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THE CAMPAIGN FOR SOCIAL JUSTICE IN NORTHERN IRELAND

IN THE weeks following the squatting operation in Dungannon, we were approached from many parts of the North with requests for help with housing problems. Letters approving of our activities arrived, asking us to continue. It was obvious that we could never influence the Unionist Government. Our only hope lay in letting the outside world know of our problems—a daunting task but we felt we might make a dent if we hit hard enough and often enough. The first thing needed was a properly constituted organisation, preferably with only a handful of members because large groups of Irish people are prone to discuss matters too fully without making final decisions, and eventually split up.

We found four wise advisers in Belfast: J.J. Campbell, a lecturer in Queen's University, Brian McGuigan, a solicitor, J.C. May, a leading businessman and James Scott, professor of dentistry in Queen's University. They suggested that we should try to involve some liberal Protestants and that we should not become involved with Members of Parliament. They themselves were not disposed to join us. We wrote to three moderate Protestants well known in the public life of Northern Ireland, but we had no success. They approved of our aims, very warmly and generously, but could not accept our idea of publicity outside Ireland. Their response was 'Let us try to sort out our problems amongst ourselves.'

We began a search amongst our 'own kind', gaining experience all the time. Many were too nationalist to be of use. Fifty years of the same sort of agitation by the Nationalists had achieved nothing. Heated discussions about the 'border'

would be a waste of time and energy. Our idea was, since we lived in a part of the United Kingdom where the British remit ran, we should seek the ordinary rights of British citizens which were so obviously denied us.

We went to see a group in Derry city but it was not a profitable visit. They were older men, wedded to Nationalist party thinking and seemed horrified that we should propose such a novel approach. Why, we asked them, should they allow the Lord Mayor alone to allocate all council housing, in a city where the Unionists were relatively so few in number? Their reaction was a leaden resignation, so different from the effervescent working people of Dungannon.

We also called on Eddie McAteer, the Stormont MP and leader of the Nationalist Party. Again we made little progress but he did offer us a very interesting dictum about the people of the Republic of Ireland—'We are the bastard children of the Republic, sometimes they must needs acknowledge us, but generally speaking they try to keep their distance.'

There was an important get-together in the house of Peter Gormley, chief eye and ENT surgeon in the Mater Hospital, Belfast. Nearly all the people who were later to form our committee were present. We were deeply conscious of how the quiet drip of discrimination had stifled initiative and dampened the fires of dissent in our community. Someone declared, 'We must do everything we can to get the people up off their knees.' Obviously this was to be one of our main aims. The ideas of our new organisation had begun to coalesce. A name was chosen, 'The Campaign for Social Justice in Northern Ireland'. Good brains had been selected, people whom we judged to be entirely reputable, and who had in their personalities that essential thread of steel.

This was our Committee: Brian Gregory, an architect, a shrewd contributor from the first day; Peter Gormley, an ear, nose and throat surgeon with a province-wide reputation for reliability; Conor Gilligan, a general surgeon and a completely dependable helper at all times; Maurice Byrne, a dentist, who had been one of the three members of the deputation for the squatters; J.J. Donnelly, an Enniskillen councillor, whose dogged singlemindedness we had often cause to appreciate; Hugh McConville of Lurgan, an experienced committee man in his school-teacher association; Tom McLaughlin of

Armagh, a wealthy business man well used to negotiation in his public service activities; Leo Sullivan, a science professor from Omagh and myself. There were three women, Olive Scott, warm-hearted and a fervent nationalist; Maura Mul-lally, whose quiet English voice smoothed many a heated discussion; and Patricia, whom the group at our first meeting made chairperson.

It was decided to hold a press conference in the Wellington Park Hotel, Belfast on 14 January 1964. A press release was prepared, part of which read:

The Government of Northern Ireland's policies of apartheid and discrimination have continued to be implemented at all levels with such zeal that we, whose names are set out below, have banded ourselves together to oppose them. We intend to call our organisation 'The Campaign for Social Justice in Northern Ireland', with address, 3 Castlefields, Dungannon, Co. Tyrone.

Our first objective will be to collect comprehensive and accurate data on all injustices done against all creeds and political opinions, including details of discrimination in jobs and houses and to bring them to the attention of as many socially minded people as possible.

A booklet will be published for the widest circulation in which we will feel no need to select or slant our facts for the best effect, our case being so strong that the presentation of the unvarnished truth will be sufficient.

We will make as full use as funds allow of newspaper, poster and leaflet publicity outside Ireland, availing of the services of an advertising consultant. In this way we will force all the disturbing details of life here to the attention of the British and American people so that it can never again be said that they were unaware of what was happening in Northern Ireland.

The aims of our Association transcend party politics but we feel free to approach, from time to time, any political party anywhere which we think is likely to help us. Ultimately, if all this fails, we intend to present our case to the Commission for Human Rights in Strasbourg, and to the United Nations.

Whilst we know that the majority of Northern Ireland

people, both Protestant and Catholic, are warm-hearted and humane, a minority continues to make life difficult and embarrassing for the rest and to repress continued appeals for fair play by men of good will. Our aim is, we think, both basic and Christian but nevertheless has not been realised here for hundreds of years, namely—equality for all.

The night before the press conference when all our nerves were on edge, a trade unionist from Derry and a County Down medical practitioner, whom we had chosen as committee members, rang up to withdraw. We faced the press that morning and they treated us gently. This was our first and somewhat bewildering experience of a press conference, the intimidating television lights, the untidy microphones, the lipping cameras, the watchful indolence of the newsmen, being questioned closely by Cal McCrystal and others like him. However, the next day we had a good press and we all felt blooded, and very pleased and relieved.

When our Campaign met we were all agreed on one thing. The facts we proposed to present to the world must be scrupulously correct. Too often in the past inaccurate claims were easily disposed of by a much more sophisticated opposition. A number of questionnaire forms on such matters as jobs and housing were prepared. Each set was presented in a special envelope to our carefully selected agents. Circulation had to be discreet because a person found collecting statistics might suffer in his or her job prospects. Indeed we found it was something of a cloak and dagger operation, returned forms being often printed or typed, not just handwritten. A packet would arrive with a plop on our doormat and a shadowy figure would be seen retreating in the darkness.

As time went on, we had the satisfaction of knowing that in only one case, in the reams of documentation we supplied, did we make an error. In giving a housing discrimination fact, we mistook one man for his brother. Fortunately they were decent Protestants and there was no litigation, although we were very uneasy for a time.

Our first publication was *Northern Ireland—the Plain Truth*. This was a pamphlet which contained a short resumé of the position and a set of statistics on job and housing discrimination in Derry and Dungannon. One of our claims was that the

British taxpayer was subsidising Northern Ireland to the tune of £46 million. This infuriated the Unionists who were so blinkered that they counterclaimed that taxes collected in Northern Ireland more than covered the amount of the grant from the British Exchequer—which was nonsense! In 1964 Stormont received £81 million from Whitehall and £165 million in 1965 (*Belfast Telegraph* 26 October 1966). In the year 1987 Westminster spent an incredible £4,810 million on Northern Ireland.

At this time we received annoyance from an unexpected source. We had telephone messages and letters from fervent nationalists objecting to our using the word 'Londonderry' instead of 'Derry' in our publications. This single fact encapsulated the difference between ourselves and those who had gone before. 'Londonderry' it was on the maps that our foreign readers would consult. We had no wish to confuse them.

A bombshell burst on the British readership of the *Sunday Times*. An article by Cal McCrystal entitled 'John Bull's political slum' (3 July 1966) exposed with awe-inspiring clarity the way Ulster politics operated. From then onwards cover-ups were impossible.

In time the Unionists issued a spate of documents such as *Ulster, the facts*, and *Northern Ireland, the facts at your fingertips*. Needless to say none of our allegations was disproved, most were not even tackled. There were vague generalisations about the good things in Northern Ireland, with which we would not attempt to disagree.

Our *Plain Truth* was only a first effort and not nearly comprehensive enough. The second edition, produced in 1969, was much better. It is reproduced in full in an Appendix. It became our main organ of publicity and over 100,000 were produced and circulated. They were requested and willingly supplied to the various civil rights organisations, British and foreign parliamentarians, groups of supporters in Britain, Europe, USA and Australia. Even the Government of the Republic of Ireland acquired a supply for a publicity drive they were undertaking at ambassadorial level.

I had an agitated phone call from a London supporter. He was at Speakers' Corner in Hyde Park where he saw an old and decrepit man selling *Northern Ireland, the Plain Truth* at

a mark-up of over 200 per cent. Another time I was told that our pamphlet was being distributed free in London, over-stamped in red by the Communist Party. Some of our committee were horrified, my feeling was that our case was being presented, and as long as the wording was not interfered with, it was alright.

