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SEAN

RIGHTS

This pamphlet is published by the Dublin Wolfe Tone Society as a contribution to the struggle of the Irish people, North and South, for their civil rights. It is based on a lecture delivered by Sean Cronin, a founder member of the Society, to a cross-border symposium in Castleblaney, Co. Monaghan, on November 30, 1964. The material has been completely rewritten and brought up-to-date by the author.

THE RIGHTS OF MAN IN IRELAND

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Foreword

THIS BOOKLET began as a contribution to a cross-Border symposium held in Castleblaney, Co. Monaghan, on November 30, 1964. No one talked much about civil rights then, but the ills were there. A spark set the campaign on fire last October 5 in Derry City when a now discredited Minister used arbitrary power to stop a march.

The only justification for bringing this paper up-to-date is the dramatic developments of the last six months. Much has been accomplished, but the wrongs remain. Some of them are spelled out here. And since this document is addressed not to one part of Ireland but to the whole, the indictment does not stop at the Border.

The era which began with the revival of the language and the I.R.B. at the turn of the century may have spun itself out at last. That is not necessarily a bad thing. After all the United Irishman rested on no tradition but created one. Our political thinking has been imprisoned within old formulas for too long. We need to break down bars, open windows and let in fresh ideas. If some of these come from the North, all to the good. It wouldn't be the first time.

A movement dedicated to social and political change for the whole island is overdue. Call that revolution if you like, it is still needed. We must cease leaning on the old order which called on Westminster for help whenever it was in danger. We see that stated again by those who would outbid the loyalists in their talk of the North as "an integral part of the United Kingdom" while urging Whitehall to intervene for the good of Ireland. As if we had not enough intervention during the past 800 years!

We must do more than scratch the topsoil with borrowed ideas. We must plant deep roots. One feels the students who marched from the Lagan to the Foyle last January can do that. Their steadfastness and dedication drew from George Gilmore, that worthy Republican, a proud salute: He called them "the Spartan Band", in memory of those brave men Jemmy Hope led to battle in Antrim.

The young know that only a movement embracing Catholics and Protestants will achieve great things today. Or deserve great things. Sectarian politics have been the curse of the North and the tragedy of Ireland.

From 3,000 miles away one must resist the temptation to pass judgments or hand out advice. Yet it is only right that I should state my own bias. I believe that the North belongs to Ireland and that Ireland belongs to its people. But I also believe that the struggle for the right in the North will take place within the North. I hope it stays disciplined, grows formidable, remains non-sectarian and achieves its aims nonviolently.

But my reading of history suggests that arbitrary power rests on violence which can most successfully be combatted by a combination of mass agitation and resistance as outlined by Fintan Lalor and partly developed during the Land League under Parnell and Davitt. However, the situation in the North is some distance removed from that at the moment. And victory will not come overnight.

I would like to thank the Wolfe Tone Society for deciding to publish the Castleblayney paper at this time. From its foundation in the early 1960s, this organisation has dedicated itself to achieving for all Irishmen the full rights of Irishmen. If this booklet helps that aim in any way, the credit should go to the unselfish men and women of the Wolfe Tone Society.

> Sean Cronin, New York, March 1964.

The Awareness of Rights

THE struggle for democracy in Ireland started with the United Irishmen, an alliance of Protestants and Catholics that in the last decade of the 18th century demanded "the Rights of Man" for the common people. P. H. Pearse called their manifesto "almost an adequate definition of Irish freedom". But it was never attained.

In the North of Ireland, where the United Irishmen began, the battle for human rights continues. The area is controlled by Britain under the 1920 Government of Ireland Act which partitioned the island. The local legislature and ministry are responsible to Westminster. The Act states:

Notwithstanding the establishment of the Parliament of Northern Ireland . . . the supreme authority of the Parliament of the United Kingdom shall remain unaffected and undiminished over all persons, matters and things in Northern Ireland and every part thereof.

In practice, however, all matters involving "law and order" are handled by the subordinate government at Belfast. And the Tory-Unionist administration there has been operating under "emergency powers" since its inception in 1921. There has been no change in control during that time either.

In the past few years people have become more aware of rights, the young especially. Protestants as well as Catholics have joined in this movement and have suffered for it. They have been batoned and jailed, their marches threatened and banned, their meetings disrupted and halted by right wing extremists and religious fanatics who think that accidents of birth and religion should determine rights. The rights sought are elementary: no discrimination in housing and jobs; observation of the democratic principle of "one man-one vote". Others have asked that the Special Powers Act be put in cold storage, if not abolished, because it conflicts with the Universal Declaration on Human Rights adopted by the United Nations in December 1948 which Britain signed.

"All human beings are born free, and equal in dignity and rights," states the declaration. But not in the North of Ireland. Equal and inalienable rights are not dependent on "sex, language, religion, political or other opinion, national or social origin, property, birth or other status," continues the declaration. But not in the North of Ireland.

The Belfast government makes the excuse that the Special Powers Act is directed at "subversive elements" only; that is at those who seek to unite Ireland and establish a democratic Republic for the entire island. No excuses are made for discrimination in jobs and housing, the property qualifications that have allowed businessmen multiple votes in local elections while denying any voice to the poor, the gerrymandering of electoral districts to give artificial majorities to Unionist candidates in Nationalist areas.

