

Appendix II

Northern Ireland

**WHY JUSTICE CAN NOT
BE DONE**

THE DOUGLAS HOME CORRESPONDENCE

Issued by

**THE CAMPAIGN FOR SOCIAL JUSTICE IN
NORTHERN IRELAND
CASTLEFIELDS - DUNGANNON**

Committee :

Mrs. PATRICIA McCLUSKEY
Mrs. MAURA MULLALLY
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MAURICE BRYNE, B.D.S.

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CONN McCLUSKEY, M.B.
THOMAS McLAUGHLIN
SEAN McGIVERN
LEO SULLIVAN, B.SC.

The Campaign for Social Justice in Northern Ireland was inaugurated on 17th January, 1964, for the purpose of bringing the light of publicity to bear on the discrimination which exists in our community against the Catholic section of that community representing more than one-third of the total population.

We announced at a formal Press Conference in Belfast on the same date our intention to use all necessary means at our disposal for the dissemination of factual information about discriminatory practices exercised against our people in employment provided by central and local government agencies and also in housing provided by public funds. Accordingly, when the Prime Minister of the United Kingdom, the Right Hon. Sir Alec Douglas Home, M.P., visited Northern Ireland in the month of March this year and stated in reply to questions at a Belfast Press Conference, and later when interviewed on television, that recourse could be had to the courts in matters of complaint regarding religious discrimination, we felt compelled to give this important statement the fullest consideration.

We believed that the Prime Minister of the United Kingdom would not make such a statement without due consideration and knowledge. The Campaign Committee therefore immediately consulted eminent legal authority, only to be informed "that the discrimination practised by local authorities is not capable of review by the courts under the terms of the Government of Ireland Act 1920 or any other statutory provisions".

As this same Government of Ireland Act 1920 empowers the British Government to intervene decisively in the affairs of Northern Ireland, the committee felt that the British Prime Minister should be approached and asked to give the legal basis for his statement. We present herewith the correspondence which ensued.

(COPY)

CAMPAIGN FOR SOCIAL JUSTICE IN NORTHERN IRELAND
CASTLEFIELDS, DUNGANNON, CO. TYRONE

13th April, 1964

The Right Honourable Sir Alec Douglas Home, M.P.,
10 Downing Street,
LONDON.

Dear Prime Minister,

During your recent visit to Northern Ireland, you indicated that discrimination could be dealt with by law ; and that the rights of the minority could be protected by recourse to the courts, under the terms of the Government of Ireland Act, 1920.

This organisation has irrefutable evidence of discrimination by Local Authorities, in the allocation of houses and jobs in certain areas in Northern Ireland.

In the light of your remarks, we engaged the services of Solicitors and Counsel to investigate the possibility of having these acts of discrimination examined in a Court of Law.

We have now been advised by Senior and Junior Counsel : "that the discrimination practiced by Local Authorities is not capable of review by the courts under the terms of the Government of Ireland Act, 1920, or any other Statutory Provisions".

We assume that your statement was made with some consideration of the legal position ; and in the circumstances, we would be obliged if you would refer us to the specific provisions which you had in mind.

Yours respectfully,

BRIAN GREGORY, Secretary.

Letter formally acknowledged 21st April, 1964

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10, DOWNING STREET,
WHITEHALL.

May 8, 1964

Dear Sir,

The Prime Minister has asked me to reply to your letter of April 13 asking for a reference to the provisions he had in mind in the course of some remarks made during his visit to Northern Ireland. The provisions are section 5 of the Government of Ireland Act 1920, which prohibits the Parliament of Northern Ireland from making laws interfering with religious equality, and section 8 (6), which prohibits religious discrimination in the exercise of the executive powers granted to the Governor of Northern Ireland. I should add, having regard to your letter, that these provisions were relevant in the context of the remarks made by the Prime Minister in the course of replies to questions put at a press conference.

Yours truly,

M. H. M. REID

The Secretary,
Campaign for Social Justice.

CAMPAIGN FOR SOCIAL JUSTICE IN NORTHERN IRELAND
CASTLEFIELDS, DUNGANNON, CO. TYRONE

2nd June, 1964

The Right Honourable Sir Alec Douglas Home, M.P.,
10 Downing Street,
LONDON.