When this book was projected, Brian Gregory suggested that not much space should be devoted to the matter of religious discrimination, because everyone was well aware of the position. True, but *The Plain Truth* is included in full in case, within ten or twenty years, people should have forgotten much of the detail. In the end it might even be suggested that discrimination never happened. The booklet sets out the outrageous statements made by the Unionist leaders and the squalid things they did. And it is worth noting that, as reprint followed reprint, not one fact in it was ever contradicted or disproved. It must be emphasised that the facts given were those of the time the booklet was issued. They do not relate to the position now, since many improvements have taken place. Just how necessary it is to include *The Plain Truth* at the back of this book was shown when J.J. Keating of Blacon, Chester, England, sent a copy to the Minister of Home Affairs at Stormont, Mr William Craig, and asked for his comments. On 21 April 1964 Mr Craig wrote to J.J. Keating: 'This pamphlet is typical of the scurrilous propaganda put out by a small section of the community whose avowed intention is to overthrow the Constitution of Northern Ireland.'

Conditions were so bad in Derry that our committee decided that a separate leaflet should be issued giving more detail than was previously available. *Londonderry one man, no vote* was prepared and included in all our mailings.

When Sir Alec Douglas Home, MP, visited Northern Ireland in March 1964 he stated in reply to questions at a Belfast press conference, and later on television, that recourse could be had to the courts in matters of complaint regarding religious discrimination. We wrote to Sir Alec. The British have many fine qualities but one besetting sin, hypocrisy. In letters which followed, five in number, there was a series of evasions from his department and from the Home Secretary's Department. This correspondence was printed by the Campaign as a leaflet *Northern Ireland, Why Justice can not be done* (see

Appendix). It is likely that Sir Alec, whom most Westminster politicians describe as a decent man, had reason to regret not supervising his civil servants more closely. At every by-election when he was Prime Minister we sent copies of this leaflet with our other publicity material to leading citizens in the town where the by-election was taking place.

Our last leaflet was *Northern Ireland, Legal Aid to oppose discrimination, not likely*. It will be detailed later in the appropriate chapter.

The next production to go into print on the Campaign's behalf was a joint booklet written by Father Denis Faul of Dungannon and myself called *Northern Ireland, the mailed fist*. It was a record of army and police brutality from 9 August till 9 November 1971. There were detailed records of events on the streets as well as statements by detainees and one by Amnesty International. We had an illustration on the cover of the booklet of soldiers dragging away Hugh Logue by his hair. He was later to become a member of the Northern Ireland Assembly. A most impressive preface was written by Mr Tony Smythe of the London National Council for Civil Liberties.

It is only fair to say that since then police attitudes and methods have greatly changed, the RUC now making serious efforts to be appreciated by the minority community. At that time it was essential also that key people such as members of Parliament and Dáil deputies, as well as politicians in the USA and leading newspaper editors and correspondents, should be continually reminded that injustices here were still common events, and that little was being done by Britain as the supreme power.

At intervals the Campaign issued a Newsletter, at first printed by a Gestetner duplicator and later as a very well finished production by the Bethlehem Abbey Press, Portlengone. The Newsletter consisted of a commentary on events and photostat copies of newspaper cuttings. There were up to forty pages in each. In all, seventeen issues were printed and sent to all parts of the world where there was interest in things Irish.

In the early days of our publicity drive we discovered that it was the law of the land in the United Kingdom that all printed matter should be lodged with the Home Office Library of the British Museum. This we did as well as sending

everything we produced to the Linenhall Library, Belfast, to the Public Record Office of Northern Ireland, to the Bodleian Library, Oxford, and to the Library of the United States Congress.

We were concerned that, after the adequate coverage of the Dungannon squatters, nothing was appearing in the Southern papers about discrimination in Northern Ireland. Patricia and I wrote to and received appointments with the editors of both the *Irish Independent* and the *Irish Press*. When we met them we explained that we would not expect banner headlines about our troubles, but that if the press recorded, on an inner or even the back page, acts of injustice as they occurred, it would gradually enlighten the people in the South about our problem. Both editors replied in almost the same words to the effect that they were sorry they could not help since these matters were not newsworthy.

At our initial press conference we had promised that we would attempt to present our case to the Commission for Human Rights in Strasbourg and to the United Nations. Accordingly, we wrote to the Minister for Foreign Affairs in the Republic, sending copies of our pamphlets, and asking for an interview. Mr Frank Aiken, the Minister, welcomed Tom McLaughlin, Patricia and me most warmly in July 1964. He had with him at the interview a highly placed legal authority. I think it was the Attorney General, but, unfortunately we forgot to take a note of this gentleman's name. They produced the Charter of the United Nations and other documents and assured us that there was no way in which our disabilities could be aired.

Our members were puzzled when some time later we were sent a press cutting by an English supporter recording Mr Aiken's address to the plenary meeting of the fifth special session of the United Nations General Assembly at the United Nations headquarters in New York at which he appealed for justice for the Territory of West Africa. The lady felt that 'Mr Aiken should have first agitated for his own kith and kin.' About that time we also met Brian Lenihan, TD, George Colley, TD, and Senator Eoin Ryan. They could not have been friendlier and more concerned, but they tended to avoid suggestions on the Northern problem.

As time progressed the press became more and more

interested in our story, first the *Irish News*, then later the Dublin dailies. Finally many of the leading reporters of the international press arrived. The sophistication of these men and women was a revelation to us. We enjoyed their close questioning because our case was watertight. They did not make use of the statistics we supplied, but went off and made their own enquiries. Whether it was the late David Holden's extroverted approach or Mary Holland's quiet probing, the result was the same: another story for the papers.

Once when Mr Holden visited us we knew he was after something special. We realised in the end he was anxious to find out what violent outburst was going to happen next. He spent an hour and a half questioning us but found out nothing because we knew nothing. We never had contact with violent men or even knew who they were. And we kept it that way. Leon and Jill Uris visited and eventually became for us much more than investigative journalists. Their joint *Ireland, a terrible beauty* included Jill's wonderful photography. Later there was a full-length novel *Trinity* by Leon with a contemporary Irish background.

We always found pressmen to be courteous and friendly. We never had a cross word with one of them. They were helping our cause, indeed the free press must be one of the most important assets the USA and Western Europe possess.

But by now we had begun to develop healthy suspicions. We judged that a couple of visitors claiming to be reporters were not really reporters. They had a significantly different approach, but we humoured them and answered their questions and allowed them to take our photographs.

At that time, too, we were pretty sure our telephone was tapped. The sound volume varied and there were an inordinately large number of clicks on the line when we were speaking. Again, with nothing to hide, we chatted on unconcerned. There was the time too, when we came home from holiday to find the bedroom window swinging open, not even secured by the hasp, but the thing that really took us to the fair was the matter of the passport.

One day I went to the 'travel drawer' in our lounge to make sure that our passport was not out of date. It was gone. Both of us searched through the papers in the drawer and the drawers next to it. I even took out the drawers and looked

between them, but the passport was not to be found. Two weeks later when I was looking for something else in the same drawer, the passport was back again. Patricia was furious, obviously it annoys women when people trespass in their home. For my part, with nothing to hide and nothing missing, I was unmoved.

We were puzzled when a close associate of a Unionist Minister rang up and came to see us at our home. He talked to us for an hour but gave no real indication of why he visited us. We presumed that this was a 'buying off' contact, but, if it was, his mission was a failure. Twice Mr Colin Wallace called on us. By now we were thanking our lucky stars that our convictions were well in place before we started on our civil rights journey.

The organisation, National Unity, arranged a weekend meeting and invited our Campaign to send a speaker. Tom McLaughlin was nominated. His theme was abolition of 'second class citizenship' by giving everyone equal rights. He made the important point that discrimination resulted in a lessening of civic responsibility. He denied that Catholics 'were trying to destroy the image of Northern Ireland by drawing attention to discrimination' as a Unionist newspaper had just alleged. The meeting went smoothly because he was speaking to the converted. Our next expedition to speak to a group in a hotel at Larne did not go so well. Some of those present were abusive and descended to sectarianism. Conor Gilligan was reviled by a questioner. The subject was employment in the Mater Hospital. We concluded that local speaking engagements were not likely to be fruitful, and we decided not to involve ourselves in them.

Our next engagement was a very different one.

The NCCL Conference

On 13 March 1965 the British National Council for Civil Liberties decided to hold a conference on Northern Ireland in London. The venue was the Conway Hall, Red Lion Square, a famous building where many key meetings had been held in the past. When we went into the hall the first thing to catch my eye was a huge slogan permanently painted high above our heads: 'To thine own self be true'.

The speakers invited from Northern Ireland were: Mr

Charles Brett, Chairman of the Northern Ireland Labour Party, Patricia, representing the Campaign for Social Justice, Miss Betty Sinclair, Secretary of the Belfast Trade Union Council, a doughty warrior and a lovable woman, who was a member of the Communist Party, Mr S. Caughey, Republican Six County Election Directorate, Austin Currie, MP, Nationalist Party, Mr John Taylor, B.Sc., Unionist Party, Mr S. Egan, Working Committee on Civil Rights, Miss S. Murnaghan, MP, Liberal Party. Individual members and a number of delegates from organisations affiliated to the NCCL attended.

