

Politics in the Streets

The origins of the
civil rights movement
in Northern Ireland

by
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THE CAMPAIGN FOR SOCIAL JUSTICE
AND THE CAMPAIGN FOR DEMOCRACY IN ULSTER

The British Labour Members,
this Miller, Orme and Rose,
have come across to Ulster
to pick and rake and nose.
For Gerry Fitt has told them
in this they must not fail,
but we will tell them Derry's walls
are not put up for sale.
They talk of segregation, discrimination too,
but face the facts, dear Gerry,
for we have news for you.

We're proud of our wee Ulster,
we always take a stand,
for Protestants the Union Jack
will fly across this land.

from 'Gerry's Walls' by James Young

The Campaign for Social Justice (CSJ) was to be instrumental in founding NICRA some years later and it helped to prepare the ground for the emergence of a mass civil rights movement. The CSJ's origins are important, however, not only in this context but also because they illustrate the way in which an issue – housing – was crucial in the mid-1960s as a catalyst for the political developments which created the movement. The CSJ was important also for its orientation to British politics through its relationship with the CDU.

The CSJ grew out of the Homeless Citizens' League (HCL) founded in Dungannon in May 1963. The HCL was created and led by Conn and Patricia McCluskey, who were also to be the founders of the CSJ, and arose out of a challenge to the housing policy of Dungannon Urban District Council by a group of young Catholic

housewives. In May 1963 forty of these young women submitted a petition to the council; they told a reporter on the *Dungannon Observer* that they were living in cramped and insanitary houses, or with relatives, because of their inability to get other accommodation. They complained that Protestants were getting houses almost as soon as they applied and council houses were being given to Protestants who came from other areas, while the petitioners had, in some cases, made seven or eight applications without success. A few days later sixty-seven women picketed a council meeting, provoking what the *Dungannon Observer* called a 'stormy session'. On 24 May the HCL was formed at a meeting chaired by Patricia McCluskey.

The grievances that led to the formation of the HCL were localised. The overall record on housing in Northern Ireland was creditable. A great effort had been needed to replace housing that had been destroyed during World War II. As Hugh Shearman pointed out in his government-published handbook, *Northern Ireland*, the amount of housing stock lost during World War II – fifty thousand units – was almost the same as the number of houses built between 1919 and 1939, so that Northern Ireland was in much the same position in 1945 as it had been at the end of World War I. The Government responded by revising housing legislation in order to facilitate house-building by local authorities, by providing subsidies to public- and private-sector house-building, and by setting up the Northern Ireland Housing Trust (NIHT) to supplement the efforts of local councils. Between June 1944 and December 1964, 45,920 council houses were built and the NIHT erected 28,513, while 3,102 were built by other public bodies. The total of new permanent dwellings, including those in the private sector, was 124,878.¹ This was a good record when compared with the 100,000 new dwellings which the 1943 Northern Ireland Housing Survey showed were needed.

This overall expansion of housing did not mean that there was no scope for grievances. In fact it heightened them by making it possible for those who were not benefiting to compare themselves with those who were, and by creating new expectations which some councils did not satisfy for some sections of their populations. Needless to say, these dissatisfied groups were mainly Catholics in the lower income brackets. In the first place the housing

programme was closely linked to industrial expansion, which meant that it tended to be focused on those areas and among those sections of the population which were key factors to economic growth. As long as the new factories, and therefore a large proportion of the new houses, were concentrated east of the River Bann, and Protestants continued to be employed in proportionately larger numbers than Catholics, there was continuing scope for feelings of grievance among the minority community.

Feelings of grievance about housing allocation, therefore, were not just created by discrimination against Catholics. The sectarian dimension was influenced by geographical location and income levels. For example, the best of the new housing was provided by the NIHT and it was allocated fairly when Protestants and Catholics in similar circumstances were being considered, but there was a definite bias against the lower income groups. One study found that when the average income levels of NIHT tenants were compared with the average for the community as a whole, it was apparent that the NIHT catered mainly for 'the middle paid workers'.² This excluded more Catholics than Protestants, since a higher percentage of low-income families were Catholic. However, the overall figures for housing allocation did not show discrimination against Catholics. Richard Rose found that when the housing of Protestants and Catholics in the same income groups was compared, there was a slight bias of 4 per cent in favour of Catholics. When family size was considered, there was a bias of 12 per cent against Catholics. Nevertheless, 'Catholics still constitute 78 per cent of all large families in public housing'.³ This finding was used by Unionists and their supporters in later years to dispute the claims of the civil rights movement. However, both John Whyte and Charles Brett, in their respective studies, pointed out that Rose had not excluded the possibility of individual cases of discrimination by local councils. These, while not proving generalised discrimination, were acute irritants creating discontent far beyond the boundaries of the authorities concerned.⁴ Whyte found that allegations of discrimination in housing were made, almost exclusively, about local authorities west of the Bann, where Unionist-Nationalist rivalries were most intense. There are records of numerous disputes from this area during the early 1960s.

In December 1963, Councillor J. J. Donnelly of Enniskillen

Borough Council alleged that out of 179 houses built by the council, 178 were tenanted by Protestants. Nearly a year later the Senate was told that out of 231 houses built in Enniskillen, only 20 had gone to Catholics. In early 1965, Austin Currie complained that 17 out of 19 houses allocated in Cookstown had gone to 'Government supporters', and Senator P. J. O'Hare called on the Government to 'sack' Lisnaskea Rural District Council for having given a three-bedroomed house to an unmarried man, while rejecting the application of a widow and her sons who were living in a condemned hovel. The successful applicant, he said, was a Unionist who had been put on the list the day before the decision was made. The custom of many councils of allocating houses by vote in council meetings led to a number of clashes. Councillor John Curran walked out of a meeting of Lisnaskea council in November 1963 after a house was allocated to a man who was 'in a fairly good house', while a more needy Catholic applicant was rejected: 'Would they not take the man off the bog bank,' he asked, 'and do what he was asking for once?'⁵ In March 1965, Lisnaskea Rural District Council ignored a plea from the Fermanagh Welfare Committee to let a house to a father of four who was about to be evicted from his existing accommodation. The council members were asked to 'examine their consciences' by a Nationalist councillor, but voted to let the house to another applicant. In May that year another Nationalist commented: 'It's the old, old story of no Catholic need apply' when Lisnaskea council voted to give a house to a Protestant who had been waiting for two years, over the head of a Catholic who had been waiting for ten years. The same month Enniskillen Rural District Council voted to let six new houses to Protestants, ignoring a plea on behalf of a Catholic family 'living in terrible circumstances'.

The Government could, on occasion, appear to be embarrassed at the actions of some of these Unionist councils. In 1963 the Minister of Health and Local Government, William J. Morgan, 'deplored' a remark made by the housing committee chairman at Enniskillen Borough Council that houses should only be let to the 'right' people. However, a month later he refused a demand that local authorities should be asked to submit their housing allocation policies for approval. When Cahir Healy asked in February 1963 that councils be issued with simple instructions on housing allo-

cation because 'some people get houses in a month and some are kept waiting for ten years, depending on the influence they can bring to bear on local councillors', the minister replied that the only standard laid down in the act was one of need, but took no action on Healy's request. In 1965, when Senator P. J. O'Hare called for curbs on those councils that discriminated in housing allocation, J. L. O. Andrews, for the Government, replied that the only answer was to build more houses, more quickly. So while the Government did not stand over the actions of some councils, it was clear to anti-Unionists that it was not going to intervene.

In these west of the Bann local authorities, housing allocation became an intensely politicised issue, which militated against any resolution of particular disputes. Nationalists saw each one as another turn of the screw against the Catholic community, while Unionists were all too ready to dismiss them as no more than partisan propaganda. Such disputes would be particularly intense where there was a real prospect of shifting the local balance of power: in other words, where the two sides were evenly balanced numerically, or where a Unionist minority held power because of the electoral system. It is not surprising, therefore, to find Dungannon as the focus of a major battle over housing.

Dungannon was evenly balanced between Protestants and Catholics. (The CSJ claimed a slight Catholic majority, with 50.3 per cent.) But control of the council was firmly in Unionist hands. There were three wards, each of which returned seven councillors: the bulk of the Protestant population was in the East ward and the bulk of the Catholics in the West ward; the Central ward had only about half the population of each of the other two, but returned the same number of councillors and had a Protestant majority. The result was that fourteen Unionists were elected from the East and Central wards, while the West ward returned seven anti-Unionists. Any major expansion of housing could bring about a shift in the political balance of the council and Catholics were keenly aware of this. They tended to assume that any dragging of council heels in housing provision was linked to Unionist determination that its electoral position should not be eroded. As Mike Tomlinson has put it:

The practice of discriminatory housing allocation had a direct political vitality: to Catholics it appeared as the crucial practice by

which Unionist councillors guaranteed votes and automatic re-election, and it seemed to explain why they themselves were so badly housed.⁶

In other words it did not lead to demands for a general increase of housing provision but to a struggle over allocation of the existing housing stock. The HCL did not, however, express the grievances of Dungannon Catholics as a whole, but of a particular section – young married couples, and families living with relatives or in inadequate accommodation. Much of the council's housing effort was devoted to slum clearance and Catholics benefited disproportionately from this, since they were disproportionately affected by slum conditions. But there were many Catholics who were not eligible for rehousing under slum clearance; some had been made homeless by rehousing of relatives with whom they had been living and were prevented from moving with their relatives to new council homes by the housing regulations. They saw the council's allocation policies as unjust and unacceptable.

