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The Committee Stage of the Fair Employment (NI) Bill

(i) The Fair Employment (NI) Bill was committed to a Standing Committee of the House of Commons on 16 February. The Committee finished its deliberations last Thursday (8 April) after a dozen sittings. Copies of the proceedings of the first eight sittings have already been sent to the Department and copies of the remaining four are attached.

(ii) The Committee consisted of the following members: Mrs. Lena Jeger (Lab.) in the Chair and Stan Orme and Don Concannon representing the Government, John Biggs-Davison (Cons), Robert Bradford (UUUC), Bob Cryer (Lab), John Dunlop (UUUC), John Farr (Cons), Gerry Fitt (SDLP), James Lamond (Lab), Arthur Latham (Lab.), Tom Litterick (Lab.), Harold McCusker (UUUC), Max Madden (Lab.) Airey Neave (Con), Enoch Powell (UUUC), Jock Stallard (Lab) and Bill van Straubenzee (Con.). The sittings of the Committee were attended at all times by between ten and fifteen M.P.s. Most of the rank-and-file Labour M.P.s. played little or no part in the discussions, using it as an enforced period of study during which they could clear their daily post.

(iii) I attended five of the Committee's sittings to get a general idea of the proceedings of a standing committee on Northern Ireland legislation and the following impressions may be found to be of interest.

(iv) The Government

Stan Orme, backed up by Don Concannon, had the rather thankless task of defending the Bill in detail against the Unionists, who were authors of all but a few of the

proposed amendments. Orme was clear and emphatic in his exegesis of the Bill but sometimes allowed himself ill-advisedly to reply to questions from Enoch Powell without benefit of consultations with his advisers.

(v) The Unionists

The scrutiny the Bill came under would have been cursory were it not for the presence of Enoch Powell, who contributed much more to the debate than any other Member. Powell was able to demonstrate to the full his parliamentary skills in the detailed examination of the Bill. With his well-rounded periods and classical "sententiae", he appeared the model nineteenth-century parliamentarian, but frequently the badgering, cajoling, sneering Powell came to the fore and one could see the kind of manic side to his character that makes him so hated at Westminster, and particularly by the Tories who throughout ignored his attempts to bait them. After one sitting in which Powell had indulged in a piece of badinage about Van Straubenzee's attire, Van Straubenzee muttered to me with unexpected vehemence, "I get physically sick in that man's presence".

Powell led the Unionist opposition to the Bill, elucidating the general principles behind the, often rather expected, déjà vu attitudes of his colleagues.

He assumed responsibility, not very successfully, for making the Unionists' objections appear a coherent whole. While he was weak in local knowledge and interested mostly in the grand design (i.e. the constitutional issues raised), they were concerned with matters in Northern Ireland at a local level and were not noticeably galvanized

with enthusiasm at his advocacy of the notional integrity of the United Kingdom. Although the Unionists frequently differed among themselves, Powell continued to make these differences appear as only differences of emphasis, rather than differences of opinion.

(vi) The differences with Unionist ranks and particularly between Powell and the others appeared perhaps most noticeably in the debate on Clause 37 governing exceptions to the legislative provisions of the Bill which, inter alia, exempts teachers for the time being. John Dunlop sought to move an amendment to remove this exemption and made an impassioned plea for an end to segregated education. He saw integrated education as a panacea to all Northern Ireland's ills. Harold McCusker said that while he too was ideally in favour of integrated education, he would have to vote against the amendment as the Protestant attitude towards integrated education had undoubtedly changed as a result of the violence.

Powell's position on this issue, as on so many others, was doctrinaire. He had defended the right of parental choice over education while M.P. for an English constituency and he was not going to renounce that principle simply because he now stood for a Northern Ireland constituency.