After the Chairman, Eric Lubbock, now Lord Avebury, made his opening remarks, the first speaker was Charles Brett. He agreed that there was undoubted manipulation of boundaries, plural voting and religious discrimination in housing and employment in appointments made to public bodies and private firms. He was against a Royal Commission of Enquiry. He did not think that a solution of the province's problems could possibly be imposed from outside. As things turned out he was very wrong in this.

Mr Taylor denied that there was discrimination in public bodies in Northern Ireland, and claimed that the province was already solving its own community problems. We could not see his justification for this point of view or for his claim that discrimination occurred only in private firms. He complained that the Connolly Association played a big part in NCCL affairs. In fact they are only one of the many bodies affiliated to it. Betty Sinclair, unfortunately no longer with us, supported the Campaign's findings and complained that mail to working-class organisations and people active in politics was being continually examined by the authorities. Halls for conferences or meetings were difficult to obtain, she added.

Sean Caughey explained that his party, under its proper name Sinn Féin, was a banned organisation. He complained of the various repressive measures of the Ulster Government. Austin Currie, like many of the other speakers, welcomed the proposal for a Commission of Enquiry. He supported the Campaign's findings on discrimination.

Patricia presented a very full dossier of Northern Irish discrimination. Miss Murnaghan was against a Commission of Enquiry, 'Let us deal with discrimination ourselves.' From

the floor, Mr James McCartney of the Faculty of Law, Queen's University, who was later to become one of our Committee members, gave the meeting a well researched dissertation on electoral law and franchise arrangements. He also gave details of discrimination in jobs, housing and education. Martin Ennals, the secretary of NCCL, gave a summing up which again helped the case the Campaign was presenting.

This was a most useful Conference and we are eternally indebted to the NCCL for setting it up. At last we had a platform in England. Whilst the British press ignored the Conference, the *Guardian* being the only newspaper to mention it (four lines on the back page) the Irish newspapers, including the Unionist ones, were impelled to report it and to present some of the relevant facts to their readers.

After their successful Conference, the NCCL did not abandon us. A spate of literate and well produced documents, pamphlets and news sheets followed. *Speak Out* was one such news sheet. It dealt with the various unsavoury events in Northern Ireland, and even had a bibliography and a list of organisations and parties involved both inside and outside Northern Ireland. There was also *Civil Liberties 1969* with a section on Northern Ireland. *Crisis in Northern Ireland 1971* contained the representations of the National Council for Civil Liberties to HM Government, dealing with discrimination, administration of justice, internment, treatment of detainees. Finally it made recommendations. The NCCL Bulletin dated May 1972 had statements on the Widgery Report and the Scarman Investigation. Then in June 1972 came the NCCL news release to which was attached a commentary on the Widgery Report on Bloody Sunday. This commentary was again issued as a forty-eight page booklet entitled *Justice Denied*. It was a thorough analysis for world consumption of what was, sad to say, another example of British hypocrisy, indeed the Report was generally regarded as a whitewash of a sordid, brutal event.

The Campaign for Democracy in Ulster

The build-up of pressure against the Northern Irish state continued. We had been steadily plying the Labour Party backbenchers with documentation. The result was the

formation of an important new group called the Campaign for Democracy in Ulster. The driving force of this movement was Paul Rose, MP for Blackley, Manchester. In the beginning he had the signatures of sixty MPs. This later rose to over one hundred, and included Lord Soper, a minister of the Methodist Church; local Councillors and constituency Labour Party officials were also associated with it. The president was the venerable Fenner Brockway, later Lord Brockway, well-known civil rights activist. The secretary was Bill O'Shaughnessy, the treasurer Mike Melly. Paddy Byrne was an extremely active back-room boy.

The aims of the Campaign were to secure an impartial enquiry into the administration of government in Northern Ireland, to bring electoral law into line with the rest of the United Kingdom, to press for the application of the Race Relations Bill to be extended to Northern Ireland and to include religious discrimination and incitement.

On 2 July 1965 the inaugural meeting was held in the House of Commons. Patricia was asked to address it. In her speech she publicised the four pamphlets she distributed and gave many details of discrimination. She was scathing on the recently announced plan to build the new city, Craigavon, when there were four thousand people out of work in Derry city. She pressed all to read Jim McCartney's paper on the electoral system, which he had presented to the NCCL Conference. About Sir Frank Soskice, a Labour minister who had recently visited Northern Ireland and expressed himself satisfied with the position there, she said, 'If Sir Frank were to be told there was dry rot in the attic of his home he would surely not shrug his shoulders and say, "I have been out looking at the roof, it is perfect." The Unionist members of Parliament at Westminster repeatedly claim that there is no discrimination because nobody takes legal action under the 1920 Act. We have tried to take legal action. It is impossible.'

Paul Rose in his speech said, 'What riles us above all is that when we question injustices in the Six Counties we are accused of interfering, yet there is no question of any constitutional limit on the voting powers of the Unionist members in the House.' Lord Brockway said 'It is not for us to raise the issue of the border in this Campaign. The Irish people themselves will solve the border problem in time.'

Sam Napier of the Northern Ireland Labour Party sent a message of support.

Bill O'Shaughnessy emphasised the importance of gaining the support of the trade unions in order to get resolutions through at the Annual Conference of the Labour Party.

On the preliminary agenda of the Labour Party Conference there were six resolutions concerning Northern Ireland. The Campaign approached every member of the National Executive for support and 740 personal letters of appeal with accompanying documentation went out to the secretaries of each trade union and individual constituency secretaries of the Labour Party. No resolution was debated.

The CDU began to move of its own accord, responding to requests from constituency parties for speakers on 'Ulster', and found it hard enough to meet demand. In a letter to our Campaign, Paddy Byrne reported that the CDU was getting demands for literature even from Australia and New Zealand. Recently there had been a request from Bangkok!

In a letter to the *Universe*, Paul Rose pointed out that 'the Campaign had grown up as a response to spontaneous demands from within Northern Ireland itself and from among Irish people living in England'. He continued: 'The only difference is that this group is better organised; it has restricted its demands to those things which are practicable. At a time when there is a good deal of rethinking, even among Unionists, and when so many new enthusiastic MPs are showing their concern about electoral laws and religious discrimination surely it is appropriate to harness this new mood.'

The CDU was still going strong in October 1971 when Labour was in opposition, and this time the National Executive allowed a resolution to be discussed at the Labour Party Conference. The speakers at a fringe meeting sponsored by the CDU, expressed severe disappointment with this debate. The speech of Mr James Callaghan, the Shadow Home Secretary, was described as 'disgraceful' because he supported the internment policy. Paul Rose, Kevin McNamara and Sid Sidwell were trenchant speakers.

Paul Rose said that Mr Faulkner and Mr Maudling (the Tory Home Secretary) had taken Northern Ireland to the abyss by their ill-conceived and clumsily-executed internment

policy. He was disappointed that the Conference platform had failed to condemn it.

I was asked to speak and said 'The British Government and the British people have reduced the minority community to the conclusion which they now hold that they will get nothing without violence. When the B-Specials and the RUC turned their machine guns on the Catholic people of Belfast in 1969 the Catholics could muster perhaps ten guns. Now there are dozens and more every day because of the way you British are bungling things. You let us down in 1969 and we are afraid of it happening again.'

The CDU, in April 1967, sent a fact-finding delegation to Northern Ireland consisting of four MPs: Gerry Fitt, Dr Maurice Millar, Stan Orme and Paul Rose. They visited Derry, Dungannon, Strabane and Coalisland. Dr Millar who, with his wife, had recently visited India, said, 'With all its problems and difficulties there is more democratic right in India than in Northern Ireland.' Other comments were, from Paul Rose: 'On my last visit to Dungannon I saw segregated housing estates which would have done credit to South Africa.' Stan Orme: 'We have come to Derry to confirm the facts. The injustices stood out in Derry and these injustices were the focal point of our fight at Westminster.'

Some members of the Campaign for Social Justice had a very happy and convivial meal with the MPs and their associates in a Dungannon restaurant. The outcome of the visit was an open letter to the Stormont Premier, Captain O'Neill, requesting that a Royal Commission be set up to enquire into allegations against the Unionist administration. This request was in reply to Captain O'Neill's statement that the Campaign had made scurrilous and wholly baseless assertions about conditions in Northern Ireland. When they returned to London the MPs gave a full report to Mr Harold Wilson and Mr Roy Jenkins, the Home Secretary.

There was a CDU rally in Manchester on 25 November 1966. In her speech Patricia set out the essentials of action required of Captain O'Neill. They were the usual ones of changes in electoral law and an independent body to deal with discrimination in housing and jobs: 'I am absolutely certain that without the intervention of our good friends in the Campaign for Democracy in Ulster and without continual

pressure by the British Government this will never happen'. She continued, 'We have become a little tired in the North of Ireland of watching the anti-Tory politicians oppose each other whilst the Unionist walks over their fighting bodies to success at the polls. Finally, I want to impress on you, ladies and gentlemen, that this Campaign for Social Justice does not think, and I do not think, that all the Ulster Protestants are to be condemned. There are thousands of fine Protestants whose emotions have been so worked upon that they are a frightened people. We want to change all this. We want to live with our Protestant neighbours as equals, as fellow Christians and as fellow Irishmen and women.'