A HCL delegation to Stormont in 1963 outlined what it saw as the discriminatory housing policy of Dungannon council:

Since the war 194 houses have been built for normal letting [as distinct from slum clearance]. All were let to Protestants, none to Catholics. (In the same period 128 houses have been let in rehousing families under slum-clearance schemes: 26 to Protestants, 102 to Catholics.) Between the end of the war and May 1950 there were 275 Catholic families on the Council's waiting list for houses. At the present time there are 400 names on the waiting list. Not one has got a house from the Urban District Council.

When the houses built since the war (194) were let, 112 Protestants were taken from outside the urban boundaries and given houses. Virtually all members of the Homeless Citizens' League have been born and reared within the urban boundary, except for a couple of cases where a Dungannon person has married a newcomer to the town.

The Council owns a grand total of 411 houses. Of these 200 are let to Protestants and 131 to Catholics.⁷

The council housing committee defended its record by pointing to the overall housing record in Dungannon and suggesting that it corresponded, in terms of allocation, to the proportions of Protestants and Catholics in the town. However, it did not distinguish

between NIHT provision and that of the council, or between slum clearance and other lets. It pointed out that the allocation of houses had been left to officials and attacked Nationalist councillors for absenting themselves from the council for nearly seven months in protest over a GAA pitch, which meant that they were not present when crucial decisions on housing were taken. One Unionist councillor put the figures at 229 council houses to Protestants and 138 to Catholics, with 180 NIHT dwellings to Protestants and 212 to Catholics, but he did not distinguish between slum clearance and new lets.

What was new about the HCL, however, was not the complaints which it voiced but the fact that it took direct action. A local estate of some fifty prefabricated houses was due to be cleared and demolished as part of the housing programme and its residents were being rehoused at the time of the HCL's agitation. Appeals were made for the vacated prefabs to be given to homeless families but the council replied that plans were already under way to demolish them to make room for further development. However, the HCL made enquiries and discovered that the Ministry of Health and Local Government had received no proposals for redevelopment and that a public inquiry would be necessary before it could take place. This meant that there would be a considerable period of time before demolition of the prefabs was necessary. The HCL moved thirty-seven families into the prefabs as they were vacated – some former tenants co-operated by handing over their keys. The council decided to take legal action to evict them and threatened that the squatting tenants would be taken off the housing list altogether, and a number of the prefabs had their electricity cut off.

However, the new occupants were delighted with their homes and messages of support flooded in from all over Northern Ireland. The squatters got widespread publicity, and a degree of sympathy, in the Northern Ireland press. A *Belfast Telegraph* editorial commented on 4 September 1963:

For all its financial assistance and encouragement, the feeling persists that Stormont should adopt a tougher line with those local authorities whose building programmes fall short of requirements. When persuasion does not produce results stronger means are justified. The Dungannon Council's post-war housing record is not one of signal achievement. In these circumstances it is negative to

assert that the squatters 'will not be considered' when houses become available. The objective is to provide houses for all those in need. Meanwhile the efforts to overcome the immediate difficulties should be tempered by humanity.

The *Belfast Telegraph* saw the problem as one of the total amount of housing being provided rather than in terms of allocation policies, but it left no doubt that the HCL had succeeded in wrong-footing the Dungannon Unionists.

In September the HCL sent a delegation to meet the Minister of Health and Local Government; it was led by Conn McCluskey and accompanied by Joseph Stewart MP. Subsequently the minister wrote to the delegation informing its members that he had held a meeting with the council chairman, William Stewart, the housing committee chairman, J. Purdy, two other councillors and the town clerk. The minister's parliamentary secretary and some ministry officials had also taken part and there was reference to a meeting with prime minister Terence O'Neill, so obviously the affair was being taken seriously. A three-point agreement had been reached; this involved an extension to the Ballygawley Road housing scheme, to be completed as soon as possible, and in the meantime, although the squatters would be obliged to vacate the prefabs and would not be considered for rehousing until they did so, no steps would be taken to evict them and squatters who co-operated with the council would be fully eligible for rehousing at Ballygawley Road. This was perceived by the HCL as a victory but it should be noted that neither the squatting nor the compromise threatened the political balance in Dungannon. The prefabs were in the West ward and the squatters were to be given houses in the predominantly Catholic Ballygawley estate, also in the West ward. The council's response to the squatting had been bureaucratic and insensitive but it was not prompted by fears of its electoral position being eroded. Indeed on 18 September the *News Letter* was able to find evidence of the positive features of Unionist rule in the affair:

Here is an instance where, by reason of the compact nature of the territory [of Northern Ireland], there can be greater interest and sympathy at the top for a purely local difficulty than one could imagine might be given by a more distant executive control . . . There is something indeed healthy about an administration in

which such care can be taken to find an acceptable sympathetic solution to a human problem.

The HCL and its campaign were significant for the development of the civil rights movement in a number of ways. Up until that time complaints by Catholics about discrimination tended to be contained within their own areas. Nationalist councillors would make ritual denunciations for the record and for a few lines in the local press and in the *Irish News*. The ill feeling and polarisation produced by such incidents helped to keep the Catholic vote mobilised but it could never actually change anything. The HCL forced the council to back down and got a number of families into new homes. Part of the reason for its success was that it went over the head of Dungannon Urban District Council and took a coherent, well-presented case to the Stormont authorities. The HCL also cut across the leadership of local Catholics and highlighted some of its inadequacies. Shortly before the creation of the HCL, a newly elected West ward councillor, William Doherty, was reported as being undecided about whether or not to take his seat. His sponsors, Councillors Peter Donnelly and Jack McRea, had been boycotting meetings for six months in protest at the council's decision not to provide facilities for Gaelic games. Another West ward councillor, Brian Morrison, had decided to return to the council to join the opposition which was being provided by an Independent, Jim Corrigan, and an NILP councillor, John Murphy. He said that the four abstentionist councillors had made a laughing stock of the ward and had not succeeded in embarrassing the Unionists. The picket of the council by the housewives helped Doherty to make up his mind and he attended the council meeting, pledging his support to their campaign. But the Unionists were able to point to the boycott and Nationalist non-participation in housing decisions to deflect criticisms of their own policies.

Two of the HCL's main demands were for a points system for housing allocation and an end to residential segregation in council housing, so it was embarrassing when it emerged that there had been a 'gentleman's agreement' between Unionist and Nationalist councillors on the allocation of houses. The Independent councillor, Jim Corrigan, revealed at an HCL meeting that the prefabs had been allocated on a fifty-fifty basis and that when a tenant left the

prefabs the vacated house was allocated to a new tenant of the same denomination. This enabled a Unionist councillor to claim that since twelve Protestant families were leaving the prefabs, twelve extra Catholic families could be accommodated who would not have been housed under the gentleman's agreement, so the Catholics should feel grateful instead of complaining about discrimination. He did not explain how the council's policy of demolishing the prefabs fitted in with this claim.

At the HCL's first public meeting Councillor James Donnelly claimed that he and the other Nationalist councillors had been fighting on the housing issue for eight years and that their boycott had been about housing as well as about the council's refusal to allocate a Gaelic pitch on the new playing fields. However, Malachy Sweeney took up the record of the Nationalists and criticised the custom whereby Catholics were chosen as tenants for 'Catholic' houses and Protestants for 'Protestant' houses: 'This gentleman's agreement,' he said, 'should be done away with. I would like to see the councillors fighting every house on its merits. Doesn't matter where it is . . . people had a right to live in their own town and I say that they should break the agreement.'⁸ His statement was met by cheers and applause from the audience. Such a response was an indication of the way in which outside events were changing perceptions in Northern Ireland, so that practices that had been accepted for decades were now coming under attack. A letter in the *Dungannon Observer* of 21 September 1963 reflected these new attitudes:

Surely the Nationalist Councillors of Dungannon could not, even for some possible immediate gain, acquiesce in something which is so blatantly against the spirit of the times? What's not acceptable in South Africa or Birmingham, Alabama, is surely not going to be acceptable as applicable on a religious basis in Dungannon, Co. Tyrone?