The Universal Declaration on Human Rights is not legally binding on U.N. member states. But a moral obligation to uphold it remains. The actions of the government in Belfast, despite recent forced reforms, clearly flout the Declaration. Belfast is not responsible to the United Nations: London is. Dublin, for reasons that we shall examine later, has not a clear conscience in this matter. Thus the implementation of the Rights of Man would seem overdue in Ireland. Her rulers in the meantime are up for judgment.

The Special Powers Act

The Special Powers Act is part of the permanent law. No legislative body seems to have any say in its operation, a matter that is left entirely to the Minister of Home Affairs. The British Council for Civil Liberties examined it in detail back in the 1930s and suggested that the Act may be unconstitutional "as being *ultra vires* the limited sovereignty conferred upon the Northern Irish Parliament by Imperial Statute".

One clause in the Act states that "Any person shall be deemed to be guilty of an offence against the regulations" and liable to 14 years imprisonment if he does "any act of such a nature as to be calculated to be prejudicial to the preservation of peace or maintenance of order in Northern Ireland and not specifically provided for in the Regulations".

According to this clause an offence may be committed without actually infringing any regulation!

Under other sections curfews may be imposed, meetings banned, and organisations declared illegal. Police may stop and search anyone, anywhere. Roads, paths, bridges, ferries may be blocked or made impassable. Search without warrant is permitted. Property seizure is authorised. Anyone may be detained for an indefinite period without charge or trial.

The above is only a partial listing of the Special Powers regulations. They help maintain the Tory-Unionist Party in power. Former Lord Justice Babington once said of the Act: "I should say that I am in as good a position as anyone else to form a just opinion as to this, and I know that your government would not be safe for 24 hours without it".

In Northern Ireland the Unionist Party is the political

instrument of the Orange Order, a semi-secret sectarian organisation. All ministers, including the Premier, are members of the Orange Order. And only about four of the Unionist M.P.s are not members.

Recently some sections of the Special Powers Act have been challenged in the courts. On October 28, 1968, the Chief Justice, Lord MacDermott, queried a decision of the Minister of Home Affairs which made Republican Clubs "an unlawful association". He did not, however, challenge the Act itself.

"It comes to this," declared Lord MacDermott, "that the Minister can make any body an unlawful association at his pleasure. Any club for the furtherance of the principles of a Republican Club might be a perfectly lawful organisation. But I must say that people who use this name are not helping the authorities in their vigilance to keep law and order. I think there is some difficulty in saying that a Republican Club is necessarily a subversive organisation."

But he was overruled by the other two members on the Court of Appeal, Lord Justices Curran and McVeigh, and the Minister's order was upheld. Lord MacDermott had thought that the Minister, William Craig, in making the order of June 1967, had gone beyond the powers of the Civil Rights Authorities (Special Powers) Act, 1922. "But even in Ireland," he added, "the word ' Republican ' need not connate anything unconstitutional or contrary to law."

The Lord Chief Justice asked:

"If this regulation is good, where must the Minister stop? Will Irish clubs, or Ulster clubs, or Green clubs, or Orange clubs, or Gaelic clubs, or Friends of the Republic, or Friends of the North, or Catholic clubs, or Protestant clubs, all have to be deemed unlawful associations, if similar regulations are made regarding such titles?

"Counsel for the Crown had to concede that if the Minister thought fit, he could, in the exercise of his discretion, make any club, with any name, in effect, an unlawful association. I do not think that that width of power lies within the Act of 1922. It is too sweeping, and too remote on any rational view."

The comment of the British National Council for Civil Liberties in 1936 seems apt still:

"Through the use of the Special Powers individual liberty is no longer protected by law, but is at the arbitrary disposition of the Executive. The abrogation of the rule of law has been so practised as to bring the freedom of the subject into contempt . . .

"The Northern Irish Government has used the Special Powers towards securing the domination of one particular political faction and, at the same time, towards curtailing the lawful activities of its opponents. The driving of legitimate movements underground into illegality; the intimidating or branding as law-breakers of their adherents, however innocent of crime, has tended to encourage violence and bigotry on the part of the Government's supporters . .."

In December 1968, the Northern Ireland Society of Labour Lawyers said the Act was "superfluous, oppressive, and out of line with the laws in Britain" and called for its abolition. A memorandum stated that the code had not been reviewed since 1922, and a situation of emergency had existed for 46 years.

The Growth of Orangeism

As noted above the Unionist Party derives its strength from the Orange Order, which is organised by lodges in towns and villages, controls local politics and recruits a paramilitary auxiliary police force called the B-Special Constabulary. The State trains, arms and pays this 11,500-strong party militia. Only Protestants are accepted in its ranks and these are almost all members of the Orange Order.

The Royal Ulster Constabulary, a regular police force, is also equipped with military armament. But unlike the B-Specials, it is well disciplined on the whole. By Imperial Statute one-third of the ranks may be filled with Catholics; in practice only about 300 are members.