Paul Rose, writing in the *Belfast Telegraph* on 3 August 1967, continued his work of pointing out to the Unionists that there was another view as well as their own. He said, 'History and bad memories are the curse of Northern Ireland. When I read of a veteran Orangeman being expelled because of a simple act of human decency in attending the wedding of a Roman Catholic friend it is apparent that the commandment of 'Love thy neighbour' has no meaning. I have been accused of being an agent of Dublin and even, extraordinarily, of Rome!' Speaking of attitudes reflected in much of the Unionist press he said, 'In their eyes the Mater Hospital is the medical and surgical department of the Church of Rome in Belfast'. He also said, 'People in Northern Ireland must realise that if they want to be treated as loyalists, they must stop flag-waving and act like loyalists in their everyday lives . . . The eleven sheep in sheep's clothing which Ulster sends to Westminster are in direct contrast to Gerry Fitt, who in spite of the attacks on him by the Northern Irish press, has brought a breath of fresh air into the House of Commons as the authentic voice of the Belfast working class, whether Protestant or Catholic.' We in the Campaign for Social Justice would except from this criticism of the Unionist press the *Belfast Telegraph*.

The Campaign for Democracy in Ulster remained in being until early 1973, giving lectures and holding dances and other fund-raising activities and using its publicity sheet 'Spotlight Ulster'. However, it was eventually wound up, mainly because it was infiltrated and in danger of being taken over by extreme left-wing elements.

The 'Convention'

I think the activity of the CDU which pleased us most was their continual attacks on the 'convention' which provided that matters delegated to Stormont by the Government of Ireland Act 1920 could not be subject to parliamentary questions. While this was happening Ulster Unionist MPs voted in 1965 and 1966 against proposed legislation like the Housing Subsidies Bill, the Rent Bill and other measures which related not to Northern Ireland but to the rest of the United Kingdom. This infuriated Labour MPs.

This 'convention' went back as far as 1922 when a question by Joe Devlin about attacks on people in Belfast was ruled out of order by the Speaker.

In all our publicity material we quoted a Section of the 1920 Act, Clause 75, which says, 'Notwithstanding the establishment of the Parliament of Southern Ireland and Northern Ireland or anything contained in this Act, the supreme authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters and things in Ireland and every part thereof.'

Paul Rose and his Labour colleagues, and later Gerry Fitt, when he became a Westminster MP, tried again and again to ask for an enquiry into the working of the 1920 Act, passed by their own Parliament, and were refused.

The Campaign for Social Justice had been pursuing a parallel course over a considerable time, writing to Labour leaders about various Northern Ireland problems, and receiving replies from their secretaries thus:

Mr A.L. Williams, secretary of the Labour Party, 12 February 1965: 'I was sorry to hear of the difficulties at the Home Office [re the Mater Hospital, Belfast, left out of the Medical Scheme] about which you recently wrote to the Prime Minister, but you will realise, I am sure, that I cannot comment on a matter of this kind.'

Mrs Castle, Minister of Overseas Development, 18 June 1965: 'I cannot intervene. The only constitutional course is for the matters to be taken up with the appropriate authorities in Northern Ireland.'

Secretary to Mr Harold Wilson, Prime Minister, 19 August

1965: 'The matters about which you allege discrimination are falling within the field of responsibility of the Northern Ireland Government and Parliament. This being so, he thinks it would be wrong for him to seek to intervene.'

Secretary to Mr Roy Jenkins, Home Secretary, 10 February 1966: 'It would be improper for him to comment on the institution of the legal proceedings to which you refer [litigation against Dungannon Urban District Council for discrimination in housing].'

And again Mr Jenkins, 21 November 1966: 'The provision of Legal Aid in Northern Ireland is, I am afraid, a matter solely for the Northern Ireland authorities. United Kingdom funds could not be used to finance legal proceedings in Northern Ireland.'

Alice Bacon, MP, of the Home Office, in a letter to Alf Morris, MP, 13 February 1967, wrote: 'The matters about which allegations on religious discrimination are made in Northern Ireland fall in general within the field of responsibility of the Northern Ireland Government and Parliament.'

Harold Wilson, Prime Minister, 12 September 1967: 'The constitutional relationship of the Northern Ireland Government cannot, and should not, be ignored and it is a fact that under the Government of Ireland Act 1920, the matters you have raised fall clearly within the competence of the authorities in Northern Ireland.'

Secretary to Mr James Callaghan, Home Secretary, 14 February 1968: 'Mr Callaghan cannot comment on the matters you raised as under the Constitution of Northern Ireland these are matters which fall solely within the field of responsibility of the Northern Ireland Government and Parliament . . .'

Harold Wilson, Prime Minister, 21 July 1968 (concerning the Race Relations Bill): 'The Northern Ireland authorities have been consulted on whether the Bill should apply to Northern Ireland and have decided that it should not, since race relations is a field in which Northern Ireland would prefer to legislate itself should the need arise.'

Secretary to Mr Harold Wilson, 16 July 1968: 'Mr Wilson cannot comment on the matters you raise since under the Constitution of Northern Ireland they fall solely within the

field of responsibility of the Government and Parliament of Northern Ireland.'

In fact, the Westminster Government intervened in the affairs of Northern Ireland three times of which we are aware. It intervened when an attempt was made by the Unionists to reduce children's allowance for third and subsequent children [to discriminate against Catholics who have larger families], again when attempts were being made to vest Catholic Church property; and thirdly the Westminster Government expressly applied the Prices and Incomes Act despite the fact that the Act deals with matters within the powers delegated to Stormont.

The Society of Labour Lawyers' Enquiry

In April 1967 a London group, the British Society of Labour Lawyers, announced that they intended to hold an Enquiry into the working of the Government of Ireland Act 1920, with particular reference to allegations of religious discrimination. The intention of the Enquiry was to receive written evidence. Heading the Committee was Mr Sam Silkin, QC, MP, Recorder of Bedford and Chairman of the Consultative Assembly of Europe. The secretary of the Committee was Cedric Thornberry, a barrister and university lecturer. The Committee's other members were: Lord Gifford, Peter Archer, MP, and Ivor Richards, MP. The Unionists were very displeased. A former Attorney General, Mr Edmund Warnock, QC, said 'Tell them to mind their own business. They are only a lot of busy-bodies. The whole thing is a political cod.' The Enquiry aroused opposition in the Northern Ireland Labour Party where one of their leading lights, Mr Harry Calvert, a lecturer in law at Queen's University, resigned the Party. The secretary of the Northern Ireland Labour Party, Mr Sam Napier, supported the Enquiry.

Eddie McAteer, leader of the Nationalist Party, held a very different point of view from the Campaign—'How much simpler it would be, and how much more helpful all round, if we could wash our dirty linen at home, rather than in the glare of Westminster.'

The Campaign for Social Justice felt that since the Enquiry had not the power to compel people to give evidence it could

be regarded mainly as an opportunity for the Unionists to examine their consciences and it would interest further groups in the whole matter of Northern Ireland Government methods. For example, Cedric Thornberry was a lecturer in international and constitutional law at the London School of Economics, well known for its egalitarian perspectives. Therefore we made a very big effort to supply the Enquiry with every well-documented fact we possessed concerning housing, job discrimination and electoral malpractice. Our submission consisted of 208,000 words in forty-five separate papers.

Applying pressure to the Unionists, the Labour Lawyers, in August 1968, supplied them with twenty questions on the franchise in Stormont and local elections and on discriminatory and segregationist policies operated by local authorities in housing allocations, and also on the number of Catholics employed in the public service. The Enquiry wanted to know from the Unionists whether reform of local authority policies or practices was desirable, and what plans or proposals the Unionist Party had for reform.

The Enquiry reported, at that stage, that it had considered more than fifty submissions of evidence, many of them substantial. The Ulster Unionist Council in their reply stated that it 'did not accept the right of any body to interfere with the Constitution of Northern Ireland'. It 'emphatically refused to accept the implications of discrimination and irregularities contained in this tendentious document'.

The Labour Lawyers published a later report in August 1968; concerning voting practices they said 'Prima facie, we find it anomalous that such differences between Great Britain and Northern Ireland should exist.' They condemned variations in the ward sizes as between Unionist and non-Unionist councils, giving example in various towns. They drew attention to 'ghetto' type housing, again giving examples. They detailed examples of discrimination in employment on public boards. The Unionists rejected the report out of hand.

About this time, not to be outdone, the Northern Ireland Society of Labour Lawyers produced a booklet, *Discrimination—pride for prejudice*. The executive council of this body was: chairman Brian Garret, secretary Vincent Hanna, and treasurer Turlough O'Donnell, QC (later Judge O'Donnell). This booklet covered the usual ground by way of introduction

and called for legislation to outlaw incitement and discrimination, racial or religious. The approach was socialist but the Society called for all-party support:

This legislation should cover goods facilities and services, employment and housing and should have teeth, the legislation to bind the Crown, public bodies, firms and individuals. Discriminatory advertisements and notices to be unlawful. Separate private (including maintained schools) religious education not to constitute discrimination. Police code to be revised accordingly. An Anti-Discriminatory Practices Board to be established.

