followed by a promise of a longer-term look at the wider issue, would become a recurring theme.

In terms of immediate action, Trend suggested that as the Parliament was already two years old (and would have only a maximum of three further years before a dissolution) any response in the current Parliament would 'have to be of an administrative character'. Raising the concerns which several Whitehall departments had already expressed about administrative devolution resulting in less efficient services (Health and Education were particularly reluctant to cede responsibilities to the Welsh Office²⁹), Trend asked whether a less efficient service might be the price to pay for 'a service which is visibly under Scottish or Welsh control'. According to Trend, this trade-off was perhaps greatest in Wales where 'it may be necessary to accept greater administration than considerations of economy and efficiency would support, largely for presentational reasons'.

Trend went on to address the big stumbling block on a Welsh response—the difference between the Secretary of State for Wales and other government ministers about the Welsh Office's proposal for a rebooted and more powerful Council for Wales. Trend noted the scepticism which some felt about the likelihood of the Council satisfying national sentiment, suggesting that arguably it might instead act as a 'focus for dissatisfaction with central government policy' and become a 'pressure group for more expenditure in Wales'. He also noted the concerns that other colleagues had about such a body acting as a precedent when it came to addressing regional policies elsewhere in the UK (indeed, Willie Ross would become a vocal opponent of an enhanced Welsh Council for fear of what it might imply for Scotland).³⁰

In terms of the longer-term, Trend questioned whether the Government would consider a body of inquiry, perhaps but not necessarily a Royal Commission, to look at the issue. If such a body was to be considered, then Trend urged that the proposals 'be examined in detail by officials in order that Ministers might determine whether their administrative and other consequences would be acceptable'. Even if a Commission were to be established, Trend noted that the Government would need to be alert to criticisms of 'delaying tactics' and of repeating the prior Royal Commission on Scotland, which had 'failed to produce substantial proposals' beyond a modest enhancement of the Scottish Office.

And what of Wales? Trend suggested that the lack of institutional capacity and history in Wales (Wales had been assimilated into England in the sixteenth century and absorbed into the English administrative and legal systems) meant there was 'so little institutional basis for further devolution'. But, if the Welsh Office's Council for Wales proposals were to be rejected, then, Trend suggested, there didn't seem to be 'any real alternative' to further administrative devolution. Furthermore, if an inquiry was to look at Scotland's governance then would a Welsh inquiry also be necessary?

Summer 1968: one last push for a government policy on devolution?

On 24 June, the Cabinet's Parliamentary Committee³¹ met to discuss, among other things, the Committee on Devolution's work. According to a subsequent despatch from the Cabinet Secretary, the Parliamentary Committee was divided between 'those who thought no concession should be made to the Nationalists and those who thought there should be some movement towards greater devolution within the unitary framework of the United Kingdom'. Nonetheless, the committee ultimately agreed with the Prime Minister's suggestion that Crossman, following discussion with the two territorial Secretaries of State, should bring forward proposals based on the Committee on Devolution's work.³²

The next day, Crossman wrote to the Prime Minister.³³ While Crossman suggested that he could work in a 'reasonable' manner with both of those colleagues, the overall result, based on his experience chairing the Ministerial Committee on Devolution, was that the outcome would be 'the lowest common denominator'. He therefore had decided to set out his own views in the hope that they could be the basis of a discussion which could 'swing large numbers of voters in Scotland and Wales'.

Agreeing with a prior suggestion from Willie Ross that there should be a focus on 'bashing the nationalists', Crossman called upon the Treasury to 'marshal the latest and most convincing economic arguments showing the effect on Scotland and Wales of economic separation from England'. Crossman noted that should this aggressive approach to nationalism be adopted, the Government might also wish to ensure the dispersal of a major Whitehall department to Scotland, which he argued 'would do more good than a lot of propaganda', and the extension of administrative devolution. He also believed that the ability of the Scottish Grand Committee to meet in Edinburgh and the creation of a Scottish Affairs Select Committee had 'a great deal to commend it' and argued that a 'decision on the Grand Committee and the Select Committee should be announced at the beginning of the next Session [of Parliament]'.

As for Wales, Crossman claimed that he appreciated 'the difficulties of the Secretary of State' and his preference of a Council for Wales vis-à-vis the Welsh Grand Committee sitting in Cardiff. Indeed, he noted that should Scotland not consider a Welsh Council as a 'dangerous precedent' then he would himself 'consider that the political advantages [...] greatly outweigh the administrative drawbacks'.

Crossman's letter then turned to longer-term issues, principally whether regionalism was the way forward. Noting that there were two Royal Commissions underway examining local government in England and Scotland, Crossman mused about a regionalisation of the UK which would resemble the federal split between the German Lander and the German federal government. Although he felt that such an approach might not entirely 'satisfy the aspirations of Scots nationalism', he was

'not so certain that it wouldn't appeal to the Welsh'. Should this idea find favour in the Cabinet then Crossman suggested that the proposals should be sketched out for the UK as a whole, i.e. treating Scotland and Wales on a par with English regions. He also suggested that the Government, when publishing such a blueprint, 'should make it clear that if either the Scots or the Welsh clearly and demonstrably showed that they were discontented with a Federal solution which gave the British regions as much self-government as the Scots and the Welsh, then our government would be prepared seriously to consider their demand for a greater degree of self-government'.³⁴

On 28 June, the Secretary of State for Wales wrote to the Prime Minister to put forward the Welsh Office's perspective. Thomas began by welcoming Crossman's emphasis on taking the fight to separatism, stating that it was 'of the first importance that the Treasury and the Economic Departments should provide us with as much information as possible'. However, Thomas implored the Prime Minister to ensure that the Government attacked nationalism 'in a way that appeals to those (in Wales the great majority) who want to see local national traditions and identities cherished [and] who do not want to weaken in any way the position of the United Kingdom in the world as an economic and political unit'.