Protestant privilege is the creed of Orangeism. It feeds on fear of Catholic control. Individually, Ulster Protestants are no more bigoted than any other grouping of people, yet terrible deeds have been committed in their name. And Ulster is the cradle of Orangeism.

The Orangeman sees himself as the defender of Protestant rights against the religious and political claims of Roman Catholicism. Orangemen are convinced their institution is thoroughly democratic, representing not a particular class but broad masses of the population. And there is some truth in the representative claim if not in the democratic. In practice the Grand Lodge speaks for Orangeism.

An Orange handbook* explains Irish history in most prejudiced terms. It says: "300,000 Protestants were butchered in cold blood" during the 1641 Ulster rebellion. Historians call the tale a myth. King William III ("of pious, glorious and immortal memory"), the former Prince of Orange, is the great hero who ended the "papal tyranny" of James II.

The handbook traces the Orange Order to 1688 when "the great Deliverer" landed in England to wrest the Crown from James and save Protestantism from Rome. (In that conflict, of course, Rome and William were allied against King Louis XIV of France.) "From 1757 to 1795 Ireland was in a state of anarchy," the handbook continues. "And Protestants suffered the most bitter persecution at the hands of organised bands of Roman Catholics, known as Hearts of Oak, Hearts of Steel, Defenders, Shanavists, Caravats, *Orangeism. Threshers, Carders, United Irishmen, Whiteboys and Ribbonmen."

The penal laws were in force against Catholics between 1757 and 1795. They were thus in no position to persecute Protestants and no historian suggests otherwise. The bands mentioned, with the exception of the United Irishmen, were agrarian trade unions directed against landlordism; the Hearts of Oak and the Hearts of Steel were exclusively Protestant. Indeed a petition by the latter to the Lord Lieutenant makes the point: "We are all Protestants and Protestant Dissenters," it says.

The Orangeman is the victim of false history, and in his case it is particularly damaging. The United Irishmen were established to combat sectarianism and the Orange Society was established, in 1795, to combat the United Irishmen. The institution was founded after the so-called "Battle of the Diamond" near Loughgall, Co. Armagh, when the Catholic Defenders clashed with the Protestant Peep-of-Day-Boys.

The real reason for the growth of Orangeism was revealed by Grand Master Lieut.-Col. William Blacker to a select committee on August 4, 1835. When asked what effect the institution had in Ireland, Blacker replied:

"I consider, in the first place, that the establishment of Orange Lodges was the first thing that checked the march of republicanism and rebellion in the North of Ireland, when the United Irishmen were on foot; they afforded a rallying point for the loyalty of the country. I consider they have been productive of various advantages; besides, from a moral and religious point of view, I am sure that the discipline of those Lodges has gone far to prevent many young men from falling into vice of different kinds, such as intoxication. They had a character to support, and felt that they had a character to support. I am sure it brought many to read God's Word and to attend God's worship, who, but for that, would have been ignorant and idle."

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Orangeism was reorganised in 1835. Its principles were given as the defence of civil and religious liberty; in effect these meant "the rights of property" and the Established Church. After Disestablishment, some Orange leaders wanted to abrogate the Act of Union—on which the Orange Society had taken no stand, by the way, unlike the Catholic Church which favoured it. "The Protestant Churches have been assailed," said the Grand Lodge in 1871. "Their endowments despoiled, and their connection with the State put an end to; wrong has been done; God's cause has been dishonoured; loyal and true-hearted men have been insulted, at the bidding of a foreign power. But we are not disheartened. We believe in the vitality of Truth; and we believe in the Truth of the Protestant religion . . ."

Some Fenians were Protestants, but Orange hatred of the I.R.B. stemmed from the belief that the movement had forced the British government to disestablish the Church of Ireland. At the time most Orangemen belonged to that denomination. In the Orange lexicon, "Fenian" and "Catholic" became synonymous terms. One good accrued to the Order as a result of Disestablishment: Presbyterians and Methodists and others joined, thus strengthening Orangeism throughout Ulster.

The landlords called on Orangeism to defend "the rights of property" during the Land League campaign. But many Orangemen were sympathetic to the tenant movement: 30 years earlier North and South had joined hands briefly in just such a movement until sold out by Sadleir and Keogh with the blessing of the Catholic Hierarchy. And a demagogue was found in the person of the Rev. R. R. Kane (the Ian Paisley of his day) to stir up the Orange rank and file against the Land League. His speeches followed this pattern:

"Are the Protestants in the South and West to be shot down like rotten sheep? Has the Irish Chief Secretary told us that he apprehends a serious increase in the number of private assassinations? Did Mr. Parnell bring from America large sums for bread, in the proportion £5 for bread and £15 for lead? Did Mr. Bigger say that force, even such force as was used in the case of Lord Leitrim, was justifiable \ldots ."

Never mind that Parnell and Bigger were Protestants too. The trick worked. Orangemen became emergency men, or many of them did, and were used as evictors and bailiffs against their fellow-countrymen in the West and South. It was quite clear then that the Orange Order was a tool of the ruling class. The Grand Lodge fulminated against "the socialistic and revolutionary principles of the Land League, and other similar communistic institutions".