In all, a fine project, but hard to realise in the Northern Ireland of the time.

Some details of all these various initiatives are included in this book to show how pressures were building up from various directions to change what had been up till then an immovable situation.

The Washington Hearings

A dedicated, patriotic group, whose individual generosity we found to be overwhelming, the American Committee for Ulster Justice, whose members included Paul O'Dwyer, Dermot Foley, Frank Durkin and Tom Enright, working with Senator Ted Kennedy, managed to set up a series of hearings on 28 and 29 February and 1 March 1972 before the sub-committee in Europe of the Committee on Foreign Affairs of the USA House of Representatives. The hearings were held in Washington. They were written and oral, and everything that was said is contained in a US Government Printing Office Report which runs to 638 pages.

For me at least it was a frenetic expedition. I flew over with Father Faul and landed in New York where we stayed for a couple of days, being whisked around to various little interested groups and to meet pressmen. Apparently in New York it is the thing to be at least an hour late for everything, because of delays at the last assignments and the awful traffic congestion. We had hardly our coats off after arrival when a television interviewer was asking us questions. One reporter stumped me completely when he asked why it was that the Jewish community, with its large population in the United

States, especially in New York, retained numerous articulate representatives whereas the Irish, also very numerous, had only a small group of activists.

Father Faul and I stayed with Tom Enright at Queens. It was a pleasure, after the challenge of keeping up with the bustling Dinny Faul, to return in the evenings to the warmth and hospitality of Tom and his wife.

Subsequently we went on the shuttle to Washington DC—a real shuttle where planes queued up on the tarmac—were filled, and flew off... When we arrived for the hearings at Rayburn House in Washington I was astonished to discover the large number of witnesses from Ireland that the American Committee for Ulster Justice had assembled, people that I had no idea were coming. There was not time to hear all those people's evidence. Thus the non-Unionists had made comprehensive statements which are contained in full in the Report.

Father Faul and I had the customary meeting with Senator Ted Kennedy who later opened the hearings with a substantial speech. From Ireland came Michael Canavan, Father (later Bishop) Edward Daly, the priest whom everyone remembers seeing on television on Bloody Sunday, with his blood-stained handkerchief used as a flag, bent almost double as he accompanied a dying man to first aid. Then there were Brian Duddy and Nell McCafferty, at that time a retiring little creature, now more contentious. These people were all from Derry. Austin Currie, Thomas Conaty, Father Denis Faul, Sean Hopkins, and Kevin McCorry of the Northern Ireland Civil Rights Association were also there. I was deputed to speak for the Campaign for Social Justice in Northern Ireland.

Representing the Unionists were Mr Patrick Macrory, Mr Bill Henderson, publisher of the *Belfast Newsletter* and Mr David Smyth, a lawyer. Twenty-two members of Congress submitted statements. The chairman of the Enquiry was the Hon. Benjamin Rosenthal.

Father Faul dealt with the Special Powers Act, brutality in the interrogation centres and he included a very telling segment of his submission on the administration of justice in Northern Ireland.

On internment he said that 3,357 persons had been arrested under the Special Powers Act, thirty to forty per cent were brutally treated and 793 had been imprisoned without trial: 'I

would like the Committee to note the practice of herding men. This is a sophisticated form of torture organised at the highest level in Belfast and London, whereby men are taken away for six or seven days, herded together, placed against a wall, deprived of food and drink and inflicted with a form of sensory deprivation which has caused long term effects.' Father Faul's evidence runs to eleven closely printed pages in the Report.

My contribution is contained in ten pages of the Report. I specially emphasised how the Unionists controlled the non-Unionists members of the population. I dealt fully with discrimination in employment, the bias against the non-Unionist majority west of the Bann river, the lack of effective protective legislation and the spurious reforms which at that time were being produced by the Unionist Government.

I compared Northern Ireland with Rhodesia where the difference in discrimination was one of degree only. For example, there was job discrimination in both places. Both Mr Faulkner and Mr Ian Smith claimed that their governments 'enjoyed the support of the majority of decent law-abiding Africans' (Catholics in Northern Ireland). Both claimed that agitation was Communist-led. Both operated a ghetto system. Detention without trial operated in both places. I even drew the parallel of the support in Rhodesia of tribal chiefs with the recent appointment for the first time of a 'Castle Catholic', Mr G.B. Newe, as Minister of State to the Prime Minister's office in Northern Ireland. I pointed out that Rhodesian blacks have now achieved much more than the minority in Northern Ireland. They must be very happy that their hopes have been fulfilled so soon.

It is noteworthy that, whilst Mr Wilson made a few lunges at Mr Smith, it was only when the Tories came to power that worthwhile results accrued there. One is tempted to wonder whether, had the Labour Party been still in power in Britain, we would have made the headway we have in Northern Ireland. Would it still have been a case of concerned, sympathetic backbenchers and a timid executive?

About the Protestant Churches: I suggested that they should have given a firmer and earlier lead. I noted that when Protestant divines pray for peace they rarely pray for peace with justice. 'To indicate the atmosphere in Northern Ireland, you may have seen or heard of the David Frost show. In it

there was reference to the thirteen shootings in Derry (referred to amongst Catholics as "Bloody Sunday"). These shootings were welcomed by some members of the Protestant panel on the Show, one of whom said the day should have been called "Good Sunday". The view expressed on that occasion was that not enough Catholics had been shot. A Methodist minister, a Presbyterian and a Church of Ireland minister were members of the panel and none disavowed these blood-thirsty statements.'

In extenuation of all this I referred to the pressures on Protestant ministers because of the attitude of their Protestant congregations in Northern Ireland. I quoted from the moderate Unionist *Belfast Telegraph*, 'I know of several of my brother ministers,' said an eminent local Presbyterian theologian a month after the civil rights explosion in Londonderry three years ago, 'who had to leave congregations because they spoke out courageously about housing conditions, voting rights and discrimination.' Much more recently an outside observer has noted with dismay 'the ease with which eight Presbyterian ministers have been quietly forced to emigrate as a result of economic pressures effected by congregations who disapproved of their support for social justice for the minority.'

Kevin McCorry of NICRA made a short statement of two and a half pages. He gave a historical resumé of the beginning of the Northern Ireland state. He claimed that direct rule was no solution. We could not agree with this since many more Catholic opportunities have been provided on the jobs front since then. He supported an improved Race Relations Bill. A Bill of Rights was also required. He demanded that all internees and detainees should be released and that the British Army should be progressively withdrawn.

We were interested to hear what the Unionists would say, and particularly whether they would attempt to rebut our claims about Unionist misdeeds. Their first speaker was Mr Bill Henderson, vice-chairman of the Unionist Party's executive committee. In his submission of 25 pages there was little of substance. He attempted to justify internment but it is now generally agreed that internment was a huge blunder, out-of-date information being used to select the internees. These unfortunate people were mainly old-style republicans and some civil right activists. Mr Henderson made no attempt to

justify discrimination. If it is felt that this is a biased opinion of his contribution, the full Report of the Hearings should be consulted.

In a seven-page deposition Mr Patrick Macrory commenced with a detailed statement of his family background, which had surely little to do with the subjects under study in Washington. He detailed the Northern Ireland Government's five-point reform programme produced in November 1968. It covered house allocation, investigation of citizens' grievances, a development commission for the city of Londonderry, reorganisation of local government and an associated review of local government franchise, and the withdrawal of those special powers in conflict with international obligations when this could be done without hazard:

Affirmation of the Government's decisions on these points was made in the Downing Street declaration of August 1969 to which both the United Kingdom and Northern Ireland were signatories, and further changes affecting the police, community relations, employment discrimination, incitement to hatred, housing organisation and local government reorganisation were set out in the joint communiqué following meetings in Belfast between the then British Home Secretary, Mr James Callaghan and the Northern Ireland Cabinet in October 1969.

If I may explain, the position was chaotic in Northern Ireland. Mr Wilson summoned the then Prime Minister, Major Chichester-Clark to London and under intense pressure by Wilson and Home Secretary Callaghan, on 20 August 1969 the Downing Street Declaration was made. In it the existence of the border was confirmed as was 'responsibility for affairs in Northern Ireland a matter for domestic jurisdiction'. This was followed by the 'benefits', as detailed above by Mr Macrory. The minority was not impressed.

The planned changes, which were written up in August 1971 by the Government in a pamphlet called *A Record of Constructive Change* were as follows:

They decided that by 1971, that is after two years' delay, various councils were to be grouped into larger units. The minority suspected that the boundaries of the enlarged councils would probably be gerrymandered. The statement did not

undertake, by excluding gerrymander and by offering fair boundary delineation, to give just and fair representation to those who opposed the Unionist Party. The Special Powers Act was altered by what could only be described as a stop-go programme. There was no undertaking to end it. The abolition of the business vote would involve only a small number of votes in all of Northern Ireland. The Ombudsman proposed would have no power to investigate the root causes of discrimination and it would not be physically possible for him to investigate the thousands of injustices and individual cases of discrimination.