The HCL arose at a time when the Black civil rights movement in the United States was headline news around the world. The way in which it had captured the popular imagination was reflected in a photograph in the *Dungannon Observer* of 21 September 1963 showing a fancy-dress parade in Dungannon. Two little boys, one with his face blacked, held up a placard that read:

We are pals from Alabama,
Where they say we can't agree.
Is there really that much difference,
When you look at him and me?

Members and supporters of the HCL made a direct parallel with their own situations. One woman who was interviewed on the first picket of the council said:

They talk about Alabama. Why don't they talk about Dungannon? Why don't they open their eyes and see what's going on here? Take the Killyman Road Estate for example . . . dozens of houses and not a Catholic to be found amongst them. It's a cut and dried case of religious discrimination.⁹

Placards displayed on the picket included slogans like 'Racial discrimination in Alabama hits Dungannon' and 'If our religion is against us, ship us to Little Rock'. 'P. F.' suggested, to the *Dungannon Observer* in a letter, that Freddie Gilroy, the Belfast-born boxing champion, should follow the example of Floyd Patterson, who had gone to Birmingham, Alabama, to throw his weight behind the campaign against discrimination and prejudice.

Councillor Corrigan referred to the surprise which he had encountered among liberal Protestants at some of the events in Dungannon. He compared this with Senator Bobby Kennedy's reaction in the United States when a delegation of Black civil rights leaders had outlined the reality of discrimination in the United States:

No one should be under any illusions. There are class barriers, race barriers and religious barriers in most countries. No one should condone them. Meek acceptance is not enough. The internal divisions in the North of Ireland have done more harm to the whole of Ireland than has partition, which was partly a result of those internal divisions in the first place.¹⁰

Two months later Corrigan commented on the massive civil rights march which had taken place in Washington DC on 28 August 1963: 'But perhaps the issue which has been so powerfully underlined in Washington this week . . . can be better appreciated in the North of Ireland than in Britain. There has been a continual struggle in the six counties for the rights of the minority.'¹¹ A letter

in the *Dungannon Observer* of 7 September concluded that the minority in Northern Ireland were 'white negroes', who were in the same position as Blacks in the Southern United States. Another letter in the same issue drew a direct lesson from events across the Atlantic and called for 'a march on the town in which all victims of discrimination and all sympathisers will take part'.

It was to be five years before such a march actually took place and during the intervening period agitation on the civil rights issue was to be dominated by the CSJ which, although it grew directly out of the HCL, did not initiate direct action nor even try to mobilise a popular campaign. Its activities were confined to publicity and to lobbying politicians at Westminster. The founders and leaders of the CSJ, Conn and Patricia McCluskey, were initially motivated by what they saw as the ineffectuality of Nationalist opposition in putting the case of the Catholic minority. Patricia McCluskey was to recall: 'I saw a television show . . . between a Nationalist MP and Mr Faulkner and the Nationalist, who had the best case, made such a poor showing. He asserted all the wrongs but had no statistics to back them up . . . Mr Faulkner just walked rings round him and made a fool of him.'¹²

The success of the HCL further highlighted the weakness of Nationalist opposition. The McCluskeys told Vincent Feeney how

as news of what had been achieved in Dungannon spread through Ulster, [they] were deluged with letters. The messages were all the same: how had they won this concession from Stormont? This reaction surprised the McCluskeys, and they quickly realised that there was a tremendous yearning among the Catholic people for organisation and leadership. There and then they decided to establish a group of educated people who would articulate the frustrations of the minority.¹³

The membership of CSJ was restricted to a group of thirteen professional people and although it was avowedly non-sectarian, membership was entirely Catholic. The name 'Campaign for Social Justice' is significant: although, as we have seen, the Black civil rights movement in the United States was making a tremendous impact when the CSJ was founded, the term adopted was not 'civil rights' but 'social justice', a term which was given a wide currency by Pope Pius XI in his encyclical, *Quadragesimo Anno*, of 1921. The adoption of this name said something about the background of the

members of the CSJ, drawn as they were from the educated Catholic middle class, trained in Catholic schools and colleges. Patricia McCluskey said: 'The people who were into Social Justice at the beginning were all second generation, if you like, educated . . . People like my husband and myself would have been the first generation at boarding school, secondary school, university.'¹⁴ One CSJ member, Brian Gregory, remembered that when Bernadette Devlin, at a civil rights meeting, had attacked 'middle-class, middle-of-the-road, do-gooders' he had turned to his friend Conor Gilligan and said, 'That's us!'¹⁵ The membership included two consultant surgeons, two general practitioners, an architect and a science professor. There were two councillors, one from Armagh, the other from Enniskillen, and two others were involved in political organisations: one was on the committee of National Unity, the small nationalist ginger group, the other was secretary of the RLP. Two were prominent in the Freedom from Hunger Campaign. One was an English-born woman who had lived in Northern Ireland for twelve years.

The CSJ was officially launched at a press conference held in the Wellington Park Hotel, Belfast, on 17 January 1964. A statement issued at the time said:

The Government of Northern Ireland's policies of apartheid and discrimination have continued to be implemented at all levels with such zeal that we . . . have banded ourselves together to oppose them.

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 . . . Our aim is, we think, both basic and Christian but, nevertheless, has not been realised here for hundreds of years, namely equality for all.¹⁶

Conn McCluskey, challenged on the basis that all the members were Catholics, replied that five or six Protestants who had been approached had approved of their idea but had been unwilling to join. He felt that they had been intimidated. Brian Gregory added

that a great many right-thinking Protestants did not know the facts.

The CSJ announced that it intended to 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 over 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.' No approach was intended to the Northern Ireland government, but the CSJ members hoped that publication of the 'facts' would lead 'decent Ulster people [to] say it was time for the community to live in a proper manner'. Patricia McCluskey said that 'it was housing which brought us into this, but then the jobs situation came with housing and the whole picture is really frightening'.

The CSJ differed from previous organisations which sought to highlight the grievances of the Catholic minority in the extent to which it directed its efforts at influencing political opinion in Britain. 'My heroes,' said Conn McCluskey, 'are all the people belonging to the British National Council for Civil Liberties who are democrats and liberals and have something we Irish haven't, a bit of objectivity.'¹⁷ Brian Gregory has said how, at the inaugural meeting of the CSJ, someone had suggested that they try to capture the Nationalist Party; Conn McCluskey said that he was not interested in the Nationalist Party, that it was powerless.¹⁸ At the first press conference Conn McCluskey dissociated the CSJ from approaches being made by the Nationalist Party to the British government and to politicians at Westminster on the discrimination issue. Conor Gilligan recalled that the CSJ did not want to be 'contaminated' by any Northern Ireland politicians, except Gerry Fitt. The tradition of Nationalist politics was to link the grievances of the Catholic minority to Irish unity, but the CSJ members were not concerned with ending partition. 'Somebody else can solve the border question,' said Brian Gregory. 'We were concerned with the rights of people living here.' He did admit, however, that most of the CSJ people would have had aspirations for eventual Irish unity.

In the view of the CSJ the 'kernel of the Ulster problem' was that:

1 The Northern Ireland Parliament which is subject to the authority of Westminster, has refused since it was set up by Britain to give justice to the minority, and steadfastly ignored the appeals of the Parliamentary representatives of the minority.

2 The Government of Ireland Act which set up the Northern Ireland Administration had a Section 5 which was designed to give protection to the minority. It has failed to do so.

3 Every attempt to have the grievances of the minority discussed at Westminster was defeated by the existence of a 'convention' which prevented discussion of matters which were within the competence of the Parliament of Northern Ireland.

Successive British Governments, both Tory and Labour, have failed to protect the minority in Northern Ireland.

To us the solution seems for the Westminster Parliament to make long overdue amends to the Government of Ireland Act, 1920, in order to afford protection to the religious minority, as was originally intended.¹⁹

Just as the HCL had gone over the head of Dungannon Urban District Council and had taken its case direct to Stormont, the CSJ intended to go over the head of the Unionist government and to appeal directly to Westminster and to political opinion in Britain. And just as the HCL had been able to present a well-researched and well-presented case, which the Dungannon Unionists had been unable to refute completely, the CSJ intended to concentrate on presenting what it saw as the facts about discrimination in Northern Ireland, believing that a simple presentation of its evidence would be sufficient to discredit the Stormont authorities and to bring about reform.