The Orange Card

Having been used against the Land League it was comparatively easy to throw the Orange Order into the scale against Home Rule. Lord Randolph Churchill went to Belfast with that purpose in 1886 to defeat Prime Minister Gladstone's first Home Rule Bill. He was playing the Orange card. "Ulster will fight and Ulster will be right," he said. Riots followed. The Bill was defeated.

In 1893 Gladstone's second Home Rule Bill ran into similar opposition with similar results and lost again. The right device had been found to abort Home Rule.

"Home Rule is Rome Rule," the Orangemen said, and believed it. No doubt there was some justification for the fear. They considered Catholicism in Ireland a political organisation as well as a Church. They saw the influence of the priests everywhere and could cite plenty of examples to back up their arguments. Their own organisation was also both political and religious. Such a combination is common enough in Ireland and has acted as a far stronger brake on the independence struggle than British power. With Home Rule "exposed" as a Popish plot and a threat to Protestantism any effort to pass such a measure through the British Parliament was bound to run into Ulster Protestant opposition. The Orange card worked again in 1911-12 when Prime Minister Asquith, the Liberal Party leader, pressed a Home Rule Bill through the Commons in return for Irish Parliamentary Party aid. Toryism found an effective leader in Sir Edward Carson, a Dublin Unionist lawyer. The result was the Covenant and the Ulster Volunteer Force.¹ Arms came from Germany.

In 1920-21, the loss of life and property was far greater in the North than in the rest of Ireland. But the British army was not used against Orange mobs in Derry and Belfast. Then in November 1920 the British government armed the lodges, putting guns in the hands of the very people responsible for the rioting and the killings—to restore "law and order".²

Partition followed. The Belfast Parliament, opened in June 1921, controlled six³ of Ulster's nine counties with a

2 The pogroms started on June 20, 1920, when Catholics were attacked on the streets of Derry. Many were beaten, some were killed. The toll at the end of the week was 19 killed and 54 seriously wounded. The riots soread to Belfast the following month, continuing for more than a year. On July 21, Orange mobs drove Catholics from the shipyards. Catholic shops were looted and burned. Fourteen people died during the first three days. The final toll was over 400 dead.

3 Derry, Antrim, Down, Armagh, Tyrone and Fermanagh. The latter opposed inclusion in the United Kingdom.

population of 1,500,000. Catholics form one-third of the total; but no Catholic can join the ruling Unionist Party. In two of the six counties, a majority opposed incorporation in the United Kingdom. In cities such as Derry, the Catholic majority was successfully ghettoised, denied decent housing and jobs and to a large extent disenfranchised.

Now the original reason given for partition was to appease Ulster Protestantism; or so it was said. Ulster Protestants did not want to be a minority in a united Ireland ruled by Catholics. What then of the Catholic minority in a Northern Ireland ruled by Protestants? The victims were the ordinary Irish people, North and South, irrespective of religion. This was ignored or considered unimportant.

The present position, according to Premier Terence O'Neill, is that Britain subsidises the North to the amount of £100-million a year. He said: "There are, I know, today some so-called loyalists who talk of independence from Britain—who seem to want a kind of Protestant Sinn Fein. These people will not listen when they are told that Ulster's income is £200-million a year but that we can spend £300million—only because Britain pays the balance." (Radio and television broadcast to people of the North, December 9, 1968.)

Of course the partition of a small island is absurd. It was done in the interest of an Empire that is no longer a great power, a half century ago. Yet it continues to work its evil on the political, economic, social and cultural life of Ireland. However, partition is not an issue in the civil rights campaign which is backed by some Unionists, particularly students.

Much is made of loyalty, the Crown and the Union Jack in the North; but when the chips are down these don't matter. Thus Dublin Castle's 'Intelligence Notes' (State Paper Office, Dublin) for 1914 tell us that in Belfast "After the King had given his assent to the (Home Rule) Bill, His Majesty's picture was greeted with disrespect at picture houses and music halls, and at several Protestant Churches.

I The link between the Orange Lodges, the Unionist Party, and the Ulster Volunteers is revealed by *Intelligence Notes*, 1914, which puts the number of Orangemen in Belfast at 18,000. The UVF numbered 24,000 and the Unionist Clubs 16,600.

members of the congregation walked out when the National Anthem was being sung."

What seems to matter is the maintenance of Protestant values, the Protestant way of life. With such phrases the Tory leadership has been able to convince the rank and file of the alleged threat to their achievements posed by Roman Catholicism. What are those values? Sir Horace Plunkett in his book, "The New Century", tried to answer that question as follows:

"Protestantism has its stronghold in the great industrial centres of the North and among the Presbyterian farmers of five or six Ulster counties. These communities, it is significant to note, have developed the essentially strenuous qualities which, no doubt, they brought from England and Scotland. In city life, their thrift, industry, and enterprise, unsurpassed in the United Kingdom, have built up a world-wide commerce. In rural life they have drawn the largest yield from relatively inferior soil. Such, in brief, is the achievement of Ulster Protestantism in the realm of industry. It is a story of which, when a united Ireland becomes more than a dream, all Irishmen will be proud."