In this vein, Thomas once more emphasised his department's proposal for a partly elected-partly nominated Welsh Council. The council, 'with functions taken over from the field of nominated bodies who were now operating in the twilight zone between central and local government', would not 'involve any separatism which would weaken the essential unity of the United Kingdom'. Indeed, Thomas argued that, to the contrary, a revamped and empowered Welsh Council 'would bind Wales more surely into this entity'.³⁵

Conscious of the Scottish Office's concerns, Thomas urged the Prime Minister to not let the inappropriateness of this proposal for Scotland 'be a decisive consideration' in terms of it being applied to Wales. Furthermore, and noting the Royal Commission which was looking at local government in England and the Government's interest in regional reform in England, Thomas suggested that 'a Welsh Council [...] [might] be of some experimental interest in relation the problem of the English regions'. Finally, and pursuing another familiar Welsh Office theme, Thomas urged the Prime Minister, in a spirit of attacking nationalism 'with some constructive proposals', to 'make a positive statement about strengthening the Welsh Office in accord with our election promise'.³⁶

On 8 July, it was the turn of the Secretary of State for Scotland, Willie Ross. Ross also expressed support for the greater provision of data from the Treasury with which to make 'convincing economic arguments on the folly of economic separation'. He went on to support the political benefit that would arise if there was the dispersal to Scotland of a major central government department (he suggested, for example, the relocation of the Civil Aviation Department of the Board of Trade to Prestwick). Ross was also in favour of a Scottish Affairs Committee, although he noted the 'practical difficulties about meetings of the Scottish Grand Committee in Edinburgh'.

However, while he could broadly support some parliamentary and administrative reforms, there was, he suggested, one issue 'that worries me': the proposal for a 'Welsh Council, with executive functions and a considerable—perhaps even dominant—elected element'. Such a body, in Scotland, would, he feared, provide a rival caucus of elected national representatives to Scotland's MPs and would be 'a dangerous concession to separatism'.

While the Welsh Office had previously pointed to the parallel of the Greater London Council (GLC), Ross dismissed this comparison—arguing that the GLC was ‘quite clearly an organ of local government’ and had a more defined terms of reference and responsibilities. Having a council operating in the ‘same functional field and overall the same geographical area as an organ of central government’ [i.e. the Scottish or Welsh offices] would risk, he argued, a power struggle between the two. Ross feared that such a power struggle could yield only one winner, warning that ‘in democratic terms it is very hard to see how a department of central government—i.e. the Welsh Office or the Scottish Office—could retain effective control over a body deriving authority more directly from the electorate in the area’.³⁷ Ross, similarly, opposed Crossman’s idea of elected regional councils for Scotland and Wales alongside those for parts of England.³⁸

Following the flurry of correspondence between the principal protagonists on the Ministerial Committee on Devolution (and, in the case of the two territorial Secretaries of State, two of the key veto players on any eventual devolution policy), Sir Burke Trend wrote to the Prime Minister on 17 July in an attempt to summarise the position and discuss a way forward.³⁹ Trend noted that Crossman, in his paper, had split his proposals between short-term actions and matters for the longer term. Regarding the ‘short term’ approach (‘bash the nationalists’ and ‘sweeten’ the constitutional status quo via dispersal and administrative devolution and parliamentary reform), it seemed that only the bashing of nationalists commanded unanimous support.

In terms of dispersal, Trend noted that the current government policy was to give ‘priority to Scotland and the North’. However, the Scottish Secretary had made clear his views that this had failed to ‘ensure enough dispersal to Scotland’. Trend suggested that the Prime Minister would want to ‘consider whether the political advantages to be obtained by greater dispersal to Scotland (and Wales) are such that considerations of economy, efficiency and the requirements of other regions should be given less weight than at present’. Trend reminded the Prime Minister that of the current 50,000 government jobs which are either to be created or dispersed from London to other regions, 10,000 a piece were destined for Scotland and Wales. However, he noted that this seemed to be less of a numbers game for the Scottish Secretary ‘as of a single dramatic move, such as the move of the Civil Aviation Department of the Board of Trade to Prestwick’. It was this sort of major move which attracted the disagreement of other colleagues, with Trend noting that the President of the Board of Trade was resisting this particular suggestion from the Scottish Secretary.

As for Parliamentary reform, Trend argued that this was ‘probably the thorniest issue in the short term’. While the Scottish Secretary was prepared, albeit “without much confidence in its efficacy, for the Scottish Grand Committee to meet on occasion in Edinburgh and a New Scottish Affairs Select Committee to also sit in Edinburgh and report to the Grand Committee, the Welsh Secretary saw ‘no advantage and some disadvantage, in the Welsh Grand Committee, which has no legislative functions, sitting in Cardiff’. The Welsh Secretary’s own proposal, of a stronger Council for Wales ‘with some executive functions and some elected membership’, was, in turn, opposed by the Scottish Secretary.

On this point, Trend invited the Prime Minister to reflect on ‘the repercussions on Scotland of what is done in Wales’. Highlighting the asymmetric histories and institutions of both nations, Trend noted that ‘it will be difficult to fit them into the same pattern’. He therefore suggested that the Prime Minister might wish to ponder whether it was ‘really impossible to

distinguish them and to give each a pattern of devolution appropriate to its own circumstances’.

In Wales, Trend suggested, it was possible to conceive of a Council for Wales acting as a ‘top tier of local government or, in a special area between local and central government, in a manner which does not call into question the unitary system of central government’. However, and depending on what the Royal Commission on local government in Scotland decides, such a body may not be appropriate for Scotland and would ‘come much nearer to the Scottish Assembly’ that had been proposed by the Leader of the Opposition (Ted Heath) in Perth on 18 May 1968. An Assembly style body would, Trend argued, come nearer to a Scottish Parliament ‘and some form of federal system’. In contrast, an enhanced Scottish Grand Committee and a Scottish Affairs Select Committee ‘might well be more appropriate as a form of further devolution for Scotland within a unitary system’. This model would not be so readily applicable to Wales because it lacked the legal and political distinctiveness of Scotland, and had a much less powerful territorial department than the Scottish Office.