The CSJ published five pamphlets: *Why Justice Cannot Be Done; Londonderry. One Man, No Vote; What the Papers Say; Legal Aid to Oppose Discrimination – Not Likely!; Northern Ireland. The Plain Truth*; and a second edition of *The Plain Truth*. It also published a regular *Campaign Newsletter*, which consisted mainly of extracts from newspapers, which enabled it to pass on items published in Irish newspapers which would not have been covered in the British press. The first pamphlet – *Why Justice Cannot Be Done* – arose out of the efforts of the CSJ to use the courts to challenge what it saw as religious discrimination. It had received legal advice to the effect that no legislation of the Unionist government contravened the

Government of Ireland Act 1920 and that the act did not offer a means of obtaining redress for complaints of discrimination. This opinion was contradicted by Prime Minister Sir Alec Douglas-Home when he visited Northern Ireland in the spring of 1964. At a press conference he suggested that anyone with such complaints could take action in the courts under Section 5 of the act, which prohibited the Stormont authorities from discriminating on grounds of religion. The CSJ wrote to Sir Alec asking how the act could be used to obtain redress. The pamphlet reproduced the correspondence and showed that the prime minister was unable to give any concrete advice to back up his claim. The Home Office was unable to help either. A letter to the CSJ, dated 30 June 1964, stated:

The matters in this letter appear to the Secretary of State to be within the field of responsibility which the 1920 Act has entrusted to Stormont and it would not be proper for him to comment upon them. Her Majesty's Government has no legislation in view to amend the above Act.²⁰

Londonderry. One Man, No Vote reiterated the Nationalist case against the local government electoral system in Northern Ireland's second-largest urban centre. What was new, however, was the use of the name 'Londonderry' – an indication of the CSJ's determination not to be drawn into secondary issues, such as the dispute over the name of the city and county. The pamphlet outlined the well-known gerrymandering of the city, whereby a one-third Unionist minority of the population elected two-thirds of the councillors. It went on to describe the way in which the city had been allowed to decline while investment in new industry was concentrated east of the Bann. It explained how Londonderry Corporation was unwilling to upset the political balance by extending the city boundary in order to build new houses, despite the fact that all the available land in the Catholic-dominated South ward had already been built on. It summarised the allocation of houses in the city, providing comparative lists of Catholic tenancies and those of 'others'. These indicated a large disparity: the total of Catholic tenancies was 924, while 'others' was 2,212. A similar comparison was made for corporation employment, with contrasts being drawn not just between the overall numbers of Catholics and

Protestants, but between the total value of salaries earned by Catholic and Protestant employees – £20,400 and £94,004 respectively. It went on to show how the electoral boundaries for the Northern Ireland parliament had been arranged so that Foyle returned a Nationalist who was, however, ‘neutralised’ by the creation of a City of Londonderry constituency which stretched far out into the Unionist-dominated countryside.

What the Papers Say sketched in the background to the formation of the CSJ and went on to elaborate on why it wished to involve British public opinion:

If through publicity we could procure what must surely be the very reasonable achievement of universal adult suffrage in local or regional government²¹ then our position would be immeasurably strengthened. Our people could then begin to have allocated to them their fair share of housing built with public funds. As the law now stands deprivation of housing offends not alone against basic human rights but also limits the voting and therefore the political power of our people in their own community . . .

Pressure of British opinion, properly directed, could force the Government here to ensure that the minority get public employment at least in fair proportion; and could ensure the removal of any bias against Nationalists and Catholics because of their political or religious convictions.

It went on to provide quotations from *Le Monde*, the *Manchester Guardian*, the *New Statesman and Nation*, the *Belfast Telegraph*, *Tribune*, the *People*, and the *Sunday Express*, illustrating the CSJ’s claims about discrimination in Northern Ireland.

Legal Aid to Oppose Discrimination – Not Likely! recounted the efforts of the CSJ to use the courts to obtain redress for discriminatory actions by local authorities. It recalled the episode with Sir Alec Douglas-Home. Two members of the QUB Faculty of Law, J. McCartney LLB and H. G. Calvert LLM, had put forward the same idea in 1965, and in October 1966 it was advanced by the Northern Ireland attorney general, E. W. Jones QC. McCartney outlined some relevant sections of the Government of Ireland Act and Calvert pointed to the legal aid scheme, which had been introduced in November 1965, and had suggested that it provided a way in which working-class Catholics could seek legal redress. The CSJ decided to fight a test case, and in November 1965

instructed a solicitor to commence proceedings against Dungannon Urban District Council on behalf of John Patrick McHugh, a Catholic textile worker who alleged discrimination against him in housing allocation. This had obliged him to take unsatisfactory accommodation outside the two boundaries. When a legal aid application form was lodged with the Law Society of Northern Ireland, its secretary wrote back asking under which heading the action was being taken. Consequently,

Rather than prejudice the application by submitting it in the wrong way, [the CSJ's] solicitor advised [it] it would be safer to consult Senior Counsel about the method to be used . . . Senior Counsel advised [it] that technicalities in the law might make it impossible for Mr McHugh to take direct action against Dungannon Urban District Council, and that it would be better if the action were brought by a ratepayer in the Council area. Mr Anthony Sheridan, a working man and a ratepayer, 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.

However, the application was refused on the grounds that 'the proceedings to which the application is related are not proceedings for which Legal Aid may be given'. No further information about the reasons for the rejection was given.²² The case was eventually appealed to the legal aid committee of the Law Society of Northern Ireland, but the refusal was upheld because the applicant had 'not shown reasonable grounds for taking or being party to proceedings'. Legal advice given to the CSJ indicated that litigation taken as far as the House of Lords, 'where their opponents would undoubtedly force it', could cost up to £20,000: 'Therefore, denial of Legal Aid amounts to denial of access to the courts. This effectively prevents most Northern Ireland citizens from taking Sir Alec's advice.' As Kevin Boyle and Tom Hadden put it, they had 'reverted to the view that, after effort[s] with local lawyers, none of whom appeared to have any fire in their bellies, there was no future in legal redress'.²³ The CSJ was forced back to its contention that discrimination could only be dealt with through action by Westminster under the Government of Ireland Act 1920. It pointed out that the British government had recently applied the Prices and Incomes Act of 1966 to Northern Ireland, despite the fact that it dealt with matters devolved to Stormont. The pamphlet urged

the Westminster government to take up the request of the CDU for a royal commission on Northern Ireland affairs.

The Plain Truth was a broad exposé of Unionist rule. It explained the meaning of gerrymandering and the other devices whereby 'one Conservative or Unionist vote is often equivalent to two opposition votes' and went on to detail discrimination in Derry, Enniskillen, Lurgan and Dungannon, providing statistics on housing, voting and employment. The second edition of *The Plain Truth* was an expanded and updated version, which added maps and charts and a broader historical and political analysis. It was published in 1969 and also gave information on the setting up of NICRA and detailed the events in Derry on 5 October 1968. It also reproduced extracts from two letters written to Patricia McCluskey by British Labour leader, Harold Wilson, in July and September 1964, deploring religious discrimination and supporting the idea of new and impartial procedures for the allocation of council houses and public appointments. The CSJ regarded these as a major coup. Patricia McCluskey said: 'He wrote just before the election saying that if he were returned he would settle things out for us. We more or less used that letter and published it as often as we could on Harold all over England.'²⁴

In assessing the most important aspects of the CSJ – its publications – it is important to note both their similarities to and differences from an earlier wave of literature about the disabilities of Catholics in Northern Ireland, that of the anti-partition movement of the late 1940s and early 1950s. *The Plain Truth* and *Londonderry. One Man, No Vote* are in many ways reminiscent of the 1945 pamphlet by Cahir Healy MP, *The Mutilation of a Nation: The Story of the Partition of Ireland*. Healy also provided a comparative chart of salaries paid to Protestants and Catholics in public appointments and details of gerrymandering in counties Fermanagh, Armagh, Tyrone and Derry. His use of snippets of news reports and quotations from politicians is very similar to the style adopted by the CSJ. A more systematic treatment of the issues of gerrymandering and discrimination was provided in the 1957 book by Frank Gallagher, *The Indivisible Island: The History of the Partition of Ireland*, which summarised much of the postwar anti-partition propaganda. Again, in content and style, the CSJ's literature was strongly reminiscent of Gallagher's book. Such

material would be part of the cultural background of the members of the CSJ, and it often formed the basis for articles in the *Irish News* and *Irish Weekly* and for speeches and pamphlets by Nationalist politicians. So pervasive was the style of presentation that members of the CSJ may well not have been conscious of it as a particular source for its ideas on discrimination; it would appear to be simply common sense as well as common knowledge.

There was one striking difference between Healy's pamphlet and the CSJ's most directly comparable publication, *The Plain Truth*, and this was in the amount of attention paid to the law-and-order aspects of discrimination. *The Mutilation of a Nation* gave equal prominence to the Special Powers Act and to the RUC and B Specials as it did to gerrymandering and discrimination in public appointments (housing was not yet a grievance). The first edition of *The Plain Truth* devoted only one paragraph to the issue of law and order, and while the second edition gave it more attention, prompted by the incidents in Derry and at Burntollet, it added little in the way of substance. The CSJ seems to have been relatively unconcerned about disabilities that were geared specifically to republicans as distinct from other opponents of unionism. The section of the second edition of the pamphlet dealing with law and order did, however, begin by referring to the disparity between the numbers of Protestants and Catholics in the RUC.