Dear Prime Minister,

Thank you for your letter of May 8 in which you state that Section 5 of the Government of Ireland Act provides against religious discrimination in enactments of the Northern Ireland Parliament and Section 8 (6) prohibits religious discrimination in the exercise of executive powers granted to the Government of Northern Ireland. This legislation does not, however, appear to prevent discrimination in the exercise of powers conferred or duties imposed by Acts of the Northern Ireland Parliament ; and in particular it does not appear to give any redress against discriminatory acts by local authorities in the exercise of their powers.

It is this latter matter which is of most immediate concern in Northern Ireland. As we have stated in previous correspondence, we believe there is clear evidence that certain local authorities in exercising their functions have discriminated against people on the grounds of religion. We would be pleased to have your advice as to whether there is any existing legal process whereby persons in Northern Ireland can bring such cases of alleged religious discrimination before the Courts, and secure redress in the event of the allegations being established. If such provision is not at present available, we would like to know whether your Government would be prepared to initiate legislation, whether by way of amendment to the Government of Ireland Act or otherwise, which would enable cases of alleged religious discrimination by public authorities to be examined by the Courts and to be rectified where proved.

Yours respectfully,

BRIAN GREGORY, Secretary.

Letter formally acknowledged 4th June, 1964

**CAMPAIGN FOR SOCIAL JUSTICE IN NORTHERN IRELAND
CASTLEFIELDS, DUNGANNON, CO. TYRONE**

24th June, 1964

The Right Honourable Sir Alec Douglas Home, M.P.,
10 Downing Street,
LONDON.

Dear Prime Minister,

While appreciating the demands which are made upon a Prime Minister's time, may we state with all courtesy that we are most anxious to have a considered reply to our letter of the 2nd instant, which you acknowledged on the 4th instant.

We feel sure that you recognise the importance of the issues raised in our letter, and we trust that the delay in replying thereto is in some measure occasioned by the necessity of giving full consideration to these issues.

Yours respectfully,

BRIAN GREGORY, Secretary.

10, DOWNING STREET,
WHITEHALL.

June 25, 1964

Dear Sir,

I write on behalf of the Prime Minister to acknowledge the receipt of your letter of June 24.

The Prime Minister has asked the Home Secretary to look into the points that you raised and a further reply will be sent to you in due course.

Yours truly,

M. H. M. REID

The Secretary,
Campaign for Social Justice.

HOME OFFICE,
WHITEHALL,
LONDON, S.W.1.

30th June, 1964

Sir,

I am directed by the Secretary of State to reply to your letter of 2nd and 24th June which, as you know, have been forwarded to him.

The matters raised in these letters appear to the Secretary of State to be within the field of responsibility which the Government of Ireland Act, 1920, has entrusted to the Parliament and Government of Northern Ireland, and it would not be proper for him to comment upon them. Her Majesty's Government have no legislation in view to amend the 1920 Act.

I am, Sir,

Your obedient Servant,

A. J. LANGDON

The Secretary,
Campaign for Social Justice in Northern Ireland,
Castlefields,
DUNGANNON,
Co. Tyrone.

CAMPAIGN FOR SOCIAL JUSTICE IN NORTHERN IRELAND
CASTLEFIELDS, DUNGANNON, CO. TYRONE

13th August, 1964

The Right Honourable Sir Alec Douglas Home, M.P.,
10 Downing Street,
LONDON.

Dear Prime Minister,

As promised by you in your letter of June 25th, 1964, we have received a letter from Mr. Henry Brooke, copy of which is enclosed.

It seems to us to leave our original questions to you, in our letters of 13th April 1964 and 2nd June 1964, unanswered.

Since there are upwards of half a million Roman Catholic people in Northern Ireland who feel that they are suffering injustice by living their lives at a disadvantage as compared with their Protestant fellow countrymen, and since, in the final analysis, you and your Government are responsible for their welfare, may I take the liberty of pressing you for precise answers to the questions posed.