Some councils had already refused to operate the points system for housing allocation. The notorious Derry Corporation was not to be replaced by a democratic one selected by the voters but by a Commissioner. There was no word in the *Record of Constructive Change* of reforms of the legal system although this was largely mistrusted by the minority.

The London-based National Council for Civil Liberties issued a statement in April 1970 when they had fully digested the data on the reforms. They pointed out that these did not include a repeal of the Special Powers Act, legislation to outlaw religious discrimination and incitement or the guarantee of fair electoral boundaries. The resolution also noted the recent additions to the Public Order Act and the increasing influence of extremist elements within the Unionist Party. The NCCL called for a Bill of Rights so as to write civil rights into the Constitution of Northern Ireland.

A most reputable group called the New Ulster Movement issued a statement on 23 April 1970 claiming that at least eleven firm promises in the communiqué issued by the Government in October 1969 had still to be implemented.

In the matter of the Ombudsman may I point out here that in April 1971, when this gentleman, a Mr John Benn, issued his first Annual Report, he stated that he had 1,195 complaints referred to him and his team of fifty. Only eighty-one complaints alleging discrimination were among the total, of which he had investigated fourteen, and in none did he find evidence of discrimination. Could a more absurd situation be imagined?

Back to Mr Macrory.

He made much of the Incitement to Hatred Act, a measure

badly needed, but the Act was so imperfectly drafted that when the first case was taken it failed, and no case had ever been taken since. (Here one is reporting the position in 1972.) The fact that these so-called 'reforms' were superseded, in as far as this was done, at a later date when the Tories came to power, shows them to have been inadequate.

Mr David Smyth, whose contribution runs to thirteen pages, carefully emphasised the lesser improvements which had occurred in Northern Ireland in response to British Government pressure. He pointed out that Northern Ireland had now a Catholic Minister in the Cabinet, but was reminded by Congressman Rosenthal that he was the first in fifty years. Mr Smyth denied Mr Rosenthal's suggestion that Stormont had been a dismal failure. Apparently Mr Macrory found it necessary to rescue Mr Smyth because he insisted at intervals on putting in his oar. Mr Smyth attacked the IRA but admitted that the British Army was a blunt weapon. He of course attempted to justify internment.

May I again suggest that anyone who wishes to fully comprehend the hearing should read the Government's printed report.

Whilst we were all applying ourselves to this project in Washington, the considerable resources of the British Embassy were working with the Unionists in the presentation of their case.

The Legal system and the Judiciary

The first indication from the records of the Campaign for Social Justice that all was not well with the legal system came in November 1966 when the Senior Catholic member of the Northern Ireland Bar, Mr James McSparran, QC, took to task the Minister of Home Affairs, Mr William Craig. Replying to Harry Diamond, MP, in the Stormont Chamber concerning religious discrimination at the Senior Bar, Mr Craig said that it was composed of five Catholics and nineteen of other denominations. Mr Craig then said, 'No doubt there were social and educational reasons for this proportion.' He went on to state that these reasons also applied to the alleged discrimination in other legal appointments. After pointing out that Mr Craig gave wrong figures—there are five Catholics and fourteen of other denominations in the Senior Bar, Mr

McSparran went on, 'Calls to the Inner Bar are at the discretion of the head of judiciary. Non-Catholics who apply know that members of the Inner Bar frequently progress to other offices filled by senior counsel. These jobs are rarely given to Catholics, thus there is less incentive for Catholics to become senior counsel.' Mr McSparran continued:

One is entitled to ask, was the Attorney-General, the head of the Bar and protector of all its members, aware, when he furnished these figures, that they would be used to advance this deplorable argument by the Minister of Home Affairs. I note that another member in the course of the debate rushed into the fray to state that out of fourteen Crown prosecutors six were Catholic. The whole of the six Crown prosecutors would not in an average year equal the fees and emoluments of one of the two senior Crown prosecutors in the city of Belfast, or the annual salary of one of the six clerks of the Crown and Peace. The members' contribution to the debate is typical of the methods adopted by the apologists in the Northern Ireland Government when confronted with charges of discrimination—specious allegations and half truths which on analysis only highlight the justice of the Catholic minority's complaints.

In 1969 there were outspoken criticisms of the way in which the Northern Ireland judicial system worked, including the political affiliations of the magistracy and judiciary and the effects of the restrictive property qualification for jury service. To this could be added the way in which police and the Attorney General exercised their discretion on whether to prosecute or not and the apparent immunity of some members of the 'B' Specials and some Protestant extremists from prosecution. Most magistrates and judges were appointed from the ranks of active supporters of the Unionist Party.

Father Denis Faul of Dungannon set the cat among the pigeons when he delivered a lecture to the Study Group in which he said among other things:

The Northern judges are felt to have to all appearance acquiesced in, perhaps actively promoted, systematic discrimination against the Catholic minority, and to have been rewarded for this and other services to Unionists by seats on the Bench. It is difficult to see how a Unionist

politician turned judge can earn the trust of the Minority. Twenty-one judges have been appointed to the High Court since 1921. Fifteen have been connected with the Unionist Party. Of the twenty-four County Court judges, fourteen have had connections with the Unionist Party.

He suggested that new judges should serve a five-year apprenticeship in England.

The right of prosecutors of unlimited challenge of jurors, whilst the defence had only twelve challenges without showing cause, operates against cases with a political tinge. All Crown solicitors are Protestants at present . . . A property qualification is also necessary. To be a resident property owner with a certain valuation is necessary before one's name is entered on the jury list. At present the men of property are sitting in judgment on the men of no property.

In High Court, County Court, and Resident Magistrate cases, experience shows that the Bench, almost without exception accepts the evidence of the police force. And yet the police force had been shown to have within its members some people who are anti-Catholic and who have attacked the people of Bogside [a reference to the Devenney case]. How can people believe that those men will give untinged evidence?

These are indisputable, though almost unbelievable, facts, but to everyone's astonishment and, indeed, chagrin, Cardinal William Conway rebuked Father Faul. In a short statement he said that he 'deprecated the remarks which he considered both unfortunate and unwanted'. This statement was entirely out of character in a man who had taken the greatest interest in the struggle for equal rights, and who, like many very large men, was gentle and calm. What probably happened was that Cardinal Conway was visited and pressurised by a Castle Catholic or a group of them who were, most likely, members of the legal profession.

The Campaign for Social Justice issued a statement supporting Father Faul in which we said:

British and Northern Ireland politicians have often drawn attention to provisions of the Government of Ireland Act 1920 which they alleged permitted discriminated-against

citizens to appeal to the courts. We in the Campaign were surprised that these legal people had not pushed harder up till now to test the Act. In 1964 we approached a solicitor who engaged a barrister, to help take a case against Dungannon Urban Council for religious discrimination in housing. The barrister informed us that there were no provisions in the 1920 Act that could be used and therefore nothing could be done to help. The Campaign issued an information sheet setting out the position, but the barrister would not allow his name to be mentioned in it.

After a very informative lecture by Mr Harry Calvert at Queen's University, Belfast, on the relevant section of the Government of Ireland Act 1920, we tried again, making use of a different legal team and trying to exploit what appeared to be a small loophole in the Act.

The Law Society, which administers the Legal Aid Scheme, would not give the penniless man, who was taking the case, finance to fight it. It would have cost up to £20,000. Surely this was a deficiency in the law.

Some Catholic solicitors refused to handle civil rights cases, although they were prepared to defend the most sordid cases of other kinds. We have been informed that, when Republicans have been before the courts for political or semi-political offences, their legal advisers are often forced to seek adjournments, thereby perhaps prolonging their clients' terms in prison.

We observe that Miss Bernadette Devlin employs English barristers. The Civil Rights Association decided to take on an English barrister to watch its affairs at the Scarman tribunal. An English barrister, the present Attorney General, was defending counsel in the Talbot and Mallon case.

In 1968 several people, discriminated against, who wished to take their cases to the Council of Europe Human Rights Division asked for our advice. By this time we had decided that some Catholic legal people must be under pressure and lacked trust, and we therefore advised the litigants to employ a non-Irish advocate, remote from political pressures. This man required help about details of Northern Irish law and two Ulster solicitors agreed to provide this, but only if their names were not mentioned.

During these years Mrs Patricia McCluskey was slandered on one occasion and libelled on another. If these cases had occurred in Britain she would have secured substantial damages, whereas she was obliged to settle out of court because she was advised that if the case were heard in Belfast, since she was considered to be anti-Unionist and a 'trouble maker', the jury would not be favourably disposed.

On the subject of judges, Mr E.W. Jones, QC, then Attorney General, on 29 October 1966 asserted that there was no religious discrimination in Northern Ireland, nor had there ever been any. We know what the Cameron Report said about religious discrimination.