While Trend acknowledged that the longer term approach (regional governments in a federal system as had been suggested by Crossman) may not be pursued very far until the Scottish and English Royal Commissions had reported), he suggested that the Prime Minister ‘may like to consider at this stage whether they are sufficiently acceptable to be worth further study’. Trend reflected that federalism would raise questions about the symmetry (or not) of the powers to be enjoyed by the sub-state administrations), as well as of whether England was to be one unit or many.⁴⁰

“It could have been useful if launched eight months ago”: Crossman produces his proposals

On 15 July 1968, a by-election in the Welsh Labour stronghold of Caerphilly saw Labour’s majority collapse from over 21,000 to just under 2,000 votes, with Plaid Cymru polling 40% of the vote. Three days later on 18 July, the Prime Minister convened a meeting of Ministers to discuss devolution. At this meeting, it was agreed that the Government should undertake further analysis on ‘parliamentary devolution’ (reform of Westminster) to be led by Crossman in conjunction with the Lord Privy Seal and the Chief Whip, and for the Head of the Civil Service to produce a study on administrative devolution.⁴¹ The next week, Crossman circulated a paper to his ministerial colleagues for discussion. According to Crossman, the discussion a week before had focussed on the need for a two stage response to the ‘problems of Scotland and Wales’:

Plan A, which could be implemented in the lifetime of the present Parliament;

Plan B, which would be implemented in the next Parliament, but possibly announced in a White Paper before the Dissolution but after we had an opportunity to consider our proposals in the light of the recommendations of the Royal Commissions on Local Government in England and in Scotland (the Redcliffe-Maud and Wheatley Commissions).⁴²

Crossman proposed that ‘Plan A’ should consist of three elements. The first was ‘the education of public opinion’, demonstrating to voters (particularly in Scotland and

Wales) of the benefits of the constitutional status quo, the extent of existing devolution, and the potential consequences for voters 'of the separatist policies advocated by the nationalist parties'. The second element would be an extension of the existing system of administrative devolution—with the Scottish Office given new responsibilities over ancient monuments and historic buildings and tourism and the Welsh Office given further powers over health, tourism, ancient monuments and historic buildings and agriculture.

The third element of 'Plan A' was 'Parliamentary devolution' by which, as we have seen already, Crossman was referring to reforms of Westminster's parliamentary machinery and procedures. Crossman proposed that the Scottish Grand Committee should meet in Edinburgh and the Welsh Grand Committee in Cardiff for the first two days of the debate after a Queen's Speech (with Scottish and Welsh MPs returning to Westminster for the remaining two days of debate). According to Crossman, those days 'should be devoted to a general debate on the "state of the nation" in Scotland and Wales respectively'. The two Grand Committees should also meet in their respective nations on other occasions, 'either on a series of Fridays immediately after the publication of the Estimates (when Government Departments publish their spending plans for approval by Parliament) in the spring, or during a recess'. There should also, Crossman proposed, be Scottish and Welsh Select Committees. These Committees would sit in their respective capital cities and report directly to their respective grand committees.

Crossman's memorandum also included the controversial subject of a Council for Wales. He started with a reminder that the Government had already pledged, in its 1967 Local Government in Wales White Paper, to establish a Welsh Council 'with advisory and promotional functions' and that the Government would consider, after the Redcliffe-Maud and Wheatley Commissions, 'the possibility of a further strengthening of the Council's responsibility and membership'. Crossman suggested that once those two Commissions had reported, the Government should 'consider what room there is for an elected, or partly elected, council which [...] would not add a third tier to Welsh local government or absorb deliberative functions, which we may find more suitably discharged within the existing unitary system by the Welsh Grand Committee'. A Welsh Council formed part of Plan A, although Crossman conceded that "it might not reach its final form until the early '70s".

If Plan A was to help, in Crossman's words, establish 'our bona fides', there would be a need to 'say before the end of the present Parliament what further measures we intend to take in the next'. Crossman accepted that there was limited scope for 'thinking much further' on this while the Government awaited the reports of the English and Scottish Royal Commissions, but it could 'give some preliminary thought to the two suggestions put forward at our meeting [on 18 July] namely for a National Assembly for Scotland and a Royal Commission on Scottish Government with a wide terms of reference'. Crossman noted that an Assembly might look 'like a first step towards a federal system' and could be a rival to Westminster and its organs such as the Scottish Grand Committee. However, he also pondered whether, if it were 'floated', it could become the subject of a study by Royal Commission.⁴³ While the various elements that might come together to form Plan A had been debated for several months, what came next (i.e. Plan B) was far less well developed. However, even at this highly tentative stage, and while focussed around Scotland, the spectre of kicking the substantive issue of devolution to a Royal Commission was hovering in the background.

Rather predictably, Crossman's memorandum (which was circulated to other Ministers on 31 July) drew an immediate response from the Welsh Office. On 9 August 1968, George Thomas wrote to the Lord Privy Seal making clear that, in his and his Welsh Office colleagues opinion, the Crossman proposals would not 'be of net political benefit to Wales'. While Thomas agreed with Crossman's stance so far as it related to educating public opinion (the 'bash the nationalists' bit of the approach) and was 'glad to see the proposals for strengthening the Welsh Office' - although he rather acidly noted that 'no great praise can be expected for implementing election promises' - he felt that any benefit in this field would be 'more than offset' by the harm which he felt the Government would 'inflict on ourselves' through Crossman's parliamentary proposals.

