

9 June 1989

*Ch Poland*

*To note & file pl.*

*14/6/89*

*Copy 5: Miss [unclear]*

*Ms McAuliffe cc*

*of return to me pl*

PS/PUS (B&L)  
PS/Sir K Bloomfield  
Mr Fell  
Mr Burns  
Mr Minnis ✓  
Mr Wolstencroft

MC

*Mrs Walsh - To see*  
*Mrs Byrne*  
*Mrs [unclear]*

*For filing pl*

*AG 19/89*

*27/6*

TO: 1. PS/MR VIGGERS (B&L)  
2. PS/SECRETARY OF STATE (B&L)

FROM: D C GOWDY, DED

LETTER TO PRIME MINISTER FROM MAYOR FLYNN

1. Mayor Flynn of Boston, a leading figure in Irish-American politics in Massachusetts, has written to the Prime Minister about the substance and implementation of the Fair Employment Bill. This follows a similar letter sent by him and Congressman Joe Kennedy to all MPs. The purpose of this correspondence is to press for more radical measures within the scope of the Bill.
2. Despite the critical references in the letter, and Mayor Flynn's clear preference for US style "affirmative action" (ie preferential minority hiring) there are positive aspects of the correspondence which the Embassy consider merit a forthcoming and early response. Mayor Flynn expresses himself in favour of increased US investment in Northern Ireland; the US contribution to the International Fund; and the Boston Ireland Venture. These are helpful references and the tone of the letter seeks to be responsible and temperate.
3. However, there are some unpleasant criticisms of Government. In particular, it is alleged that Government is itself responsible for "disinvestment" in Catholic areas; the transfer of some RVH services from West to East Belfast is cited as the current example and there are references to "evident patterns" of such previous disinvestment. It is most likely that these criticisms have been inspired either by one of the local proponents of the MacBride Principles - Ms Inez McCormick (a NUPE official) or by other NIC/ICTU sources, possibly operating through AFL/CIO contacts.
4. While Mayor Flynn condemns "those who advocate and condone disinvestment" without mentioning the MacBride campaign specifically, it is obvious that the tactic of also accusing the British Government of "disinvestment" is designed to balance that condemnation within the Mayor's Irish American constituency. Moreover, in his comments on the legislation the Mayor has

left himself sufficient scope for continued criticism, if he so chooses. His espousal of affirmative action clearly embraces preferential minority hiring on the basis of religion. Similarly, his references to "contract compliance", grant denial and enforcement mechanisms all indicate a more radical approach in these areas that is closer to that of the Opposition and NIC/ICTU than to that of Government.

5. The strong degree of support for the Bill at Report/Third Reading has given us the opportunity to forward a forthcoming response for the Prime Minister to send to Mayor Flynn. While we cannot let the assertions of Government "disinvestment" pass unchallenged, there are strong positive points to be made about the Bill. Opposition and SDLP support, the strengthened provisions on goals/timetables, affirmative action and individual compensation are all points worth making. Moreover, the fact that the Prime Minister has delivered fully on her commitment in the "Guide to Effective Practice" to take the steps necessary to tackle discrimination and promote equality should also be a strong point in the US market.
6. I attach a draft submission for PS/Secretary of State to send to PS/Prime Minister, covering a suggested draft response for the Prime Minister to send to Mayor Flynn, for approval by the Minister and the Secretary of State.

*D. C. Gowdy*

D C GOWDY

S/PRIME MINISTER

FAIR EMPLOYMENT (NI) BILL: RESPONSE TO MAYOR FLYNN (BOSTON)

1. Mayor Flynn of Boston wrote to the Prime Minister on 24 May, primarily about the Fair Employment Bill. His letter follows a similar letter which he and Congressman Joe Kennedy have sent to all MPs, urging the need for more stringent measures to promote equality of opportunity and eradicate discrimination in employment in Northern Ireland. Attached please find a suggested draft response, which has been cleared by the Secretary of State, for the Prime Minister's consideration.
2. Mayor Flynn expresses himself in favour of increased US investment in Northern Ireland; continued US contribution to the International Fund; and economic initiatives such as the Boston Ireland venture (which have proved helpful to places such as Londonderry). He also condemns "those who advocate and condone disinvestment", which is an implicit criticism of the MacBride disinvestment campaign. All of this is helpful and the general tone of the letter is temperate and responsible.
3. However, the Mayor also has to satisfy all shades of Irish-American opinion in his constituency and there are some negative comments which cannot go unchallenged. The Government itself is accused of disinvestment in Catholic areas; the Mayor advocates US style "affirmative action" (which would permit hiring on the basis of religious preference); and he calls for "contract compliance" and enforcement mechanisms which are much more intrusive and burdensome on business than those contemplated in the Bill. There are also contentious political affirmations to the effect that

1 - r. New Year

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Northern Ireland society has been one of "evident inequality" since its inception and that British Governments of all political complexions have perpetuated the existence of religious discrimination.