In the meantime, however, there are some aspects of Protestant control in the North of which Irishmen are less than proud. These are blamed on the Orange Order, which seeks to perpetuate Tory (or Unionist) domination. Bernard Levin, writing in the *International Herald Tribune* (October 15, 1968), after the incidents in Derry following a civil rights march, called the Order "a well-bred Ku Klux Klan". Indeed it performs much the same function as the Klan: that is to say it terrorises any of the oppressed who dares to raise their heads. It maintains a constant barrage of propaganda with the avowed object of setting Protestant against Catholic.

What happened in Derry is typical. Although Catholics are in a majority of two-to-one, they are denied any share of power. The civil rights marches started in Dungannon, in August 1968, in protest against housing discrimination. The Minister of Home Affairs, using his Special Powers, ordered the march re-routed into the Catholic quarter, away from the town centre. The Minister (William Craig) then proceeded to slander the organisers, calling them Communists and I.R.A. dupes.

The Derry march, organised for October 5, 1968, also came up against the Special Powers Act. The line of march was re-routed as in Dungannon. Up to then the campaign had attracted no outside attention and little following in the North itself. But when a number of British Labour M.P.s, with Gerry Fitt and Eddie MacAteer, agreed to head the procession in Derry, the situation changed. Television and the press came. Police batoned the marchers. Russell Kerr, M.P., said it was as bad as Chicago. Ninety-six men and women were injured. Craig blamed it all on the Communists and the I.R.A. "who were planning to attack American (NATO) installations" in the area.

But the Derry affair was not to be dismissed as easily as that. Prime Minister Harold Wilson had told Captain O'Neill and his colleagues in July that "we cannot continue indefinitely with the present situation". He now demanded that Ulster "clean house". O'Neill made promises. Craig and some of the more extreme Orangement baulked. And the Minister was summarily fired.

The British government made it clear that it would not tolerate discrimination or sectarian strife in the North of Ireland. It never cared very much how Belfast governed as long as there was no trouble. If the subsidy died, the Orange house of cards would collapse. So O'Neill and the moderates complied up to a point.

The man who stirs up sectarian strife is the Rev. Ian Paisley, founder and head of the "Free Presbyterian Church". He has a strong following of zealots whose function it is to stop civil rights marches. The police rarely interfere with them; when they seized and held the centre of Armagh city during a rights parade, the R.U.C. stopped the rights march. Something similar happened in Belfast during a student demonstration. The tactic has worked in other areas too. If clashes occur they are interpreted by news agencies and the international press as "Protestant-Catholic riots".

Paisley has an armed following and at least one of his lieutenants is serving a sentence for the murder of a Catholic youth in Malvern Street, Belfast, in the summer of 1966. Paisley himself served a three-month prison sentence for "unlawful assembly". The Special Powers Act is not invoked to curb his activities which quite clearly are a menace to communal peace.

Paisley is an effective demagogue. He claims a Doctorate of Divinity—by correspondence course—from the notoriously bigoted Bob Jones University, a fundamentalist Protestant institution in South Carolina. One of his American sponsors is Carl McIntyre, an ulta-rightist New Jersey cleric who founded his own "Bible Presbyterian Church" after being unfrocked by the Presbyterian Church some years ago. Paisley's friends have one thing in common: they preach hate rather than Christian love.

Yet the climate of fear is so great in the North of Ireland that few Protestant clergymen have openly condemned Paisley. Denis Ireland, a Presbyterian, and his wife, in a letter to the *Irish Times* of December 11, 1968, protested the fact that no Protestant Church had spoken out since "the political murder in Malvern Street, Belfast".

It is true that the Irish Presbyterian Church has disowned Paisley. But it is also true that Church and State have dealt very gently indeed with this man who spreads hate wherever he goes.

Paisley's claim that the civil rights movement is made up of militant Catholics is disputed by its officers. Frank Gogarty, press officer of the Northern Ireland Civil Rights Association, replied to the charge with the following statement:

"On October 5 (1968), brute force was to be used to terrorise the association and its supporters in Derry City. This tactic not only failed but what had up until then been a crusade by the few, now became a mass movement. From the events of October 5 was born the People's Democracy at Queen's University, now to the fore in the campaign for reform. A Derry Citizens' Action Committee was also formed, with a clear mandate from the majority of the people of that city to speak and act on their behalf.

The movement is not sectarian, but is made up of lawabiding people of different political beliefs, left and right, Protestant and Catholic, united with the one purpose in mind of ending corrupt political anomalies. If Unionism as such is hurt in the process it has only itself to blame."

Such a movement is without precedent in the history of the Northern state and gives much hope for the future. On the whole it is fired by the youth who have grown tired of the cliches of the past and who recognise injustice when they see it and intend to do something about wrongs perpetrated against innocent people.

Even older politicians are beginning to see the light. Phelim O'Neill, Unionist M.P. for North Antrim at Stormont, was expelled from the Orange Order for attending a Mass at the start of a civic week. He belongs to the same landlord family as the Prime Minister. In a speech in parliament (Dec. 19, 1968) he had some sharp things to say about the use of sectarianism in Northern life. "There is an element in this country, on both sides, which civilisation seems to have bypassed," he said. Then continued:

"Difficult though it may be we must try to produce a situation where all people, whether Protestants, Catholics, Jews or agnostics, can come to rational and objective decisions not guided by emotion and history. Why have we so much religious idiocy? We have the Mad Mullah. We have operating, mostly in the North of the country, the Madhi and a host of dervishes in every religious denomination, some of them vociferous and some silent, but nevertheless insidious.