The Welsh Grand Committee meeting in Cardiff would, Thomas conceded, 'well arouse some interest in Wales', however he argued that this might not be to the Government's benefit. Essentially, Thomas expressed concern at the fact that even if the Welsh Grand Committee's remit was to be extended to include debates on the Estimates, 'it will not be possible to show that the Committee is taking real decisions of importance'. Further, Thomas feared that opposition members would hijack the Committee's meetings to 'draw attention to the limited powers and responsibilities of the Committee' and of the Welsh Office.⁴⁴

Thomas had no more enthusiasm for a Welsh Select Committee. He noted that a recent meeting of the Welsh Labour group of MPs had shown 'an overwhelming feeling against the proposal' and argued that a Select Committee would clash, and overlap, with a newly enhanced Welsh Council and absorb the Welsh Office's resources at the expense of the Council.

Thomas had long thrown his weight behind a Welsh Council and his letter marked yet another missive in the Welsh Office's campaign for a new Council for Wales. Thomas objected to the language in Crossman's memorandum about the Welsh Council not adding an extra tier of government or potentially clashing in its deliberative role to a Welsh Grand Committee. Thomas urged 'less negative' language to be employed if the possibility of a Welsh Council 'is really to be kept open' and expressed his regret that the proposals of successive Welsh Secretaries on this topic had been 'set aside'.

Finally, Thomas noted that Crossman's Plan B made no mention of Wales. Expressing his view that the next Labour manifesto needed 'a clear and carefully thought out programme for Wales and Scotland' if it was to 'carry any weight' in those areas, Thomas made clear (again) his view that a 'partly elected, partly nominated' Welsh Council 'taking over non-parliamentary functions from the multiplicity of nominated bodies now operating in the field between central and local government' should be at the heart of Labour's offer to Wales.⁴⁵

On 27 August 1968, there would be a further attempt to resolve the Welsh question when Crossman and the Lord Privy Seal met the Welsh Secretary. However, George Thomas used the meeting to reinforce his claims that the proposals would not be of 'net political benefit to Wales', that the parliamentary proposals would in fact cause 'positive harm', and that an empowered Welsh Council was 'a much more satisfactory way of meeting Welsh requirements and wishes'.⁴⁶ Crossman drew the meeting to a close by reminding Thomas that the Prime Minister had invited the territorial secretaries and the Lord Privy Seal and Chief Whip to explore the practical and technical problems and issues which might arise from the Scottish and Welsh grand committees meeting in their localities, alongside new select committees. Accordingly, 'whether or not the proposals

[...] were firmly rejected on their merits' they would continue with exploring the practicalities in the hope that, if the Government did decide to go ahead, the proposals could be implemented in the next parliamentary session.⁴⁷

Notwithstanding this 'show must go on' approach, it was abundantly clear that, without unanimity from the territorial secretaries of State, the Crossman plan was doomed. And so in September, after nearly nine months of intensive discussion, Crossman wrote to the Prime Minister. It was clear that Plan A lacked sufficient political support, with Crossman noting that George Thomas 'had suddenly felt compunction' with all of the plan while there was 'no great enthusiasm in Scotland'. Having discussed the matter with the Chief Whip and Lord Privy Seal, Crossman now reported that the three of them were 'in entire agreement that though it could have been useful if launched eight months ago, Plan A might well be counter-productive if we suddenly announced our conversion to it a few weeks before the new session starts'.

With Plan A looking doomed, by September it was clear that the idea of a Royal Commission was not just in the background but picking up steam. However, while Crossman had been clear that Plan A was no longer viable, he expressed reluctance at the idea of a Commission. Mentioning a rumour that he had heard of a Royal Commission on Home Rule being floated at Labour conference, Crossman stressed that he would not like to adopt this expedient unless it was really clear that we had nothing better to propound".⁴⁸

Of course, however, as the various meetings which Crossman had either chaired or attended and the correspondence he had engaged in with other ministers since the beginning of 1968 attested, the Government could not agree anything better to propound as an answer to the nationalist parties.

Embracing the expedient: the adoption of a commission on the constitution as government policy

By the close of September 1968, while Plan A's doom seemed certain, those who had been tasked with exploring the potential implications were still diligently pursuing their task to completion.⁴⁹ This culminated in a rather curious letter from the Lord Privy Seal to the Prime Minister on 27 September. Opening by noting that 'it was generally felt that the time is not appropriate for pursuing "Plan A"', he nonetheless felt that the Prime Minister might like a summary of where Ministers had got to in scoping out this now dead-rubber idea. According to the Lord Privy Seal, the idea of sending the Grand Committees to meet in their respective capitals was considered to have 'very considerable practical difficulties for Ministers, Members, and staff of the House'. However, these difficulties were not fatal and 'could be overcome if the proposal were otherwise thought sufficiently desirable'. Select Committees, it was judged, would pose fewer practical difficulties and could be feasible if staffing was assured. Despite noting that this was now an 'academic' exercise, the Lord Privy Seal told the Prime Minister that he would still seek the views of the Clerk of the House of Commons on the provision of Clerks.⁵⁰

Certainly, it seemed that the time had come for a decision to be made on the way forward. On 3 October 1968, JJ Nunn, a Civil Servant in No.10 Downing Street, wrote to the Prime Minister, noting that 'there are some questions now outstanding on devolution'. Nunn therefore suggested that the Prime Minister might wish to reconvene the group of

Ministers which had met in July to address these issues.⁵¹ Such a meeting would be an opportunity to formally decide whether to agree with the Lord President's view that Plan A was dead, it would also be an appropriate forum for deciding another proposal. Namely, a 'suggestion made to him [Wilson] orally by the Home Secretary (James Callaghan) [...] for a Royal Commission'. Crucially, this would not just be a sequel to the 1950s Royal Commission on Scotland, but would 'consider the whole issue of unitary government and federalism, including the arrangements in Northern Ireland'.⁵²

The key meeting was scheduled for 23 October. It would be a meeting 'concerned mainly with the broad issues of the timing and tactics of the Government's approach to the problems of nationalism and devolution during the next two or three years'. In determining that approach, Ministers would discuss proposals which had been put forward by the Home Secretary (James Callaghan) and Richard Crossman. Both agreed that Crossman's original Plan A proposals 'would now by themselves be too little and too late', but differed on an alternative approach to the issue. In one last attempt to frame the Government's devolution policy, Crossman suggested that they should wait to see what the Redcliffe-Maud Commission concluded about the top tier of local government in England, 'should themselves work out proposals for regional government in England and some form of Home Rule in Wales and Scotland'. Previous ideas about reforming parliament and extending administrative devolution could then be slotted into this work. It was only if Redcliffe-Maud did not provide the basis for a system of regional government in England which could accompany devolved government in Scotland and Wales, that Crossman thought a Royal Commission could be desirable.