4. The generally positive tone of the Mayor's letter, however, deserves a fairly constructive response; this is also the view of the Embassy. Moreover, the fact that the Bill was supported at Commons Report/Third Reading by both the Opposition and the SDLP provides the basis for a strong and forthcoming response. Indeed the Bill has been amended progressively to sharpen its definition of affirmative action and to include specific references to key features of concern to the Irish-American audience, such as the setting of goals and timetables, criminal and economic sanctions, and the compulsory monitoring and review of practices by employers.
  
5. The suggested response is therefore positive in tone. It ignores the more contentious political barbs; it concentrates on the strengths of the Bill and commends the more constructive aspects of Mayor Flynn's letter, while firmly rebutting his assertion that Government itself is responsible for disinvestment. It also stresses the points that the Prime Minister has delivered fully on her commitment to introduce effective legislation quickly and that the implementation and impact of the new legislation will be closely monitored by Government.

PS/SECRETARY OF STATE

DRAFT LETTER FOR THE PRIME MINISTER TO SEND TO:

Mayor Raymond L Flynn  
Office of the Mayor  
City of Boston  
MASSACHUSETTS  
MA02201  
United States of America

June 1989

Dear Mayor Flynn

Thank you for your letter of 24 May and your good wishes. I welcome your interest in the progress of our Fair Employment legislation for Northern Ireland and I hope that others in the United States will recognise the importance of the steps which we are taking to secure fair participation for both communities in employment in the Province.

As you may know, the Fair Employment Bill was supported by both the Opposition and the Social Democratic and Labour Party when it completed its passage in the House of Commons on 25 May. That support reflects the fact that we have responded flexibly and positively to constructive points put forward during consideration of the Bill. The Bill has been progressively refined to sharpen its thrust in many areas, including such important points as the definition of affirmative action, goals and timetables, monitoring, and the level of compensation for individuals who have been the victims of discrimination. These refinements add significantly to the existing strengths of a Bill which already places clear duties and obligations on all employers in the Province.

The speedy introduction and energetic progress of this incisive legislation honours my personal commitment given in September 1987 to take the steps required to work for the elimination of discrimination and the promotion of real

equality of opportunity for all the people of Northern Ireland. I can therefore firmly reject your assertion that Government has been prepared to accept continued employment discrimination in Northern Ireland or that it has been responsible for disinvestment from areas of high unemployment. Government continues to work hard to attract new investment and jobs into Northern Ireland, particularly to the areas of high unemployment. Indeed, considerable success was achieved recently in attracting major new investment to the West Belfast area.

I share your view that those who advocate and condone disinvestment in Northern Ireland are mistaken. I also welcome your personal commitment to encouraging more investment, to continued US Government contributions to the International Fund for Ireland and to helpful initiatives such as the Boston Ireland Ventures. It is through such positive steps that real and lasting progress can be made in Northern Ireland.

If we are to achieve this objective we must work constructively together. The British and Irish Governments are doing so under the aegis of the Anglo-Irish Agreement, to which both Governments recently re-affirmed their commitment. I look forward to your continued support for our endeavours and I hope that your efforts to attract new investment to the Province will be successful.

M THATCHER



*RD for with*  
*PS Mrs Walker*  
*PS Mr Egan*  
*NAD*

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

5 June 1989

*[Signature]*  
*by*

I enclose a copy of a letter which the Prime Minister has received from the Mayor of Boston.

I should be grateful if you could let me have a draft reply for the Prime Minister to send to Mr. Flynn by Monday 19 June.

I am copying this letter and enclosure to Bob Peirce (Foreign and Commonwealth Office) with whom you may like to co-ordinate the draft reply.

CHARLES POWELL.

Stephen Pope Esq  
Northern Ireland Office.