"How do we get away from the legacy of history? I am a cynic, but it does strike me that, religious-wise, there are many people in this province who tout for customers with the same intensity as insurance agents tout for clients and, fundamentally, with the same motives. I do not believe this is a good basis for any kind of religion. Until we get to a situation here where people take rational and objective decisions I do not know where we shall end up."

He did not absolve the South from blame and in the end he thought that it was "in the interests of the people in this province (Ulster) to remain as we are" (in the United Kingdom), no doubt because of the social services and standard of living which the British subsidy provides. But he spoke as an Irishman about Ireland as a whole. And he had the courage to touch on obsessions which, North and South, go far to justify H. L. Mencken's taunt that "Religion was the greatest fomentor of hatred that the world has ever seen".

Denial of Rights in the South

Both the Rev. Ian Paisley and William Craig, the former Minister of Home Affairs, are quick to point out that civil rights are restricted in the 26 Counties too through the operation of the Offences Against the State Act. This has been strongly denied by the Dublin Minister for Justice, Michael Moran, who asserted in the Dail (Dec. 12, 1968) that the Southern Act had nothing to do with civil rights. He saw no analogy between the legislation in the North and the South.

Part Five of the Offences Against the State Act, which dealt with the establishment of special criminal courts and provided for detention in very special circumstances, ceased to have any force in 1962, the Minister said. It would require formal proclamations by government to bring these parts of the Act into force again. The police powers under these Acts were not nearly as wide in scope as the powers in the Civil Authorities (Special Powers) Act, 1922, which operated in Northern Ireland.

Mr. Moran added that the government did not propose to promote legislation for repeal of the Offences Against the State Act.

The Minister's defence is ingenuous. The point is that sections of the Act can be brought into force without public warning, as was done in July 1957 during a guerrilla campaign in the North when no emergency as such existed in the South. The government opened the Curragh Internment Camp, rounded up a couple of hundred members of Republican organisations, and held them without charge or trial for nearly two years. Military courts were established later.

There is no question but that the Offences Against the State Act contravenes the U.N. Universal Declaration on Human Rights.

The Dublin government has now put forward another piece of legislation, also an attack on citizen rights. The Criminal Justice Bill has been assailed as anti-democratic by competent legal commentators. Sections 30 and 31 of the measure give police the power to ban public meetings or processions, indoor or outdoor, if they have reason to believe they may cause "serious public disorder " or interfere unduly with traffic.* Section 28 makes it a criminal offence to hold a public meeting in connection with any civil or criminal proceeding being heard or pending. This is not the same thing as contempt of court, legal commentators say, and could be used to curb protest.

Dr. Conor Cruise O'Brien has called the Bill "a pernicious piece of legislation" and has suggested that extraparliamentary obstruction be used to defeat it. It is bad, he says, because it encroaches on the right of peaceful protest in the 26 Counties and gives "aid and comfort . . . to the enemies of civil rights and of social justice in the Six Counties".

*Mr. Moran introduced modifying amendments to these sections following protests, in itself an acknowledgment of the public's power when aroused.

Serious questions have been raised too about the Constitution of the 26 Counties which allots a "special position" to the Catholic Church. Would Ulster Protestants be expected to live under such a document? Obviously not. What is more, the framers of the Constitution must have been aware that they were creating yet another barrier to Irish unity by the clauses on religion and by legislation regarding divorce, birth control, education, censorship and other matters which in effect imposes the code of one religion on all citizens.

The population of Ireland as a unit is mixed: Protestants form about 25 per cent of the whole. As the poet William Butler Yeats pointed out a long time ago, if legislation is to be on purely theological grounds you are forcing "your theology upon persons who are not of your religion". And why stop there? "Once you attempt legislation upon religious grounds you open the way for every kind of intolerance and for every kind of religious persecution".

Legislation on such grounds is quite clearly oppressive and cannot be defended on a rational, national, or justice basis. In practice, it should be stressed, there has been little religious discrimination in the South since the inception of the State in 1922. On a couple of occasions public bodies have denied posts to Protestants and harassing tactics have been used against Jehovah's Witnesses in some rural areas. But it should be noted too that Protestants in the South are few in number and generally are well off. Wealth brings its own privileges. Would this be the situation in a united Ireland?

Irish Republicans have always believed that there can be no qualifications in the matter of toleration. The present constitution of the South has no relevance to a united Ireland. There can be no religious privileges and no religious barriers. Citizenship is for all Irishmen as Irishmen and not as Catholics, Protestants, Jews or agnostics.

" To mingle politics and religion in such a country (Ireland) is to blind men to their common secular interests," wrote Thomas Davis in the 1840's, "to render political union impossible, and national independence hopeless."