Callaghan, on the other hand, felt that the government should act immediately to 'appoint a Royal or Constitutional Commission'. Such a Commission would have a wide ranging terms of reference which encompassed the entire system of government as it related to the constituent parts of the UK and the Channel Islands and Isle of Man and 'consider if any changes are expedient'. Importantly, and in a marked contrast with the Ministerial Committee on Devolution and subsequent debates within government, Callaghan was able to command the support of both the Scottish and Welsh Secretaries of State.⁵³ Callaghan argued that a new Commission would not impede the currently established Royal Commissions on Scottish and English local government nor prevent the adoption of further administrative devolution or parliamentary reform if they were so desired.⁵⁴

Perhaps unsurprisingly, given the considerable time already spent attempting to address these issues within the government, Ministers opted for Callaghan's approach over Crossman's. It was agreed that they should report to Cabinet that a Constitutional Commission should be established and that it should be mentioned in the forthcoming Queen's Speech.⁵⁵

The following day, 24 October, the Cabinet formally discussed the proposed Constitutional Commission. Having once rejected a Royal Commission (on industrial relations) on the grounds that 'they take minutes and last years',⁵⁶ Wilson conceded that he was alive to the prospect of the Commission being criticised as a 'means of delaying action'. In response, he proposed that the Commission's terms of reference should include a 'dynamic element' to enable them to 'take account of developments which occurred while it was sitting' (such as the publication of Redcliffe-Maud and Wheatley and events in Northern Ireland). While, during discussion, there was some

suggestion that the Government should take more time before committing itself to a Royal Commission, other voices argued that there was already an expectation that a Commission would be announced in the Queen's Speech and that there was no reason why the Government would be precluded from taking action, if desired, while the Commission was in progress. It was clear that the decision to proceed with a Commission had already been effectively taken, all that remained to be determined was the Commission's terms of reference and the text to be included in the Queen's Speech.⁵⁷

On 29 October, the Cabinet resumed its deliberations and were presented with an additional memorandum from Callaghan, including revised proposed terms of reference. The Cabinet was informed that the text in the Queen's Speech would be framed as beginning consultations on a Royal Commission as the Government would need to hold talks with other parties and governments (the Northern Irish government and the governments of the Isle of Man and the Channel Islands). As a sign of his sensitivity on the issue, Wilson once again mentioned the potential charge of 'avoiding decisions', arguing that he would make it clear during the Queen's Speech that the Commission would not preclude action in the areas covered within its remit.⁵⁸ Furthermore, Wilson argued that by appointing a Commission, it would be necessary for the Government to take 'a view on the problems before the Commission'.

During the Cabinet's discussion it was suggested that in an ideal world, the Government would have devolution policies in place before establishing a Commission 'so as to rebut the suggestion that the appointment of a Commission was no more than a delaying device', however it was accepted to be 'unrealistic' for the government to produce 'satisfactory policies within a matter of months'. A rueful reference perhaps to the attempts since the start of 1968 to produce a government policy on devolution. At the end of the discussion, the Cabinet agreed that an announcement of consultations on a commission should be included in the Queen's Speech and that a Ministerial committee should be established to consider the questions arising from the creation of a Commission on the Constitution.⁵⁹

A day later, on 30 October 1968, saw the State Opening of Parliament and the Queen's Speech.⁶⁰ The Queen's Speech included the following section:

My Government will begin consultations on the appointment of a Commission on the Constitution. The Commission would consider what changes may be needed in the central institutions of Government in relation to the several countries, nations and regions of the United Kingdom. It would also examine relationships with the Channel Islands and the Isle of Man.⁶¹

As Wilson had anticipated, it did not take long for the Government to be accused of using a Commission as a means of kicking the devolution can down the road. In his contribution to the Queen's Speech debate, the leader of the Opposition (Edward Heath) claimed that the Government hoped that a Commission would 'see them out for the rest of this Parliament'.⁶²

In reply, Wilson argued that the negotiations on establishing the Commission would conclude swiftly and, although noting that the Commission would itself 'take some time to report', Parliament would 'be free to act' where needed while the Commission was underway.⁶³ To demonstrate his bona fides, Wilson said that the Government would take

action to extend administrative devolution, stating that the Secretary of State for Wales would get powers over health and shared responsibility over agriculture.⁶⁴

Nonetheless, claims of dodging the issue continued to arise during the Queen's Speech debate. Alick Buchanan-Smith, a Conservative MP (who would resign due to his pro-devolution stance from Margaret Thatcher's Shadow Cabinet in the late 1970s), lambasted the consultations on a Commission as a mark of 'the barrenness of Government thinking' and accused the Government of displaying 'genuine complacency and a lack of urgency'.⁶⁵ Gwynfor Evans, the winner of the 1966 Carmarthen by-election and Leader of Plaid Cymru, warned that 'no one seems convinced that [...] (the Government) will take any action as a result of any report (of the Commission)' and told the Commons that the idea was 'thought to be a gimmick to "take the steam" out of Welsh and Scottish nationalism'. Indeed, he challenged the Government to disprove this cynicism and show that it was 'something more than a time wasting gimmick' by requiring that the Commission produce a report in 18 months.⁶⁶