CITY OF BOSTON • MASSACHUSETTS

Press Office  
One City Hall Square  
Boston, MA 02201  
725-4461

OFFICE OF THE MAYOR  
RAYMOND L. FLYNN

May 24, 1989

Prime Minister Margaret Thatcher  
10 Downing Street  
Westminster, United Kingdom

Dear Prime Minister Thatcher:

People of goodwill toward Ireland and Britain throughout this country fervently hope that the deliberations you will undertake this week in the House of Commons on the vital issue of Fair Employment will at long last produce the basis for ending the society of evident inequality that Northern Ireland has been since its inception 69 years ago.

As your government has itself noted, the unemployment rate for adult Catholics in Northern Ireland is two and one half times that of their Protestant counterparts. Furthermore, the fact that Catholic unemployment is greater than that of Protestants in every urban district in Northern Ireland, creating a total adult Catholic male unemployment rate of 35 percent, suggests that the problem is endemic throughout the province and not confined to any one region. A situation so longstanding and structural in nature requires a governmental response that is sweeping, unambiguous, and which is specifically aimed through the letter of the law at direct outreach and actual hiring into the Catholic community.

It is with the utmost sincerity that I as an American elected official state my hope on behalf of my constituents that at this critical time the historic opportunity presented to you will not be missed. Let it be stated in fairness that the intollerable persistence of employment discrimination in Northern Ireland on the basis of religion is the result of a failure of will on the part of all parties who have governed from Westminster and should not be laid at the doorstep of the current Conservative Government alone.

① The enactment, I believe, of a fair employment law which would in practice as well  
② as promise provide the basis for actual affirmative action in hiring into the minority  
③ community, along with effective measures dealing with contract compliance, and which will contain adequate mechanisms for swift and strict enforcement, will serve to encourage more U.S. investment. It should be evident to all that the current climate of instability in Northern Ireland, fueled both by violence and the continuation of a society in which discrimination in employment on the basis of religion, serves as a serious obstacle to increased private sector investment from any outside quarter, and



Prime Minister Thatcher  
May 1989  
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undoubtedly from within the United Kingdom itself. Allow me to emphasize that I stand second to no one in advocating increased investment in Northern Ireland by more U.S. companies. Likewise, I support the efforts of the United States Government to play a constructive role as a major funding source of the International Fund for Ireland. Our country owes much to the people of both great Irish traditions who have played such a significant part in the development of the United States and to the attainment of our own freedom and liberty.

But hand in hand with the need for more U.S. investment must go the need for a fair employment law on the part of your government which insures that it is targeted to those areas of the highest unemployment and which insures direct recruitment in significant numbers from the ranks of the unemployed in the Catholic community which makes up more than 40 percent of the Northern Ireland population. Increased investment without a clearly established commitment to fairness on the part of the British Government will do little to change the grim political and economic landscape of Northern Ireland. Without the hope of a job, young men for years to come will continue to serve as the raw material for the paramilitaries and the vicious cycle will continue.

Simply stated, 1989 must be the year for a fundamental change in the British Government's approach to both ending discrimination in employment and in correcting the evident patterns of disinvestment in areas with high Catholic concentrations. Those who advocate and condone disinvestment from Northern Ireland are mistaken and misled and that is particularly the case when the British Government is itself involved in the process of disinvestment. The present government's intimations that it seeks to transfer significant portions of the services provided by the Royal Victoria Hospital in West Belfast over to East Belfast is a case in point. What useful purpose would be achieved by the removal of the major source of jobs in West Belfast, particularly jobs that are largely held by women who are in many cases the sole breadwinner in their families?

In addition, it should also be clear that since the British Government is itself at present directly responsible for almost one half of the jobs provided today in Northern Ireland that the emphasis of fair employment legislation should not be directed solely at the private sector. The ability of individuals to take action against those perpetuating religious discrimination should include a full recourse against government agencies as well. Furthermore, given the major role played by the British Government in Northern Ireland as a source of business for the private sector through contracts in the purchase of goods and services, it is vital that those found liable of practising discrimination be made subject to predictable and definite sanctions with a clear emphasis in the legislation that action by the government "will" be taken rather than that it "may" be taken.

Above all, no law against discrimination anywhere is effective unless it contains the tools for vigorous and impartial enforcement. The mechanism for enforcement which the House of Commons is yet to codify whether it be through the proposed tribunals or any other entity created to replace the current Fair Employment Agency (F.E.A.), must be empowered to conduct an investigations process that yields results and justice, as opposed to serving merely as a vehicle for listing the number of grievances filed. It is in this regard that the record of the F.E.A. has been especially lacking.