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(vii) The Unionists agreed that while/an abstract, the theoretical level, the Bill was praiseworthy, it was not based on a realistic appraisal of the situation in Northern Ireland. They stressed the demographic differences between the two communities, the fear workers had of travelling into a hostile area, the minority's reluctance to take jobs in some sectors of the public service. They were pleased that it was not intended to establish a quota-system under the Bill. They regarded Orme's guarantee that firms need not by law keep a register of their employees' religious beliefs as a signal victory. They objected to pressure on employers to keep registers, but found sampling acceptable and least likely to exacerbate sectarian tension. They were also worried that employers would be accused of religious discrimination if they turned down applications from people who had advocated and been involved in violence. Orme satisfied them on this score. He said that

'a person who initiates or advocates violence by statement or action will not be covered by the Bill and can be discriminated against....' (8th sitting col. 362)

Members of legal organizations such as Provisional Sinn Fein or the UDA would be protected by the Bill unless they were themselves known to have advocated or taken part in violence:

'One could have a member of a legal organisation who has never believed, advocated or taken part in violence and such a person would be protected by the Bill.' (8th sitting, col. 363).

(viii) The Integrity of the UK argument. Powell, in line with his insistence on the integrity of the UK, argued that there was almost certainly both political and religious discrimination in Great Britain. These problems might indeed exist in a heightened form in Northern Ireland but there was no reason for treating Northern Ireland as a special case requiring extraordinary measures. McCusker pointed out that as the Bill was solely concerned with employment in Northern Ireland, it was still perfectly legal for Northern Irish personnel officers in UK or foreign companies to practice discrimination by recommending for promotion or appointment to jobs outside Northern Ireland people whom they had chosen on the basis of their religious affiliation. The Bill also did not prevent employers from outside Northern Ireland, e.g. on Clydeside, choosing candidates on the basis of their religious affiliations. Orme, however, contended that in Britain, unlike Northern Ireland, the trade unions were well able to investigate allegations of this nature without state intervention to protect the rights of the individual.

(ix) It must be said in fairness to the Unionists that they did recognize that legislation to outlaw discrimination was in the long term very much in the interests of all the inhabitants of Northern Ireland and, indeed, implicit in McCusker's allegations of discrimination against Protestants was the assumption that Protestants too, in certain areas, were in need of protection of the right to fair recruitment.

(x) After Powell, McCusker was by far the most diligent of the Unionists. Like Gerry Fitt, and the other Unionists, he ^{seems} is delighted that there are no longer any experimental side-shows in Northern Ireland. He presented generally a very moderate line but occasionally like Gerry Fitt threw in with a kind of boyish glee an example of discrimination 'by the other side.' There were the usual regulation formulaic clashes with Gerry Fitt but they were without malice and no doubt intended purely for home consumption. After one verbal sally between McCusker and Fitt, which a less lenient Chairman would certainly have ruled out of order, and in which Fitt had cited a particular instance of discrimination, Fitt, obviously pleased with himself, said to me 'I was determined to get that one in.'

Robert Bradford is a forceful speaker but his whole manner of presentation and even content obviously derive from the Methodist pulpit: when he spoke in apocalyptic tones of men with Satanic ends Hansard appropriately capitalized the 'S'. He said that he believed that the minority were now prepared to work for the future of Northern Ireland rather than as in the past simply for its destruction.

John Dunlop usually appeared benign but not very bright.

(xi) Gerry Fitt To Gerry Fitt all Powell's rhetoric was just pure sophistry and all the Unionists' proposed amendments were merely an attempt to disguise the fundamental problem of fifty years of Unionist discrimination against Catholics. He had a greater knowledge than anyone else

what it was like 'on the ground' in Northern Ireland: he was not going to be bamboozled. The Bill, as he saw it, was not intended to force employers into an impossible position : he hoped that it would create the atmosphere for the eradication of discrimination.

Mr Fitt proposed no amendments of his own.

(xii) The Committee reported on 8 April.

Kenneth W. Thompson.

K Thompson

29 April 1976