The CSJ's propaganda made more sophisticated use of tables and diagrams, including such statistical devices as histograms, than the anti-partitionist propaganda and tended to rely heavily on comparative tables of Catholic and Protestant numbers in public housing and appointments, but it seems never to have considered the possibility that factors other than deliberate discrimination could account for the disparity. The facts and figures on the RUC ignored the way in which tradition and communal pressures have kept Catholic applications for membership of the force extremely low. On education it accepted the right of Catholics to have their own separate system: while it highlighted the greater costs imposed on the Catholic community, it did not examine the question of whether or not it might be better to accept an integrated state system. On public appointments it was able to show that highly questionable recruitment procedures were operated by some local authorities but it did not consider the full range of factors which

might explain disparities in civil service recruiting – for example, the practice of many Catholic schools in preparing their pupils for the examinations of the imperial and Irish Republic civil services while not encouraging applications to the Northern Ireland civil service. It criticised local authorities and the NIHT for their segregated housing estates, but ignored the extent to which residential segregation arose from a deliberate choice by tenants.

These aspects of the CSJ's arguments should not, however, be allowed to detract from its undoubted successes. Unionists never answered satisfactorily the CSJ's points about Catholics being housed mainly through slum clearance by Dungannon Council and the restraints on house-building programmes by Londonderry Corporation and others in situations where there was a potential for new housing to alter the balance of political power. In later years this seriously undermined the credibility of Unionists at a time when they were unable to maintain political stability. In the mid-1960s, however, it made little difference. They held political power and could afford to allow the CSJ to have a few propaganda coups. Catholics were a minority of the electorate, gerrymandering denied them the power which ought to have been given them in a small number of local government areas, but it did not affect their position at Stormont. By 1964 it was clear that the NILP was losing ground again to the Unionists, so the prospect of a grand coalition of opposition parties which could oust the Unionists was not on the cards.

The political system in Northern Ireland, based as it was on the Westminster model of parliamentary democracy, gave complete power to a governing party elected by an electoral majority. But unlike Britain, the majority and the minority were set in the concrete of religious and communal identity. Those who held power and those who were denied it could never change places. Had the courts operated on the American model, they might have offered a counterbalancing force, as they did for the Black minority in the Southern states. As Richard Rose puts it: 'In a representative assembly the majority wins, the minority must always lose. In the courts, by contrast, judges are not meant to count heads but to weigh arguments.'²⁵ The demonstration by the CSJ that the courts did not offer a means of obtaining redress was significant. It eliminated the last prospect of advance by constitutional means

within Northern Ireland. But there was still another forum that could be appealed to – the Westminster parliament. This made the links established by the CSJ with a section of the British Labour Party of key importance.

It was fortunate for the CSJ that simultaneously with its own launch a group of activists in the British Labour Party was making the first moves in the creation of the CDU. The success of the CDU in winning the support of over one hundred members of both houses of parliament, mostly from the Labour Party but with the backing of some Liberals, gave the CSJ an audience within British politics that would have been very difficult for it to achieve on its own.

Prospects did not appear bright in 1964. C. Desmond Greaves, leader of the Connolly Association, which was to be an important ally of the CDU and the CSJ, wrote in 1963:

Despite signs of a revival of interest, Ireland remains very much a *terra incognita* to the British working-class movement. Can it be, one imagines the trade unionist saying in his capacity as tourist, that this place that looks so similar and whose people palpably speak English can really be politically so different? His first reaction may be to attempt to wreath the Irish picture into the British framework. This does not work. He may now conclude that Ireland is incomprehensible. He will be assisted in that view by all the organs of propaganda available to reaction in Britain.²⁶

Kevin McNamara, MP for Kingston-upon-Hull North (later Hull Central), recalled that in the early years of the Labour government, 'if a Minister of State went over there, such as Alice Bacon, one was taken over by the Government, set up in Stormont Castle or in Holywood House. It was all laid on.'²⁷ National executive committee reports to the Labour Party conference in these years reflect the way in which the party in parliament took up the issues of deprivation and unemployment in Northern Ireland. There was concern about the refusal of the Stormont government to recognise the ICTU and the harm this was doing to the achievement of planning agreements, but no awareness was shown of Catholic complaints of discrimination.

One factor which began to change this situation was, ironically, the success of the Unionists in the 1964 Westminster general election. They swept the board, sending a solid phalanx of twelve MPs to the House of Commons, where they took the Conservative

whip. Since Labour was returned with a majority of only four, this threw a spotlight onto the links between the Unionists and the Conservative opposition. Harold Wilson was to comment acidly on this a couple of years later: 'There have been cases, when majorities were smaller than at present [after the 1966 general election], when a government could have fallen with a Northern Ireland vote on *Rachmanism* in London, although nothing could be said about housing conditions in Belfast.'²⁸ Wilson endorsed anti-Unionist sentiment within his party when he wrote to Patricia McCluskey in July 1964:

We work closely with our colleagues of the Northern Ireland Labour Party. Like them we deplore religious and other kinds of discrimination, and we agree with them that this should be tackled by introducing new and impartial procedures for the allocation of houses, by setting up joint tribunals to which particular cases of alleged discrimination in public appointments can be referred, and indeed, by any other effective means that can be agreed.²⁹

On closer reading, this was not a programme for action by Westminster, nor a promise to override the prerogative of the Stormont parliament and government. This is confirmed by a second letter that Wilson wrote in September 1964 in which he expressed agreement with the CSJ on the importance of the issues it was raising and assured Patricia McCluskey that

a Labour Government would do everything in its power to see that the infringements of justice to which you are so rightly drawing attention are effectively dealt with. We recognise however that this is no easy task.

We believe that before steady progress can be made in the effective solution of these problems there must be changes in the Parliamentary representation of Northern Ireland, both at Westminster and Stormont. Our colleagues in the Northern Ireland Labour Party are, as you no doubt already know, strongly opposed to any kind of discrimination. They are fighting the forthcoming General Election on a completely non-sectarian policy which strives for the betterment of our people without distinction. Because of this we are convinced that the most immediately helpful way of furthering the cause for which you are campaigning is to give active support to the Northern Ireland Labour Party candidates in their fight.³⁰

Making the will-o'-the-wisp of an NILP electoral breakthrough a precondition for action by the Labour government was a safe way of putting off any action whatsoever. But by endorsing the CSJ's complaints, Wilson was helping to stimulate the greater interest in Northern Ireland which was developing among his own backbenchers and increasing their determination to put pressure on his government. Other factors were referred to by Kevin McNamara:

The resurgence of nationalism after 1966 led by a new generation of nationalist leaders. Austin Currie would be one, Fitt's Republican Labour Party . . . Eddie McAteer for example came over here and sought to embarrass Heath and Wilson and had all sorts of undertakings made to him. Mary Holland writing articles in the *Observer* excited the minds of people.³¹

The beginnings of a new coalition in Britain of groups interested in Northern Ireland can be traced back to 1962. In August of that year, Fenner Brockway, the leading figure in the Movement for Colonial Freedom, spoke in Dublin to the Nigerian Union of Britain and Ireland. He was an old-fashioned Independent Labour Party supporter of a united Ireland, who had been imprisoned with Eamon de Valera during World War I, but his speech showed how the 'wind of change' in the old British Empire had created political categories within which Ireland could take on a new significance for the British left. He called for a 'self-reliant, independent and united Ireland'; it was time for the people of both parts of Ireland to cease 'begging from Westminster'. They ought to adopt the alternative of the 'united economy and dynamism which the newly independent countries were feeling.'³²

The main Irish nationalist organisation in Britain, the Anti-Partition of Ireland League (GB), was also taking note of a changing world. At its annual general meeting in November 1962 the league decided to change its name to the 'United Ireland Association' and switched its emphasis from partition to fostering changes that were already taking place:

If both Ireland and Britain join the Common Market the divisions between the 26 Counties and Six Counties will be weakened. Membership . . . will give the people of both parts of Ireland a more outward looking attitude and a change of heart which must in time lead to a realisation of the ridiculousness of the artificial barriers now

dividing our people. Our work in the future should be directed to bring about better relations between Irish people on both sides of the border.³³

In December 1962, Martin Ennals, general secretary of the NCCL, visited Northern Ireland to investigate the situation. In 1936 the NCCL had sponsored an independent commission of inquiry into the Special Powers Act, which condemned its use against political opponents of the Unionist government. In London, in 1948, the NCCL organised a conference on human rights. A report to the conference included a section on Northern Ireland which described the situation there as 'very grave'. It pointed not only to the continuation of abuses under the Special Powers Act but also to the recent alterations in the local government franchise which deprived large numbers of people of their previous voting rights and introduced plural voting for others, and said that 'jerryman-dering [sic] of electoral boundaries both for local councils and for the Northern Ireland Parliament is grossly unfair'.³⁴ The report recommended an NCCL investigation into conditions in Northern Ireland but this appears not to have been acted upon, so that Ennals's visit was an indication of renewed interest. In June 1962 the NCCL's annual general meeting had adopted a resolution, moved by the Connolly Association, calling on the council to set up an impartial inquiry into civil liberties in Northern Ireland and for pressure to be put on the Government for a public inquiry into the operation of the Government of Ireland Act. As a result of the Ennals visit, the NCCL called for a reform of the electoral system in Northern Ireland, a new boundary commission for Stormont constituencies and local government wards, abrogation of the Special Powers Act, and a royal commission on Stormont, including its relationship to Westminster as it had evolved since the Government of Ireland Act.