When Dorothy Macardle, Protestant Republican and brilliant author of "The Irish Republic", told Mr. de Valera that she objected to the 1937 Constitution because of the clauses on religion and women—the document confines the latter to the kitchen despite women's outstanding role in the struggle for freedom—he merely asked at the end "Are you disappointed?" She was. And she spoke for many Irish Protestants who put the independence of their country first when she voiced her complaint.

Perhaps the truth is that the Establishment in the South wants the *status quo* to continue. They do not envisage a united Ireland. They are quite satisfied with the present situation. They see a permanent separate state in the North and permanent partition. If pressed they will agree that a federal union may evolve eventually. But there is no rush. No one wishes to disturb existing relations.

Church-state Relations

The favourite argument of Orange extremists, such as Paisley and Craig, when pursuing the thesis that "Home Rule means Rome Rule" is the famous Mother and Child Health Scheme of Dr. Noel Browne which the Catholic Hierarchy vetoed. They say that Maynooth is the real seat of government in the South and would be in a united Ireland. The truth is that perhaps a united Ireland would have rejected episcopal interference in political affairs out of hand at that time.

At any rate such ploys quite clearly infringe on the civil rights of citizens qua citizens. Perhaps a week-kneed government made up of week-kneed politicians was more to blame

Education and Emigration

at that time than the Bishops. For example, the following statement by An Taoiseach, Mr. J. A. Costello, to Dr. Browne, March 21, 1951, is particularly revealing: "My withholding of approval of the scheme is due to the objections set forth in the letter to me from the secretary to the Hierarchy, written on behalf of the Hierarchy, and to the reiteration of their objections by His Grace the Archbishop of Dublin, as Archbishop of Dublin".

The head of the government had accepted an episcopal veto on legislation. Certainly an Irish Protestant could be forgiven for abandoning all faith in such a government. The Church commanded, the Cabinet obeyed, and the legislature did not even protest. That is intolerable.

Looked at another way there was nothing so extraordinary about the situation except the pathetic capitulation. Bishops are generally conservative beings and Irish Bishops tend to be extraordinarly conservative. Traditionally bishops in Ireland have opposed national policies. Sometimes they have succeeded, sometimes they have failed. To a great extent it depends on the leadership they are opposing. From 1850 on, the British government had generally sounded out the Irish Hierarchy or the Vatican on proposed measures for Ireland. Very often the Bishops stood on the side of England against Irish democracy. The challenge to the Mother and Child Health Scheme could have been turned back. One tends to think that in a united Irish Republic it would have been because Northern Protestants would not have condoned such interference.

Denominational legislation has no place in Ireland—North or South.

Those who suffer the worst form of discrimination in both parts of Ireland are the poor. They are denied their rights from birth.

Too many children in the South end their formal education before they reach fifteen years of age. What lies ahead of them is emigration. They go abroad without skills, seeking a living in advanced industrial societies which put a premium on education and training.

This is a situation their own government is aware of but does little to correct. There has been a drive to attract foreign industries but the cure at times seems worse than the disease, for the foreign adventurer is interested in fast profits and cheap labour.

Up to recently secondary education in the South was the prerogative of the well-to-do, as university education still is. Now something like three-fifths of the National School pupils receive some form of secondary education for some period of time. The optional secondary education scheme is a welcome advance.

The Proclamation of 1916 and the Democratic Programme of the First Dail in 1919 promised "to treat all the children of the nation equally". That remains a promise. The Democratic Programme was most specific:

"It shall be the first duty of the government of the Republic to make provision for the physical, mental and spiritual well-being of the children, to secure that no child shall suffer hunger or cold from lack of food or clothing or shelter, but that all shall be provided with the means and facilities requisite for their proper education and training as citizens of a free and Gaelic Ireland . .." The continued mass export of Irish boys and girls* under the guise of emigration—is a disgrace which touches only lightly the Christian conscience of the state's rulers.

This is not a comprehensive listing of all the areas of rights denial and one can do no more than glance at some points as they come to mind. For example, Irish speakers complain of harassment, amounting almost to discrimination, when doing official business in what the Constitution calls the first language of the state. There are at least 20,000 native speakers in the scattered Gaeltacht areas and perhaps 100,000 others who use Irish as a first language by choice. And yet in some court actions judge, prosecution and police have insisted on conducting the case in English over the objections of the defendant. At other times they have called in an interpreter! Some citizens have served prison sentences rather than pay fines imposed for breaches of law in connection with their efforts to conduct their affairs in the Irish language.

The struggle for equality has a long way to go in the 26 Counties. The old have been miserably treated. The ill are not properly cared for. One reads of the poor being evicted from tenement rooms in the heart of Dublin. And the story of the itinerants is a sad commentary on a professedly Christian society, bringing to mind the words of Isaiah— "What mean ye that ye beat my people to pieces, and grind the faces of the poor? saith the Lord God of Hosts "—rather than the Beatitudes. The words of Pearse are apt:

Their shame is my shame and I have reddened for it, Reddened for that they have gone in want, while others

have been full,

Reddened for that they have walked in fear of lawyers and of their jailors

With their writs of summons and their handcuffs, Men mean and cruel!

I could have borne stripes on my body rather than this shame of my people.

*About 20 per cent of all emigrants are under 18.