Gerry Fitt, MP, found it necessary to report Judge Lowry to the Lord Chancellor of England, Lord Gardiner, for saying, about Derry on 5 October 1966, 'most of the trouble in the city originated not among the citizens of Derry but from undesirable outside elements'.

The Northern Ireland Civil Rights Association issued a statement at the time which contained the following observations:

It is a good and proper convention that the impartiality of the law, and in particular its administration, should not be questioned without due cause. But by the same token, judges and other law officers should refrain from comments on current political controversies, and should not, by word or deed, display a too close affinity with the ruling political party which has a voice in their appointment. The Northern Ireland judiciary has on many occasions broken that convention, and they cannot then expect, because of their office, to be immune from criticism.

Examples of recent judicial statements can be given as follows:

Mr Justice Lowry at Derry Assizes etc. [see above].

In May of this year at the Armagh Assizes Mr Justice Curran said 'When I hear criticism of the police I know what to think.' This comment flatly contradicted a statement of a lower court judge in Armagh who described RUC behaviour in certain incidents as 'disgraceful'.

The involvement of persons who hold the office of Justice of the Peace in violent or near-violent political conflicts had

not served to make that judicial office respected or trusted in the community. The actions of Mr William Douglas, JP, present in Limavady Town Hall during a civil rights meeting last May, may be mentioned.

On 17 April 1971 a 'Catholic lawyer' who of course dare not sign his name, wrote to the *Irish News* as follows: 'At Belfast City Commission yesterday Lord Justice Curran enquired from Defending Counsel whether or not his client in an arms charge was a Protestant. On having confirmation that in fact the accused was a Protestant his Lordship proceeded to direct the jury to acquit him. Am I or my co-religionists to assume from this that if the accused man had been a Catholic then his Lordship would have allowed the case to go to the jury with all the attendant risks?'

What worried the Campaign most was that when the letter was drawn to the attention of Lord Hailsham, he expressed the view that 'little credence was to be attached to anonymous letters of this kind'. When the Lord Chancellor of England had such a poor insight into how Catholic lawyers are situated in Northern Ireland we knew that we had still a lot of work to do.

Early in 1964, after the Campaign had collected and published a large amount of information on religious discrimination, we decided that legal action should be taken against an urban district council in the specific matter of religious discrimination in allocating houses. An eminent legal authority was engaged and he informed members of the Campaign that the Government of Ireland Act offered no adequate method of securing redress against discrimination. The Unionist party, in power since 1922, was careful not to pass any law contravening the 1920 Act, nor did they need to do so. The Unionists simply used their political majority to do as they wished, and in areas like Derry where they lacked a majority, they gerrymandered.

At a public lecture in the Queen's University, Belfast in February 1965, Jim McCartney LL.B. of the Faculty of Law, outlined some relevant sections of the Act under which Roman Catholics could seek redress against discrimination. Later in the year this theme was further elaborated in another public lecture given by Mr H.G. Calvert LL.M. also of

Queen's University Law Faculty, entitled 'Northern Ireland, religious discrimination and legal restraint'. In it he too indicated a method whereby discrimination against Catholics could be opposed.

Mr Calvert also made the point that the Legal Aid Scheme which came into operation in Northern Ireland in November 1965, seventeen years after it was instituted in the rest of the United Kingdom, should be of enormous advantage to the underprivileged working-class Catholics, who had suffered a great deal.

The Campaign consulted a solicitor in November 1965, and instructed him, on behalf of a Catholic worker, to commence proceedings against Dungannon Urban District Council for discrimination in the matter of council housing allocation. This man was born and lived all his life in Dungannon, but had been lately forced to live outside the town boundary to secure a house. He was a married man with children. He was at that time living in a damp, rat-infested house. He was on the Council's waiting list for eight years, and had been proposed for a house by Dungannon opposition councillors no less than sixteen times between July 1964 and August 1966 without success. During that time the Council had allocated houses to young newly-wed Protestants coming from as far as forty miles away and to Protestants who already occupied excellent council houses. Some of these people were not even on the council's housing waiting list.

Surely if there was protection under the Government of Ireland Act it could be invoked here. If Legal Aid existed, surely this man should be able to avail of it. When a solicitor lodged the Legal Aid application form with the Law Society of Northern Ireland its secretary wrote to him asking under what heading the Legal Aid was being sought, whether it was 'action for declaration or application for order of mandamus, prohibition or certiorari'. Rather than prejudice the application by submitting it in the wrong way, our solicitor advised us that it would be safer to consult Senior Counsel about the method being used. This cost money which was paid out of the Campaign funds.

Senior Counsel advised us that technicalities in law might make it impossible for the litigant to take direct action against Dungannon Urban Council, and it would be better if the

action were brought by the ratepayer in the Council area. Tony Sheridan, a working man, a ratepayer and a worthy supporter of the squatters and civil rights generally, aggrieved at the misuse of council powers in the allocation of houses, offered to be the plaintiff and Legal Aid was applied for on his behalf.

The services of Junior Counsel were required to prepare and submit an amended Legal Aid application form. Expenses were mounting. The Campaign was notified that Legal Aid had been refused, the refusal saying, 'the proceedings to which the application related are not proceedings for which Legal Aid can be given'. There was no further information about the reason for its rejection.

Advice of Counsel was again sought and an appeal made against the refusal, the case being argued before the Legal Aid Committee by Junior Counsel on 23 September 1966. The Committee reserved its decision and not until 2 November did it announce the rejection of the appeal because the applicant 'had not shown reasonable grounds for taking or being party to proceedings'. Such rejection of Legal Aid appeared to be contrary to the spirit and purpose of the Legal Aid scheme.

Our legal advisers informed us that for working people to finance litigation themselves, up as far as the House of Lords, where their opponents would undoubtedly force it if they lost the case in a lower court, could cost £20,000. Therefore denials of Legal Aid amounts to denial of access to the courts. This effectively prevents most Northern Ireland citizens from taking Sir Alec Douglas-Home's advice (of which I have already written) or indeed from taking the same advice given by many Northern Ireland Government ministers, the latest being that of the Attorney General of the time, Mr E.W. Jones, QC, when he spoke in Derry on 29 October 1966—namely, to seek legal redress against religious discrimination.

The Campaign wrote to Mr Harold Wilson informing him of all these details, and quoting the saying 'Delay of justice is injustice' without success. We even went so far as to write to the Home Secretary, Mr R. Jenkins, asking him if he would allow money for the case from Westminster-controlled funds. The reply, signed for him by Mr J.A. Chilcot, said 'The provision of Legal Aid in Northern Ireland is, I am afraid, a matter solely for the Northern Ireland authorities. United

Kingdom funds could not be used to finance legal proceedings in Northern Ireland, and I fear there would not therefore be much purpose in approaching the Prime Minister to ask for a direct grant.'

The outcome of all this effort was demonstrated to me in the most forcible way possible, the morning after the failure of our efforts to obtain social justice for the homeless in Northern Ireland. Two separate, unconnected, middle-aged farmers in my morning surgery said virtually the same thing to me. 'You have done your best to work things legally about discrimination and you have failed, there is nothing for it now, doctor, but the gun!'

British Labour, and the Tories before them, dallied too long, matters were now out of control. That this has been well proven since that day cannot be denied.

It may seem that I show prejudice against Labour, but consider the facts. Mr Harold Wilson made certain promises about discrimination to the Campaign for Social Justice in July and September 1964 before the election of that year (see *The Plain Truth* in the Appendix). On the strength of those promises we worked very hard to mobilise the Irish in Britain to vote Labour. We had hundreds of sheets printed detailing Mr Wilson's promises. In the big cities in England where there was a large Irish population it was interesting to see on television the placards in the halls where election meetings were being held calling for the Irish to vote for their local Labour candidate. It is more than likely that the Irish vote put Mr Harold Wilson into number ten Downing Street.

What is regarded as the definitive book written about that election was *The making of the Prime Minister* by Anthony Howard and Richard West. Read on page 225, 'Six hours later he was in Downing Street. The actual victory was as close as the dreaded defeat his slide-rule had forecast. If 900 people scattered through eight key constituencies had voted Tory instead of Labour—or indeed had they simply abstained—it would have been Home's right to continue in office. The last day of Wilson's long rise to power passed in a nightmare of alternate hope and terror.'

In the early days of our activities I was talking to the elderly Nationalist Stormont MP, Joe Stewart, and telling him about our efforts to persuade the Irish in Britain to vote for Labour

because of Mr Wilson's promises. 'You are wasting your time, Conn,' he said, 'The Labour crowd never gave us anything. Anything we did get we got from the Tories.'

After we had licked our wounds in the Legal Aid struggle we looked about to see what we could do next to help. Our press release of 8.00 p.m. on Saturday 20 July 1968 indicated our intention.

We are in a position to inform the press that the Campaign for Social Justice in Northern Ireland, with the help of other groups of individuals, is now prepared to assist in the presentation of complaints to the Court of Human Rights at Strasbourg. The first few cases have already been lodged with the Strasbourg Authorities.