The organisation which had prompted this new interest in Northern Ireland by the NCCL, the Connolly Association, is a group which is generally thought to have close links with the Communist Party of Great Britain; its title commemorates Ireland's best-known Marxist socialist and 1916 martyr, James Connolly. Although a small organisation, it was able to exert significant influence in the early 1960s due to its having a regular monthly newspaper, the *Irish Democrat*, which sold widely among Irish

immigrants, and its considerable political experience dating back to the 1930s. The association is a strongly anti-partitionist body. A pamphlet published in about 1962 presented the partition of Ireland as a device by 'British Imperialism' to weaken Ireland politically and to exploit the island economically. In considering ways in which partition could be fought, the association urged unity between Irish anti-partitionists and the British Labour movement and discussed immediate steps which could be taken:

It must be obvious that the greatest obstacle to turning out the Brookeborough Government is the way it has barricaded itself in Stormont behind a mountain of anti-democratic legislation.

Consider the gerrymandering, the restriction of the franchise, the special powers act, the religious and political discrimination, the control of education . . . Then there is the refusal to recognise the Northern Ireland Committee [of the ICTU] . . . These restrictions of the freedom to speak, work and organise against the Unionists must be swept away. If they were swept away, the confidence engendered among the nationally minded population would become boundless, and the effort to attain unity would be enormously strengthened.

The Westminster Parliament has the power to compel Lord Brookeborough to restore Democracy. So let us demand that it does so.³⁵

The Connolly Association, like the CSJ, had recognised in Section 75 of the Government of Ireland Act 1920 a possible weapon against the Unionists. C. Desmond Greaves later recalled discovering Section 75 and consulting the left-wing QC, D. N. Pritt, about it. It was Pritt who highlighted the fact that power over Northern Ireland was reserved to the Westminster parliament, not the Government. The association then decided to press for an inquiry into the working of the act.

The CDU had its origins in a not dissimilar group of Irish exiles. An impression has gained ground in the intervening years that the CDU was founded in, and was restricted to, parliament. The list of over one hundred MPs and peers who sponsored the CDU was one measure of its success, but it was not in itself the CDU. The CDU was created and kept alive by a group of rank-and-file members of the British Labour Party who were mainly, though not exclusively, of Irish origin. They provided an activist base which was essential for the more public campaigning of the MPs.

The CDU was launched at a meeting in a Streatham public house in London in early 1965. The meeting was sponsored by the Streatham Labour Party, whose secretary, Bill O'Shaughnessy, became the founding secretary of the CDU. Its founding vice-president, Paddy Byrne, recalled that the name was chosen because the initials were 'crisp and neat and had the appeal of initials like *CND* which was then riding high'.³⁶ Although there were objections to the use of the word 'Ulster', it was adopted because it was 'well known and understood in Britain'. In a brief history of the CDU, written in 1970, Byrne stressed:

CDU is a British organisation, based largely in the Labour Movement. When we wish to extend our organisation, or arrange meetings, we contact the local Labour Party and not Irish organisations . . . We have always claimed that we are concerned only with obtaining full British democratic standards for the people of Northern Ireland, to which they are entitled as British subjects. We hold that the 'Border' is irrelevant to the issue . . . As far as CDU is concerned, the Tory-Unionists who rule Northern Ireland can build a wall around the six-counties if they wish, but we do insist that all citizens on the British side of the wall enjoy full British standards.³⁷

The original aims adopted by the CDU were:

To secure by the establishment of a Royal Commission a full and impartial inquiry into the administration of Government in Northern Ireland, with particular reference to allegations of discrimination on religious or political grounds in the fields of housing and employment and into the continued existence of the Special Powers Act.

To bring electoral law in Northern Ireland at all levels into line with the rest of the UK, and to examine electoral boundaries with a view to providing fair representation for all sections of the community.

To amend the Race Relations Act to include discrimination on religious grounds and to press for its operation throughout the whole of the UK, including Northern Ireland.³⁸

About the time of the formation of the CDU, Paul Rose, MP for Blackley in Manchester, made a speech in the House of Commons about discrimination in Northern Ireland. His interest in the subject had been stirred when he addressed an Irish group in Manchester in 1962. He had gone to speak on civil liberties but

'what I learned there made me resolve to visit the province and when I was asked about Northern Ireland at the 1964 General Election I gave a solemn promise to do so'.³⁹ Paddy Byrne approached Rose and he agreed to become president of the CDU. Through his efforts the list of parliamentary sponsors was built up and a separate CDU group, with its own structure and meetings, was set up in parliament.

Rose's non-Irish background made him an excellent front man for the CDU. Byrne, who was the real driving force of the CDU, could not have claimed such disinterested credentials. A Dubliner, he had a long record of left-wing and republican activism in Ireland. He had been a member of the Republican Congress, the most important left-wing nationalist movement in 1930s Ireland, and he was active during the Spanish Civil War in promoting support in Ireland for the Spanish republic. At the time of the launching of the CDU he had been living in Croydon in London for about twelve years and was a leading member of the local Labour party; later he became a councillor. He began as vice-president of the CDU but in 1967, when Bill O'Shaughnessy moved to Manchester, they swapped jobs and Byrne became secretary. His motives for involvement were firmly socialist; in the draft of an unfinished pamphlet he expressed the hope that Belfast workers, 'freed from the fear of what would befall them if Ulster were not kept "Protestant", would vote according to their class interest and return not one but perhaps five socialists to Westminster'.⁴⁰ Other important CDU members included Ken Graham, Oliver Donoghue and Mick Melly. Graham was a Londoner, editor of the left-wing newspaper *London Voice*, and a member of the Streatham Labour Party. For a time he was the organiser of the CDU. Donoghue had emigrated to London in the 1950s from Portlaoise in the Irish Republic, where his father had been a prominent republican. He was a member of the Streatham, and later the Hammersmith, Labour parties. Melly was a Sligoman who also emigrated in the 1950s; he came from a prominent trade-union family and was a member of the Maidstone and then of the Putney Labour parties, and of the Clerical and Administrative Workers' Union.

The public launch of the CDU took place in the House of Commons on 3 June 1965. The meeting was chaired by Lord Brockway and attended by twenty of the sixty MPs who were

sponsors. A message was read from Sam Napier, secretary of the NILP, and the meeting was addressed by Paul Rose, Patricia McCluskey and Bill O'Shaughnessy. Rose highlighted the anomaly of Labour MPs being accused of interference when they raised issues of discrimination in Northern Ireland, while no limit was put on the rights of Unionist MPs to speak and vote on British matters. Patricia McCluskey described discrimination in housing and the plight of Belfast's Mater Hospital. Bill O'Shaughnessy stressed the importance of winning support from the British Labour movement, although the CDU would welcome support from other quarters if it were offered.

Three years later a memorandum to the central committee of the CDU, dated June 1968, showed that the success of the campaign in attracting parliamentary sponsorship had not been matched by success in building up the mass support outside parliament which was one of its original objectives. A Manchester branch had been started and it had a couple of successful meetings before 'the tide receded, largely because of internal problems'.⁴¹ Contacts were made with Birmingham, Liverpool, Nottingham, Oxford and other places, but none of these resulted in the setting up of a CDU branch. Apart from another brief period of life for the Manchester branch in 1969, the CDU's organisation and activities were confined to London. This did not, however, define the limits of its contacts and influences. Paddy Byrne's correspondence between June 1967 (when he took over as secretary) and October 1968 (when events in Derry transformed the situation) shows a wide range of organisations and individuals who were in touch with the CDU. There were letters from and to a large number of constituency Labour parties and branches of the Young Socialists, correspondence with the Movement for Colonial Freedom, the Connolly Association, the Haldane Society (of Socialist Lawyers), the Electoral Reform Society, Liberal branches in Hampstead and in the University of Edinburgh, with societies of emigrants from counties Sligo, Donegal, Cavan and Galway, with groups in the United States and New Zealand, and in Ireland with the NILP, the NDP and the Council of Labour in Ireland. There was a regular and friendly correspondence with Conn McCluskey and the CSJ. It can also be said that the CDU MPs had some success and had shown not a little ingenuity in exploiting loopholes in the House of Commons procedures in

order to ventilate the grievances of anti-Unionists in Northern Ireland.