Critics were not confined to the opposition benches. JP Mackintosh, a Scottish Labour MP who would long be a forceful proponent of devolution, had no qualms in expressing his unhappiness with the idea of a Commission. Telling MPs he was 'aghast at the thought of sitting here for 3 or 4 years waiting for a group of people to produce some proposals', Mackintosh suggested that he could only 'assume that that the reason the Government have chosen to set up the Commission is because of a fundamental difficulty in their ranks in deciding on the matter'.⁶⁷

On 5 November, the Prime Minister and Home Secretary met at 10 Downing Street (alongside senior Civil Servants, including Sir Burke Trend) to discuss the steps that needed to be taken for the Commission to be established. Those present agreed that the Commission should have members from Scotland, Wales and Northern Ireland, as well as a number of politicians and individuals drawn from professions such as the judiciary, economics, academia, as well as representatives from local government, business and the trades unions. It was further agreed that there should be at least one female member. In terms of who the Chairman should be, it was agreed that the person 'should be a major national figure'. A wide and eclectic variety of names were thrown into the mix at this stage including Lord (Rab) Butler, the Duke of Edinburgh, Jo Grimond MP, and Lord Carrington. However, those were all 'rejected for various reasons'. Instead, they decided to approach the Lord Chancellor (Lord Gardiner) to see if he would accept the post. The "most promising" alternatives at this point appeared to be Sir Alec Douglas-Home or Mr Justice Scarman. It was agreed that the Prime Minister, Home Secretary and Lord President (Richard Crossman) should hold a follow-up meeting with the Lord Chancellor to discuss the Commission's chairmanship.⁶⁸

The meeting with the Lord Chancellor took place on 18 November. Unfortunately, and despite the Prime Minister opening the meeting by offering him the job, the Lord Chancellor declined praying in aid his existing commitments. After some discussion, Lord Crowther (a former editor of *The Economist*) emerged as 'the best candidate' for the role. Crowther had experience of chairing an official committee (he had been Chairman of the Central Advisory Council for Education, a body established by the 1944 Education Act), and 'so far as was known he had no fixed ideas on devolution'.⁶⁹

Having been turned down by the Lord Chancellor, the Prime Minister and Home Secretary seemed keen to secure the services of Lord Crowther. That very afternoon

they invited him to 10 Downing Street to 'ask whether he would be willing to take on the chairmanship'. After being told by the Prime Minister that he was their 'first choice for the job', Lord Crowther replied that it was a 'great honour to be asked to serve'. While he wondered whether "he was a big enough man for the job, he conceded that this 'was the sort of offer which ought to be accepted' and asked for a few days to reflect on the offer.⁷⁰ Shortly afterwards, and despite continuing concerns about his suitability for the role, Crowther accepted the post.⁷¹

Conclusion

The remaining membership of the Royal Commission was formally announced on 3 April 1969 and it held its first meeting later that month (29 April).⁷² The Commission was faced a daunting task in seeking to address terms of reference that were wide-ranging and ambiguous that encompassed the entirety of the UK's territorial constitution and the relationships between the United Kingdom and the Channel Islands and the Isle of Man.⁷³

In 1973, four years, two chairs (Lord Crowther died in 1972, his successor was Lord Kilbrandon), a general election, and a change of governing party later (the Conservatives defeated Labour at the 1970 General Election), the Commission finally reported.

The Commission failed to produce a unanimous report. Indeed, the official report was accompanied by a Memorandum of Dissent penned by two commission members (Lord Crowther-Hunt and Professor A.T. Peacock).⁷⁴ Division was rife even among the signatories of the official report, with some members favouring legislative devolution for Scotland and Wales, some advocating advisory or deliberative bodies for Scotland and Wales, and some insisting on a pan-UK scheme of regional government.⁷⁵ As Bogdanor has concluded, "it is not surprising that, faced with so wide a range of differing views [...] most MPs greeted its publication with bafflement and even mirth"⁷⁶

The report made minimal immediate impact and indeed seemed on all accounts to have been overtaken by events. At least that was until the February 1974 General Election which not only resulted in Labour returning to power but also saw the SNP secure seven seats—and thus led to devolution becoming a prominent part of the Wilson and then Callaghan governments policy programme.

The length of time it took for the Commission to report and its incredibly broad terms of reference might give the impression that the decision to establish Royal Commission was a cynical reflex response to the challenge Wilson's 1966–70 Government faced from the SNP and Plaid Cymru. As one pair of academic experts on devolution have put it, the Commission and its "vague terms of reference were 'surely an attempt to drag the sting from the issue [of devolution] whilst waiting for the nationalist tide to ebb'.⁷⁷ Indeed, Lord Crowther told Edward Heath, at a meeting to discuss whether the Commission should continue after the 1970 election, that 'he had no illusions about the reasons for setting up the [...] Commission or about the likely value of its findings'.⁷⁸ In its leading article on 1 November 1973 (when the Royal Commission's report was published), *The Times* suggested that 'it is sometimes said that a royal commission is a device for the avoidance of action. If that is so, this is a royal commission par excellence'.⁷⁹

While expediency undoubtedly played an important role in Wilson's considerations,⁸⁰ the story behind the establishment of the Royal Commission was far more nuanced in

reality. Originally discussed, in vague terms, as a potential ‘Plan B’ or long-term response to the challenge posed by nationalism, the Royal Commission was embraced in the Autumn of 1968 because of the failure within the Government to align on a clear programme of immediate steps (what Crossman would call Plan A) that could be taken to respond to the challenge posed by the SNP and Plaid Cymru. By the summer of 1968, despite several meetings of successive ministerial committees and working groups, it was obvious that Cabinet Ministers, particularly the Secretaries of State for Wales and Scotland, were unable or unwilling to compromise on a modest package of reforms. As this article has demonstrated, it was only after this thorough examination, and exhaustion, of alternative responses that opinion within the Cabinet coalesced behind a Royal Commission as the least difficult option for showing that the Government had a plausible response to the nationalist challenge.