Complaints will cover a wide area of Northern Ireland Affairs and are being filed under the following: (1) The Special Powers Act, (2) Voting Injustices, (3) Discrimination in Employment, (4) Discrimination in Housing.

All complaints are of course being filed against the British Government, which has supreme authority over the subordinate Belfast Parliament. A noted American attorney and an eminent solicitor from Belfast have been engaged by the litigants to present the cases. Present indications are that the British Government will strain every nerve to block the appeals to Strasbourg, and progress may be slow, but the Campaign is assured that, if enough evidence is forthcoming, court hearings will be forced. The Campaign for Social Justice wishes to emphasise that individuals with genuine grievances now have an opportunity to come forward, and eventually to have their complaints investigated by the highest court in Western Europe. It is hoped that Unionists who reacted so strongly in the past to attempts to obtain equal rights for all in Northern Ireland by force, will now applaud this constitutional endeavour.

We decided, although we had received by now great help from the Ulster lawyers, to try this time with an American, James C. Heaney of Buffalo, USA. It was agreed that he would be helped by Northern Ireland solicitors behind the scenes, always provided that their names were not made public.

The procedure was that a sub-committee of the Commission

would review the complaints lodged and if satisfied that they came within jurisdiction, the commission would ask the defending country to file an answer. The Northern Ireland Civil Rights Association supported us. The Commission gave the British Government two months to answer the charges.

Our first witness was another Dungannon stalwart, Matthew McKenna, who was soon to realise what he was up against when the anonymous threats began to arrive.

Collections to support Mr Heaney were made in the USA by the organisation of which he was the president, the American Congress for Irish Freedom. Unfortunately their resources and ours were not enough to transport witnesses to Strasbourg and in the end the attempt had to be abandoned—but not before valuable publicity had been gained and more people made aware that the Catholic minority in Northern Ireland had serious problems.

The Mater Hospital, Belfast

Since this hospital was established in 1883 it has always been an institution in the Catholic life of the province. Nursing was done mainly by Convent of Mercy Sisters, and the hospital had all the appurtenances of a Catholic establishment, including a chapel. It has always been the principal medical centre for the North side of Belfast. It is a training centre both for doctors attached to Queen's University and for nurses and is now the only wholly Catholic training centre in the United Kingdom. The hospital is in fact essentially part of the Ministry of Healing of the Church, and thus could never be placed under wholly secular control.

The fact that the Mater Hospital is situated near the Protestant stronghold of Shankill, whilst the leading National Health hospital, the Royal Victoria (Protestant in medical staffing and outlook) is in the Catholic Falls Road area, must surely have contributed to better community relations in all Belfast. It is well known that there are many dyed-in-the-wool working-class Protestants from Shankill who have shown intense loyalty to the Mater.

Trouble was anticipated when Britain brought in a comprehensive new Health Act in 1948. Mr William Grant, the Minister of Health at the time, with typical Ulster Unionist Party finesse, declared, concerning the Mater, '100% in or

100% out'. This was not justified because when the Health Act was going through the Westminster parliament a promise was given by the Home Secretary, Mr Chuter Ede, that the subordinate Stormont parliament would introduce some sort of safeguarding clause in the Northern Ireland Act, as was done in the English and Scottish Acts. This was in order to give consideration to the previous religious character of the hospitals concerned (*Hansard* Vol. 439 No. 130). The Northern Ireland Act does not include any such clause, and when one was proposed in Stormont it was rejected (*Hansard* Vol. 65 No. 18).

The Campaign for Social Justice in Northern Ireland had an extra interest in the injustice to the Mater since two of our Committee members, Peter Gormley and Conor Gilligan, were on the staff of the hospital. Thus, in May 1965 we prepared a six-page memorandum which was given to the Campaign for Democracy in Ulster; some of the points made were:

The Mater surgeons and physicians work at a great financial disadvantage compared with their colleagues in the Health Service. A consultant working maximum part-time sessions receives £2,000, whereas his colleague doing the same number of sessions in the National Health Service receives almost twice this amount, plus the chance of a 'merit award'.

Their sources of income are restricted to domiciliary consultations, what they can earn in private practice, and what the Mater Hospital Board can afford to pay them.

With the exception of one temporary part-time appointment those doctors had not been allowed to serve on the staff of other state hospitals, though several had applied for consultant posts several times. The most extreme example of this was when a Mater Hospital physician, in his early thirties and with his MD and MRCP (London) degrees applied for a job in a small provincial hospital—he was not appointed. The successful candidate was a doctor whom the Mater man had just finished coaching for a postgraduate degree in Queen's University, Belfast.

Since the National Health Service began, the Mater

Hospital has spent over one and a quarter million pounds. The strain of collecting this money has been another burden on the Catholic community. Many attempts have been made inside and outside Parliament to reduce this injustice. The Northern Ireland Labour Party has frequently called for state aid, as have the trade unions, the Liberal Party and the Nationalist Party.

As in so many other situations, the solution to the problem, as well as the responsibility for allowing it to develop, appears to us to lie unequivocally with the Westminster Government. Two hundred and thirty-two hospitals in England and Scotland, which, like the Mater, opted out of the National Health Service, receive payments by contractual arrangement with the Regional Hospital Boards. In some cases this means complete payment of maintenance, salaries, heating, cleaning, medical and other provisions. In other cases the local board pays a fixed sum per patient per week. Going on 1952 figures, three instances of payment for the year are quoted. In Middlesex a 174-bed hospital received £52,100. The Mater has 190 beds. In two cases, again using 1952 figures, voluntary hospitals were receiving £11 per week per patient. In all cases the hospital authorities had retained ownership and control.

These arrangements were possible because of Section 61 in the English Act and Section 60 in the Scottish Act. There was another out-of-step provision in the Northern Act. In Britain the teaching hospitals, which the Mater has always been, where doctors and nurses undergo training, were treated differently from the main body of hospitals, because teaching hospitals are more expensive to run and must maintain the highest standards in regard to new equipment and methods. They came directly under the wing of the Ministry of Health in England and Wales, rather than under the regional hospital boards. In this kind of situation it is necessary that consultant doctors, in the Mater as well qualified as their colleagues in the National Health Service, should be fully paid and provision for their retirement be secured. General hospital standards should be high with modernisation of equipment. Here again the

Mater lost out in spite of its long record of service to all religious denominations and its heroic work during the air raids in the last war.

Since the enabling Act to introduce the National Health Service to Northern Ireland went on the Statute Book it is understandable, as the years went by, that the local Catholic bishop should have a healthy suspicion about government intentions, considering how Catholics were faring in other fields. At intervals various public figures tried to prick Protestant consciences, by keeping the problem before the public. In November 1963, the Vicar General, Monsignor Mullally, in a speech at the Hospital prize giving, pointed out that 400 patients had been treated in the wards and over 53,000 as out-patients. Not a penny was received from the state. He also detailed the successes of the nursing staff in the recent examinations.

In mid 1964 negotiations were started between Bishop William Philbin and his Board, and the Minister of Health, Mr William Morgan. A Private Member's Bill was introduced in Stormont at about the same time, apparently with the intention of helping things along. Many confidential meetings were held by the parties but by April 1965 an impasse had been reached. Dr Philbin, after Mr Morgan had made the discussions public without previous consultation with him, issued a statement on 29 April 1965 complaining about this breach of faith and reversal of attitude. Subsequently two meetings with the Minister were called off by him. The negotiations had ended in failure. The whole transactions are well covered by the *Irish News* of the time.

In the 1965 Queen's speech for the opening of Parliament a new deal was promised for the Mater. By 1967 the proposals were announced. Firstly the statutory bar which ruled out any negotiations with exempted hospitals was to be removed, and secondly guarantees about maintenance of the hospitals' religious character were to be inserted. These proposals only brought the law into line with Britain, and reversed the arrangements brought in by Mr William Grant, Minister of Health at the time of the new Health Act. On 1 January 1972, and only then, did the Mater become part of the National Health Service. The doctors received no back pay for the years

they had been outside the scheme. It was arranged that the Board of Management should pay all doctors and nurses back superannuation contributions. They at least could then look forward to the same pensions enjoyed by their colleagues who had been in the Service from the beginning.

As time went on, membership of the Committee of the Campaign for Social Justice changed somewhat. We welcomed James McCartney, LL B, of Queen's University, Belfast whom we regarded as a considerable acquisition to our ranks. The late Jack McAnerney of Belfast also joined us. He was an extremely hard worker and an important member of the Northern Ireland Civil Rights Association. Finally, Michael McLaughlin, PT, of Dungannon was added. I regard him as the best back-room boy the minority community had working for it. He was responsible for the population analysis contained in *The Plain Truth*.

Leo Sullivan, Tom McLaughlin and Maurice Byrne left us. Sadly, we did not see eye to eye with Olive Scott on an organisational matter. She thought that we should make our Campaign public and widen the membership. The majority did not agree. For my part, the effort of arguing every point with a hall-full of people would have been frustrating. At that time public meetings were becoming more and more noisy and quarrelsome. Real democracy would have been too slow for our pressing problems.