Three events kept up the momentum of the CDU during these years. The first was the election of Gerry Fitt to Westminster. He worked closely with the CDU within and outside parliament, and as a socialist he was a more natural ally than a Nationalist would have been. The second was a visit to Northern Ireland in April 1967, suggested and organised by Gerry Fitt, by three CDU MPs – Paul Rose, Maurice Miller (Glasgow, Kelvingrove) and Stan Orme (Salford West). They intended not only to investigate conditions in Northern Ireland but also to ‘inform a wide spectrum of citizens of Northern Ireland of the activities at Westminster of Labour Members interested in Northern Ireland’.⁴² The tour included Belfast, Coalisland, Dungannon, Strabane and Derry. They met the executive of the NILP, shop stewards from Harland and Wolff, the officers of Belfast trades council, the CSJ, and representatives of the Ulster Liberal Party, the Derry branch of the NILP, the RLP, and the NDP. Paul Rose recalled that ‘in some areas we were met by bands and led to the rostrum set up in the middle of the town like conquering heroes. Even the pubs closed. In Strabane virtually the whole town turned out at eleven at night, and television cameras were thrust upon us at one in the morning’.⁴³ They reported that

there was a ready response at all the meetings to the simple statement of principle that the Members of Parliament demanded the same rights and privileges for Northern Ireland as in their own constituencies as an integral part of the United Kingdom. A policy which respects the right of Irishmen ultimately to decide their constitutional status for themselves, but recognises Westminster’s overriding obligation to ensure democratic government in the province, is one which would commend itself to large sections of the people, both Protestant and Catholic, in Northern Ireland.

It is therefore considered that the Government should set up a Royal Commission to investigate the operation of the Government of Ireland and the Ireland Acts.⁴⁴

The third event that sustained the momentum of the CDU was a conference held in the Irish Club, Eaton Square, London, on 28 January 1968. Seven resolutions were passed, all unanimously, and these provide a good indication of the strategy of the CDU and its allies at this time. Manchester CDU proposed that the conference

call on the British government to use its powers under the 1920 act to 'ensure that all citizens of Northern Ireland shall enjoy the equality of rights and privileges enjoyed by all the people of the remainder of the UK'. The NILP moved a resolution on the economy, proposing a programme of government action to deal with unemployment. The Electoral Reform Society moved that the conference demand a return to the original voting system in Northern Ireland, using the single transferable vote in multi-member constituencies, as a necessary addition to the granting of one man, one vote and equal electoral areas. The central committee of the CDU proposed the launching of a national fund to aid the civil rights movement in Northern Ireland. The Connolly Association proposed a Bill of Rights to take the form of amendments to the Government of Ireland Act. The London area committee of the CDU called on the British government, in view of the increasing civil strife in Northern Ireland, to suspend Stormont and impose direct rule through the governor. Finally, Gerry Fitt moved that 'this conference calls on the Members of Parliament at Westminster, who are supporters of the CDU, to use whatever measures are available to question the legality of the convention whereby they are unable to discuss matters relating to Northern Ireland'.⁴⁵ This resolution pinpointed what was the most important battle and the most significant failure of the CDU and its allies in the period between 1965 and the events in Derry on 5 October 1968.

The section of the Government of Ireland Act on which the CDU, the CSJ and the Connolly Association pinned their hopes was brief but appeared to be comprehensive:

Notwithstanding the establishment of the Parliament of Southern 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.⁴⁶

The Ireland Act of 1949 having recognised the existence of an independent republic in the twenty-six counties of southern Ireland, the effect of Section 75 was now restricted to the six counties of Northern Ireland. What Section 75 meant to the CSJ and the others was summed up by Patricia McCluskey: 'We got out the 1920 Act and we read it, and the 1920 Act said clearly that

Westminster had the last word, and we said this is where the seat of power lies and they must be made aware of their responsibilities.⁴⁷

However, there were complex questions of constitutional law and practice about how Section 75 could be given practical effect. Martin Wallace, in a lecture to the Faculty of Law at QUB in 1966, discussed these:

There is of course power under Section 75 of the 1920 Act for the British Parliament to pass whatever legislation it likes, applicable to Northern Ireland. In practice the original division of responsibilities has changed in response to changing situations. The Imperial Parliament has on a number of occasions included a clause indicating that an Act applies to Northern Ireland. The convention has always been, however, that the latter step is taken only with the agreement of the Northern Ireland Government where it seems to impinge on transferred services. In August 1966 Miss Alice Bacon, Minister of State at the Home Office, indicated that there was no present intention of breaching that convention. She pointed out that Section 75 preserved supreme authority to the United Kingdom Parliament, but that it did not give the Government of the United Kingdom authority over transferred matters. She said she thought it would do harm to the relations between the two Governments to pass legislation on transferred matters against the wishes of the Northern Ireland Government.⁴⁸

Despite the convention, there were enough fuzzy areas in the relationship between the Westminster parliament and government and their counterparts in Northern Ireland to encourage an attempt to probe the limits of the convention's restraint on Westminster intervention. The central principle of the convention was one which it was never easy to define. As J. P. Mackintosh pointed out:

The three Home Rule Bills and the Government of Ireland Act were based on a few, relatively simple, assumptions and they encountered the same intractable problems even at the early stage of passage through Parliament. The first assumption was that certain 'imperial' functions could be isolated and left with the Westminster Parliament while 'internal matters' could be transferred to Dublin or Belfast. This was a more sensible idea eighty years ago, when there was not the vast range of government activity that there is today, but even in 1886 it caused difficulties.⁴⁹

One of the anomalies identified by Wallace was that the 1920 act made Northern Ireland

a separate financial region, a self-financing region, by separating its revenues from national accounts, but at the same time denying it the power to raise whatever revenues were necessary for the proper government of the six counties . . . It was . . . a strange system which originated not in Northern Ireland's needs but in the British Government's wishful thinking about the relationship it could establish with Southern Ireland.⁵⁰

Changes in the system, especially after 1945, ensured that Northern Ireland would keep in step with social expenditure in the rest of the United Kingdom and that the Stormont government was in advance of Britain in financing new industrial development. The Northern Ireland exchequer was a net beneficiary from the common United Kingdom tax haul, on the same principles which funnelled money to the deprived areas of England, Scotland and Wales. But although MPs at Westminster found themselves voting huge sums of money to Northern Ireland, they did not have the same powers to determine how that money was spent. The CDU MPs homed in on this anomaly and used the debate on the Consolidated Fund Bill of August 1966 to try to break the convention.

Gerry Fitt rose at 4.50 a.m. on 8 August and admitted that 'if I were to abide by the rule book, all I could discuss in this debate would be defence, foreign affairs, Income Tax and the Post Office'.⁵¹ To him this seemed illogical and there was only one interpretation he could put on the words of Section 75:

I say Sir, that this gives ultimate and overriding responsibility to the Parliament of the United Kingdom, and as the representative of Belfast, West, as the representative of 26,000 people, I stand here to demand of the British Government that they accept the responsibility which they themselves have written into this Act of 1920.

At this point the deputy Speaker, Sir Eric Fletcher, intervened to say that Section 75 did not give responsibility to Westminster ministers 'over matters within the competence of the Northern Ireland Government'. Previous Speakers had ruled repeatedly that 'matters within the competence of the Northern Ireland Government' could not be debated in the House of Commons.

Kevin McNamara and Elystan Morgan, MP for Glamorgan, tried

to argue that Westminster responsibility for finance and the wide-ranging nature of the Consolidated Fund debate were reasons for permitting a discussion, but without success. Michael McGuire, MP for Ince, argued that a minister, using the powers of Section 75, could 'intervene directly in Northern Ireland' and would be

the supreme authority delegated with powers given to him under Section 75. Your ruling seems to me to suggest that he does not have that power, but I suggest that Section 75, in anybody's clear interpretation, gives the Minister overriding authority over the Parliament at Stormont.

The deputy Speaker suggested that the confusion had arisen because McGuire had 'failed to distinguish between the United Kingdom Parliament and the United Kingdom Government'. The Government of Ireland Act 1920 did give the Westminster parliament supreme authority and enabled it to legislate on matters affecting Northern Ireland, but because there was no ministerial responsibility in the House of Commons, it was not possible to debate Northern Ireland matters.

Elystan Morgan, Liberal MP Eric Lubbock, and Kevin McNamara made further unsuccessful attempts to challenge the ruling before Gerry Fitt finished his speech, firing salvoes off against the Unionist Party and Terence O'Neill and being warned off various lines of argument. He closed with a plea for some way to be found to get round the convention that prevented him from raising at Westminster grievances to which Stormont turned a deaf ear. Shortly after Fitt sat down Edwin Brooks, MP for Bebington, drew a further important clarification of the convention from the deputy Speaker:

It is perfectly competent for the Parliament to intervene in any legislative sense in Northern Ireland. The competence of the sovereignty of the United Kingdom Parliament has been preserved by Section 75, which would therefore, for example, enable this legislature to revoke or amend that Act; but that would involve legislation. It is not permissible, in debating the Consolidated Fund Bill, to introduce matters which involve legislation.