Notes

1. The other being the Speaker’s Conference on Devolution 1919–20. For more on the Speaker’s Conference, see: Evans, A. “A Lingering Diminuendo? The Conference on Devolution, 1919–20,” *Parliamentary History*, 35 no. 3, (2016): 315–35; Evans, A. “An Interlude of Agreement? A Reassessment of the Conference on Devolution’s ‘Consensus’ on Powers,” *Contemporary British History*, 29 no. 4, (2015): 421–40.
2. Bogdanor, V. *Devolution in the United Kingdom* (Oxford: OUP, 1999); Rawlings, R. “Riders on the Storm: Wales, the Union, and Territorial Constitutional Crisis,” *The Journal of Law and Society*, 42 no. 4, (2015): 471–2; Pentland, G. Edward “Heath, the Declaration of Perth and the Scottish Conservative and Unionist Party, 1966–70,” *Twentieth Century British History*, 26 no. 2, (2015): 251–8; Mclean, I. and A. McMillan, *State of the Union: Unionism and the alternatives in the United Kingdom since 1707*, (Oxford: Oxford University Press, 2005), 158–70.
3. For a previous analysis which situates this discussions within a wider debate about reform of the machinery of Government, see: Tanner, D. Richard Crossman, “Harold Wilson and devolution, 1966–70: the making of government policy,” *Twentieth Century British History*, 17 no. 4, (2006): 545–78.
4. Mitchell, J. *The Scottish Question*, (Oxford: OUP, 2014), 74–86.
5. For more, on the historical context behind the debate on administrative and political devolution for Scotland and Wales, see: Mitchell, J. *Devolution in the UK*, (Manchester: Manchester University Press, 2009), 16–39 and 40–66; Wyn Jones, R. and R. Scully, *Wales Says Yes Devolution and the 2011 Welsh Referendum*, (Cardiff: University of Wales Press, 2012), 28–39; Evans, J. G., *Devolution in Wales: claims and responses 1937–1979*, (Cardiff: University of Wales Press, 2006); Mitchell, *The Scottish Question*, 38–155; McLean and McMillan, *State of the Union*, 113–34 and 155–80; Bogdanor, *Devolution in the United Kingdom*, 110–65.
6. Mitchell, *Devolution in the UK*, 42–44; Evans, A. “‘This Welsh Problem’ Churchill and the Creation of a Minister for Welsh Affairs,” *Finest Hour: The Journal of Winston Churchill and his times*, 193 (2021): 35–36.
7. For a detailed account of the Hamilton by-election and its historical significance, see: Mitchell, J. *Hamilton 1967: The by-election that transformed Scotland*, (Edinburgh: Luath Press, 2017).
8. Mitchell, *The Scottish Question*, 114.
9. TNA. “PREM 13/2151. Memorandum from R. Crossman to H. Wilson,” dated 13 November 1967.
10. “A Celtic Dawn,” (London: The Times, 24 November 1967): 11.
11. Crossman’s diaries are littered with references to regular lunches at the Garrick Club between Crossman and journalists (see, for example: Crossman, R. *The Diaries of a Cabinet Minister*, (London: Hamish Hamilton and Jonathan Cape), 1976, 610 and 731).
12. TNA. “PREM 13/2151”. Letter from B. Trend to H. Wilson, dated 4 December 1967.

13. TNA. PREM 13/2151. Letter from B. Trend to H. Wilson [attached to memorandum from WHQ to H. Wilson, dated 9 February 1968].
14. At Crossman's request, Shirley Williams and the Attorney General were also added as Members (TNA. PREM 13/2151: Memorandum from WHQ to H. Wilson, dated 9 February 1968).
15. TNA. PREM 13/2151. Letter from B. Trend to H. Wilson [attached to memorandum from WHQ to H. Wilson, dated 9 February 1968].
16. Crossman, "The Diaries of a Cabinet Minister," 724.
17. *Ibid.*, 739.
18. *Ibid.*, 742.
19. *Ibid.*, 759.
20. Jones, D.L. Hughes Cledwyn, "Baron Cledwyn of Penrhos (1916–2001), politician," *Dictionary of Welsh Biography*, (2011) <https://biography.wales/article/s8-HUGH-CLE-1916#?c=0&m=0&s=0&cv=6&manifest=https%3A%2F%2Fdamsssl.llgc.org.uk%2Fiiif%2F2.0%2F1490010%2Fmanifest.json&xywh=1204%2C1545%2C3340%2C2749>.
21. Crossman, *The Diaries of a Cabinet Minister*, p.771.
22. *Ibid.*
23. TNA. PREM 13/2151. Letter from B. Trend to H. Wilson, dated 21 June 1968.
24. As briefly mentioned earlier, a Council for Wales and Monmouthshire had been established by the Attlee Government (who strongly resisted calls for a Welsh Secretary and Welsh Office) in 1949. By 1967/68, this forum had ceased to exist after several years of a moribund existence. In its 1967 White Paper, *Local Government in Wales*, the Welsh Office had proposed the creation of a new advisory and promotional 'Council for Wales' to advise the Welsh Office on economic, cultural, tourism and transport policies and to review and promote the work of various existing nominated bodies (e.g. the Tourist Board) (Welsh Office, *Local Government in Wales*, Cardiff: HMSO, 1967, Cmnd 3340, pp.46–60).
25. TNA. PREM 13/2151. Letter from B. Trend to H. Wilson, dated 21 June 1968.
26. *Ibid.*
27. Wilson, G. *SNP: The Turbulent Years 1960–1990*, Edinburgh: Scots Independent (Newsletters), 2009, p.58.
28. See: Pentland, "Edward Heath, the Declaration of Perth and the Scottish Conservative and Unionist Party," 1966–70, 249–73.
29. The leadership of the Civil Service was particularly concerned about the prospect of devolution. Most notably, the newly appointed Head of the Home Civil Service, William Armstrong wrote in July that while he understood that 'some further measure of devolution may well be politically desirable [...] nearly all the proposals which are now in mind would be at the cost of some administrative efficiency'. He therefore proposed that, should the Prime Minister agree, that he be permitted to undertake a review of the staffing and administrative implications of devolution (TNA. PREM 13/2151. Letter from W. Armstrong to M. Halls, dated 8 July 1968).
30. TNA. PREM 13/2151. Letter from B. Trend to H. Wilson, dated 21 June 1968.
31. This was an inner cabinet of senior Ministers formed by Wilson at the time of the 1968 April reshuffle. As Hennessy explains, it was tasked with steering the Government's political strategy and agenda (Hennessy, P. *The Prime Minister, The Office and its holders since 1945*, London: Allen Lane, 2000, p. 320).
32. TNA. PREM 13/2151. Memorandum from B. Trend to H. Wilson, dated 17 July 1968.
33. TNA. PREM 13/2151. Letter from R. Crossman to H. Wilson, dated 25 June 1968.
34. *Ibid.*
35. TNA. PREM 13/2151. Letter from G. Thomas to H. Wilson, dated 28 June 1968.
36. *Ibid.*
37. TNA. PREM 13/2151. Letter from W. Ross to H. Wilson, dated 8 July 1968.
38. Although regional councils might just work in England 'where the central government would be operating on a different geographical level', Ross feared that in Scotland and Wales they could only operate on a 'basis of virtual fiscal and therefore economic