Yours faithfully,

Mrs. PATRICIA McCLUSKEY, Chairman.

Letter formally acknowledged 14th August, 1964

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10, DOWNING STREET,
WHITEHALL.

August 20, 1964

Dear Madam,

The Prime Minister has asked me to reply to your letter of August 13, referring to your previous letters, of April 13 and June 2, about allegations of religious discrimination in Northern Ireland.

As explained in the Home Office letter of June 30, the matters you raise appear to be within the field of responsibility of the Parliament and Government of Northern Ireland, and are not, therefore, matters upon which the Prime Minister can properly comment. Nor is it possible for the Prime Minister to advise on the possibility of initiating legal proceedings in Northern Ireland.

Yours truly,

M. H. M. REID

The Chairman,
The Campaign for Social Justice in Northern Ireland.

CAMPAIGN FOR SOCIAL JUSTICE IN NORTHERN IRELAND

CASTLEFIELDS, DUNGANNON, CO. TYRONE

25th August, 1964

The Right Honourable Sir Alec Douglas Home, M.P.,
10 Downing Street,
LONDON.

Dear Prime Minister,

Thank you for your letter of 20th August, 1964, with reference to religious discrimination in Northern Ireland. We note your statement that the matters we raised "appear to be within the field of responsibility of the Parliament and Government of Northern Ireland" and that therefore you cannot properly comment upon them. If by this statement you seek to disclaim responsibility in the matter, we must refer you to Section 75 of the Government of Ireland Act, 1920, by which the British Government retained overall responsibility for Northern Ireland affairs "notwithstanding the establishment of the Parliament of . . . Northern Ireland".

You further state in your letter that it is not possible for you to advise on the possibility of initiating legal proceedings in Northern Ireland. May we refer you to your reply of 8 May, 1964 to our letter of 13 April, 1964 and the remarks made by you on your visit to Northern Ireland and referred to by you in the same reply. You actually quoted the sections of the Government of Ireland Act to which your remarks referred. If your remarks and your letter of May 8 do not advise legal proceedings in cases of discrimination what other meaning do they bear?

As this is a matter of the highest constitutional importance, we should be grateful for a clear statement on it. Would you please tell us therefore :

1. Do you still hold to the opinion that charges of discrimination against local and central government in Northern Ireland are capable of being tested in court under the Government of Ireland Act?
2. Are you now stating that the Government of Northern Ireland is the final judge in charges of discrimination brought against that government?
3. Do you hold that the Government of Northern Ireland is the responsible authority to which charges of discrimination against local government authorities should be referred?

We trust you will appreciate that our object in seeking clarification of these points is to eliminate causes of tension and frustration, and not to score points in an argument. We would urge upon you, therefore, the need for serious and immediate attention to the constitutional issues we have raised.

BRIAN GREGORY, Secretary,
Campaign for Social Justice.

10, DOWNING STREET,
WHITEHALL.

September 3rd, 1964

Dear Sir,

The Prime Minister has asked me to reply to your further letter of 25th August about allegations of religious discrimination in Northern Ireland.

Section 75 of the Government of Ireland Act, 1920, preserves the supreme authority of the Parliament of the United Kingdom — not of Her Majesty's Government in the United Kingdom — over all persons, matters and things in Northern Ireland. Section 5 of the Act already prohibits the enactment by the Parliament of Northern Ireland of laws interfering with religious equality : and the Prime Minister sees no reason for asking the United Kingdom Parliament to legislate further on this matter.

Yours truly,

The Secretary,
The Campaign for Social Justice in Northern Ireland.

CONCLUSION

To sum up, therefore, we have established with Sir Alec Douglas Home that :

- (1) *The Parliament of the United Kingdom has the ultimate responsibility for discrimination in Northern Ireland, but the Prime Minister is unwilling to ask Parliament to intervene.*
- (2) *Despite the fact that the British Prime Minister told us that allegations of discrimination could be dealt with by law, he is now either unable or unwilling to let us know how this can be done.*

We are left wondering if Sir Alec spoke in error, or if in fact he has no real interest in the problem of the minority and the facts of religious discrimination in Northern Ireland.

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