Prime Minister Thatcher

March 4, 1989

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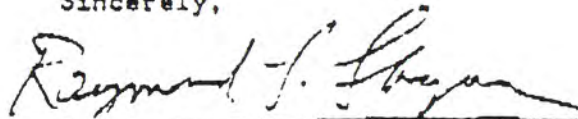
(13) In the American experience we have seen that affirmative action has served as a effective vehicle in both governmental and private sector hiring as a direct method for reaching out to members of a community that had been shut out from the work force. That approach also requires the implementation of effective monitoring procedures by government to insure both access to those seeking employment and compliance by employers. Anything short of it, simply is not affirmative action. In addition, if the British Government is to serve as a agent for change in this critical area, it must also lead by example at every level of hiring and promotions, in the blue collar as well as in the white collar civil service sectors.

(14) Given the fact that there are an average of 100,000 job changes in Northern Ireland each year at present, the legislation must deal with the need to recruit significant numbers of Catholics for those existing jobs that arise as the result of promotions and retirements among workers from the Protestant majority. Any argument that seeks to confuse such action with a quota system is specious at best. Further to this and previous points, any effort that seeks to continue the current Fair Employment Act approach favoring voluntary enforcement of affirmative action and contract compliance guidelines will be simply inadequate for dealing with a problem so structural as religious discrimination in employment in Northern Ireland.

I know from first hand experience that fighting discrimination is never easy. But government must show leadership, vision, and will power if real progress is to be achieved. Rest assured that in the months and years to come that I will continue my active interest in the issue of fair employment in Northern Ireland since it remains an item for legitimate public discussion in our country given the substantial level of U.S. investment in the North both public and private. Likewise, I will continue to support investment with fairness in Northern Ireland along with such constructive efforts that we can all agree on like Boston Ireland Ventures, which I helped initiate, as it encourages cross-border cooperation as well as seeking more investment and job opportunities for all Irish people under the example of a partnership between Derry, Galway and Boston.

Almost seven full decades of second class citizenship for Northern Ireland Catholics requires that this legislation that will take us into the 21st century be more than a reworking of the failed promises of the 1976 measure. Above all else, justice demands that this not be the case.

Sincerely,



Raymond L. Flynn  
Mayor of Boston

RLF/rj

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157070  
MIAN 7706

MR K DONNELLY  
NORTHERN IRELAND OFFICE  
D.A.B.

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FM BOSTON  
TO IMMEDIATE WASHINGTON  
TELNO 31

OF 051230Z JUNE 89  
INFO IMMEDIATE FCO, NILO(L), NIO(B), DED(B)  
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YOUR TELNO 1476 TO FCO: FAIR EMPLOYMENT IN NORTHERN IRELAND

1. IMMEDIATELY FOLLOWING LETTER TO MP'S JOINTLY SIGNED WITH CONGRESSMAN KENNEDY, MAYOR FLYNN ON 24 MAY SENT HIS OWN LETTER TO THE PRIME MINISTER ON THE SUBJECT (TEXT, NOW RECEIVED, BY FAX TO WASHINGTON AND FCO).

2. WHILST CRITICAL AND PERSISTING IN DEMANDS FOR AMERICAN STYLE AFFIRMATIVE ACTION, LETTER IS TEMPERATE AND RESPONSIBLE IN TONE. FLYNN HAS INCREASINGLY BEEN PLAYING ROLE OF STATESMAN SINCE DEFEAT OF DUKAKIS IN PRESIDENTIAL RACE AND, DESPITE PROTESTATIONS THAT HE IS NOT A RUNNER, IS STILL VIEWED AS A STRONG GUBERNATORIAL CANDIDATE. HE IS WIDELY LISTENED TO. IT WOULD BE HELPFUL TO HAVE AN EARLY AND FORTHCOMING RESPONSE TO HIS LETTER. MIGHT I DRAW ATTENTION TO THE FACT THAT HIS LAST (MUCH LESS BALANCED) LETTER TO NO. 10 DATED 25 OCTOBER 1988 ABOUT CIVIC LIBERTIES DID NOT RECEIVE A REPLY UNTIL 8 JANUARY (LETTER FROM MR. KING).

3. FCO PLEASE PASS TO BURNS, BLACKWELL AND DONNELLY (ALL NIL(L)): NIO(B), PLEASE PASS TO PS/MR VIGGERS, PS/DR MAWHINNEY, MCCONNELL (PAB), WOLSTENCROFT (DED NETHERLEIGH) AND MS MCALISTER (DED, ARCHES CENTRE). NIO(B) PSE PASS TO DED(B).

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