separation, or else in a way that left central government with little power while still having to carry the main financial burden'. This was not a proposition that Ross was willing to entertain.

39. TNA. PREM 13/2151. Memorandum from B. Trend to H. Wilson, dated 17 July 1968.
40. Ibid.
41. TNA. PREM 13/2151. Letter from PL Gregson to H. Wilson, dated 6 September 1968.
42. TNA. PREM 13/2151. Memorandum from R. Crossman, dated 24 July 1968.
43. Ibid.
44. TNA. PREM 13/2151. Letter from G. Thomas to Lord Longford, dated 9 August 1968.
45. Ibid.
46. TNA. PREM 13/2151. Note of a meeting in the Lord President's room on Tuesday 27 August 1968.
47. Ibid.
48. TNA. PREM 13/2151. Letter from R. Crossman to H. Wilson, dated 23 September 1968.
49. TNA. PREM 13/2151. Note of a meeting held in the Lord Privy Seal's room, Thursday 26 September 1968.
50. TNA. PREM 13/2151. Letter from F. Peart to H. Wilson, dated 27 September 1968.
51. TNA. PREM 13/2151. Letter from J.J. Nunn to H. Wilson, dated 3 October 1968.
52. TNA. PREM 13/2151. Letter from P.L. Gregson to G. Jones, dated 7 October 1968.
53. While JJ Nunn queried the strength of the case for including the Channel Islands and the Isle of Man, there seemed to be little other challenge to their inclusion (TNA. PREM 13/3259. Memorandum on devolution from J.J. Nunn to H. Wilson, dated 22 October 1968).
54. TNA. PREM 13/3259. Memorandum on devolution from J.J. Nunn to H. Wilson, dated 22 October 1968.
55. TNA. PREM 13/3259. Memorandum from WHG to H Wilson, dated 23 October 1968.
56. H. Wilson quoted in: Byrne, C. N. Randall and K. Theakston, *Disjunctive Prime Ministerial Leadership in British Politics: from Baldwin to Brexit*, Basingstoke: Palgrave Macmillan, 2020, p.125.
57. TNA. CAB 128/43. Conclusions of a meeting of the Cabinet, Thursday 24 October.
58. Indeed, early in 1969 a Select Committee on Scottish Affairs was established by the House of Commons as part of Crossman's wider programme of specialist select committees (see: Aylett, P. "Crossman and Beyond: House of Commons Select Committees in the 1960s," *Parliamentary History*, 38 no. (3) (2019): 425–6
59. TNA. CAB 128/43. Conclusions of a meeting of the Cabinet, Tuesday 29 October.
60. The tight timeframe between the MISC 215 group and Cabinet discussions on the proposed Commission and the Queen's Speech was drawn repeatedly to the Prime Minister's attention (TNA. PREM 215/3259. Memorandum from J.J. Nunn to H. Wilson, dated 28 October; and Memorandum from J.J. Nunn to H. Wilson, dated 29 October 1968) and prompted an urgent note from Downing Street to the Palace to advise the Queen that the text of the speech would now include additional text relating to a Commission on the Constitution and to secure her approval for a Royal Warrant to be issued establishing such a body (TNA. PREM 215/3259. Letter from M. Halls to M. Adeane, dated 29 October 1968; and Letter from M. Adeane to M. Halls, dated 29 October 1968).
61. HL Debates (Hansard) 30 October 1968, Vol. 772, c.4.
62. Ibid., c.28.
63. Ibid., cc.35–36
64. Ibid., c.38.
65. Ibid., cc.121–2
66. Ibid., cc.524–5
67. Ibid., cc.553–6
68. TNA. PREM 13/3259. Record of a meeting held at 10 Downing Street on Tuesday 5 November 1968 to discuss the setting up of the Commission on the Constitution. The other action point from the meeting was the establishment of a Ministerial Committee, chaired by the Home Secretary, to 'examine matters relating to the Commission on the

Constitution', including the coordination of evidence from Government departments to the Commission.

69. TNA. PREM 13/3259. Record of a meeting held at 10 Downing Street on Monday 18 November 1968 to discuss the Chairmanship of the Commission on the Constitution.
70. TNA. PREM 13/3259. Letter from P.L. Gregson to B.C. Cubbon, dated 18 November 1968.
71. TNA. PREM 13/3259. Letter from B. Cubbon to P. Gregson, dated 26 November 1968.
72. HC Deb (Hansard) 3 April 1969, Vol. 781, c.176w; HC Deb (Hansard) 1 May 1969, Vol. 782, c.1590.
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