Reg Freeson asked for guidance on where it was defined that the sovereignty of Westminster was confined to legislative sovereignty and was told that it was inherent in the proposition:

Parliament exercises sovereignty over any part of the United Kingdom by legislation, but it has delegated administrative responsibility in certain matters to the Government of Northern Ireland . . . If hon. Members want to seek an opportunity of suggesting that the Government of Ireland Act should be amended, they should seek appropriate opportunities for doing so, but it cannot be raised here.

After an intensive barrage, the CDU MPs had elicited the information that Section 75 gave the Westminster parliament power to intervene in Northern Ireland by legislation, either through passing bills, which by convention would have to be by agreement with the Stormont government, or by revoking or amending the Government of Ireland Act. Since the Government controls the timetable of the House of Commons, such a step would normally require a government initiative. Private members' legislation was possible, but this would require government support in order to steer it through all of its stages. The ball was firmly in the Government's court.

Alice Bacon, replying to the debate, made it clear that the Government would not contemplate such action. Mention has already been made of her opinion that direct intervention would be harmful to relations between the two governments. She quoted a reply given by Harold Wilson on 28 May 1966 in which he had said that he preferred informal talks with Terence O'Neill as a means of achieving change in Northern Ireland. There had been a working lunch the previous Friday at which a 'profitable discussion' had taken place. She was unable to give the House any details of the discussion, which had included Home Secretary Roy Jenkins, but Wilson expanded on the meeting in his account of his first and second governments:

Captain O'Neill had already made more progress in a matter of three years in attacking problems of discrimination and human rights than all his Stormont predecessors in more than forty years. But this progress had aroused open hostility on the part of his atavistic grass-roots supporters and many of his backbenchers, to say nothing of a black reactionary group in his Cabinet. It was essential that the progress be maintained for, as the world learned three years later, time . . . was not on our side.

Wilson recalls pressing O'Neill about the concern felt on the Labour benches at the lack of progress on constitutional reform

and liberal policies, particularly in view of the large sums of money they were being asked to vote for Northern Ireland:

Captain O'Neill readily took these arguments. He stressed how much had already been done and explained his plans for the future. But he gravely underlined the threats to his position and to the reform movement . . . He had moved so far and so fast by Northern Ireland standards that he felt there must be a period of consolidation, certainly for the rest of the year, or a dangerous and possibly irresistible tide of reaction would set in.

Wilson and Jenkins 'agreed not to press him further for the next few months'.⁵²

O'Neill's recollection of the meeting is somewhat different; he stresses the conviviality of the occasion but not the searching questions about the progress he was making with reform. Wilson, he said, did ask him why he was pursuing policies such as meeting with Sean Lemass, when that was unpopular with the Protestants, and both Wilson and Jenkins welcomed the fact that the talks had taken place, so that rather than showing concern about the tardiness of the pace of reform, he claimed, they were mildly surprised at its rapidity.⁵³

Whatever actually took place at the meeting, it is clear that Wilson and his government were fundamentally at odds with the CSJ, the CDU and the civil rights movement in Northern Ireland in their assessment of what was happening. The civil rights movement believed that O'Neill was unwilling to make any substantial changes and was a prisoner of the Orange Order and the backwoods members of his party. The Government thought that his progress was commendable and that he must be supported against the threat of an extreme Unionist backlash. While this attitude was maintained, there was no prospect of intervention by Westminster and there was little that could be done to bring it about. It was not just the CSJ and the CDU who tried unsuccessfully to interest the Westminster government; the NILP sent a delegation across within a month of the new Labour administration taking office in October 1964. Its members were received sympathetically but were given no promises. Charles Brett, the main draughtsman of the NILP's policies on civil rights, considered that the civil service was a major obstacle:

[The ministers'] advisers, like most English politicians, believed (because they preferred to believe) that the state of affairs in Northern Ireland was bound to improve so long as it was left alone, and so long as Captain O'Neill (charming and reasonable man) was left to bring reforms at his own pace. The Home Office officials were not only unhelpful, they were downright obstructive, and we had grounds for believing that they were secretly furnishing Stormont with reports on our private representations to Labour Ministers.⁵⁴

In December 1967, Home Secretary Roy Jenkins replied to a letter from Eddie McAteer, stating his personal conviction that

in Westminster we cannot – and we should not – ignore the constitutional relationship between Northern Ireland and the United Kingdom Government . . . The irritants of which complaint is made relate to matters which lie wholly within the constitutional ambit of the Parliament and Government of Northern Ireland . . . The most fruitful course, I think, would be for you to seek direct discussions with Captain O'Neill.⁵⁵

Less than a week later, number 10 Downing Street was writing in similar terms to the secretary of West Ham trades council in London, noting that the 'allegations of discrimination in Northern Ireland . . . fall within the competence of the Northern Ireland authorities', and that it would 'not be appropriate to set up a Royal Commission'.⁵⁶

The CSJ and the CDU kept trying to find some crack in the stone wall that faced them. Paddy Byrne wrote to the McCluskeys in June 1967: 'The work proceeds, but frustratingly slowly.'⁵⁷ The central committee of the CDU discussed a number of initiatives: a proposed 'Ulster Charter' – a mass petition calling for civil rights reforms – was rejected as a good idea but one which was beyond its means at that time; efforts to set up CDU branches in Liverpool, Nottingham, Bristol and St Albans came to nothing; attempts to raise the issue of Northern Ireland at the 1967 and 1968 Labour Party conferences met with no success. The CSJ proposed to print a leaflet for distribution in Britain at the 1968 local elections: 'Irish Voters: First Wilson's promises then none of these promises have been honoured. Please keep this in mind when you come to vote.' Conn McCluskey showed a glimmer of hope in February 1968 when a letter to Wilson 'got a really reasonable and obviously

considered reply from Kaufman'.⁵⁸ He had hopes that Wilson was vulnerable to threats of losing the Irish vote. 'Green power', he thought, was the only weapon.⁵⁹

However, the CDU was experiencing problems in simply keeping going. In September 1967 the central committee wrote to the treasurer of the now inactive Manchester branch asking for its funds to be transferred to the central CDU account; its printers were getting very impatient for payment of an outstanding bill. In June 1968 the central committee met for a wide-ranging discussion on the CDU's progress. A confidential document submitted by Paddy Byrne listed the successes and failures of the CDU since 1965. The achievements had included: the 'splendid performance' of its MPs; the visit to Northern Ireland by Rose and the others; the January 1968 conference; a call for telegrams to be sent to Wilson about the plight of Derry which had been answered by one hundred organisations; and regular newsletters and contacts made with various groups in Northern Ireland. The list of failures was considerable. Although the central committee had met monthly, 'their efforts appear to be in vain', and only four out of twelve members had attended regularly. There had been a follow-up meeting to the January conference, but only six constituency Labour parties had sent delegates – admittedly at a time of campaigning for the local elections. Only three constituency Labour parties had submitted resolutions on Northern Ireland for the party conference, and despite the efforts of delegates who were CDU supporters, the issue was not put on the agenda. Letters to the Home Secretary had been 'treated with contempt'. A public meeting in Kilburn in London in April 1968 had been attended by only twenty people, although the area had been plastered with posters and the meeting had been advertised in the press – this, despite the fact that up to seven thousand Irish people attended Mass in Kilburn every Sunday. Two thousand copies of the first edition of a newspaper, *Spotlight Ulster*, had been printed, but only seven hundred had been distributed and no further editions had appeared. Only three constituency Labour parties had affiliated to the CDU: 'In short, no mass movement has developed and there is no indication that one will.' The CDU's most likely supporters, the British left, were 'far too concerned to save socialism from extinction than to bother about Ulster, about which the mass of British people know little, care less'.

Byrne was unwilling, however, despite the formidable organisational and financial problems, to abandon the campaign:

Perhaps therefore the line should be to retain our organisation and bide our time . . . A new start might be made by meeting in the House of Commons in the autumn, similar to the inaugural meeting – having for its object the ending of the CONVENTION. If only this were achieved CDU would not have lived in vain.⁶⁰

There is little evidence that such a renewed attempt would have succeeded, and had developments continued on the course of the first nine months of 1968, the CDU would probably have disappeared. But by the autumn of 1968 the strategy of attempting a fresh start with a meeting at Westminster had been overtaken by events in Northern Ireland. The incidents in Derry on 5 October transformed the situation not only in Northern Ireland but also for the supporters of the civil rights movement in Britain.