Democracy and Independence

"In our movement North and South might again clasp hands," said James Connolly. He warned labour against partition. He was one of the few to see its danger and predicted it would produce "a carnival of reaction North and South which would set back the wheels of progress". Who will say he was wrong?

Partition would hold up indefinitely the growth of democracy in Ireland, Connolly said. The Nationalists would keep on talking about a "United Ireland"; while "the Unionist Party will also keep up its special organisations, Orange Lodges, etc., in order to keep alive the sectarian appeal to the voters" who would be enjoined to keep Ulster out of "the Papish Parliament in Dublin". Connolly has proved a remarkable prophet.

The Tory bosses of Belfast knew what they were doing. When Harland and Wolff* was the largest shipbuilding plant in the world, Barbour the greatest rope-works and Gallaher's the biggest tobacco factory in Europe; when northern textiles found a market in every country of the world it was natural that the controllers of such mighty industries should link their future with the Empire. Independence was a threat. It had to be beaten. And it was.

"We are not going to be ruled by paupers," the Tory chiefs in Belfast declared. In his book, "Ulster's Stand for Union", Sir Ronald MacNeill describes a memorable meeting of magnates:

"Between three and four thousand leaders of industry

*When Harland and Wolff's new building dock is completed it will again be the world's largest—1,825 ft, long and 305 ft, wide, big enough to take the three big queen liners at once. The firm's largest shareholder today is the Greek shipping magnate Aristotle Onassis. He owns 25 per cent of the shares. and commerce, the majority of whom had never hitherto taken any active share in political affairs, presided over by Mr. G. H. Ewart, President of the Belfast Chamber of Commerce, gave an enthusiastic reception to Carson, who told them that he had come more to consult them as to the commercial aspects of the great political controversy than to impress his own views on the gathering. It was said that the men in the hall represented a capital of not less than £145,000,000 sterling, and there can be no doubt, that, even if that were an exaggerated estimate, they were not of a class to whom revolution, rebellion, or political upheaval could offer any alternative prospect. Nevertheless the meeting passed with complete unanimity a resolution expressing confidence in Carson and approved of everything he had done . . ."

Thus when Connolly wrote that religious zeal was being used "in the interests of oppressive property rights of rackrenting landlords and sweating capitalists" he was right. The Irish people were kept asunder the better to rob them and sectarian feuds were used "to stir the passions of the ignorant mob". Connolly added: "No crime was too brutal or cowardly; no lie too base; no slander too ghastly, as long as they served to keep the democracy asunder".

But how times have changed. Unemployment is now far higher in the North than in Britain. Declining industry is part of the reason. *The Banker* of London went deeper into the question some years ago:

"It reflects to some extent disadvantages of isolation, and these are more fundamental than the results of past historical development. Ulster is cut off from its natural market in the rest of Ireland by political and religious divisions, and from the rest of the United Kingdom by the expanse of the sea crossing ".

Stormont has spent large sums to attract foreign industries. American, German, Dutch, French and Canadian (as well as British) firms have taken advantage of the extremely favourable terms. One of the incentives is a large pool of cheap labour. U.S. industries form about two-thirds of the total. Stormont claims the drive has paid off in new jobs—about 60,000, enough to offset the loss in the old industries.

Since 1958, with its First Programme of industrial expansion, the South has followed suit. Inducements offered include free entry to the United Kingdom market, cheap labour, no taxes, cash. Yet the head of American Standard Pressed Steel was brutally frank when he stated that his company had come to Shannon for the low cost facilities, lower labour costs, manpower and no taxes for 25 years and added the whole thing was artificial and would burn itself out in two decades.

Under this system of "industrial programming", Hong Kong firms have set up shirt factories in the South to compete with Derry. And a shipbuilding yard is built for a Dutch firm in Cork to compete with Belfast. The men who planned these and similar enterprises must be convinced that partition is here to stay.

Economic growth in the South was 5.1 per cent in 1968, a not unimpressive figure. It was provided by agriculture and tourism. It was Ireland's lot under the colonial scheme of things to provide Britain with cattle and labour. Britain now intends to be self-sufficient agriculturally, which will hurt the 26 Counties since few new markets have been developed. The Irish still provide the labour for the hardest and least attractive jobs. Emigration continues. The small farm population of the West is being thinned out rapidly and the number of abandoned homes is increasing alarmingly.

Credit restrictions in Britain invariably drive thousands out of work in the North. They also hit the South. One of the myths of Unionism is that the North is as much a part of Britain as Yorkshire, Lancashire or Kent. One of the results of such myths is that mass unemployment and run-down industries are now features of the Six Counties. Given the chance, many Northern industrialists would now opt for an all-Ireland economy. But few dare mouth this wish. They created a Frankenstein. The prejudices are so strong that the *status quo* must not be questioned. Only a revolution could change that situation.

And yet if the Irish people fell back on their own resources they could build a strong economy, one geared to public weal rather than private profit. The old order died with the Empire. The Danes have worked wonders with fewer means than the Irish. Finance shouldn't be a problem: Irish capital investment abroad runs into hundreds of millions of pounds. It would mean tearing up the Conquest by its economic roots—and that would be a revolution indeed!

Irish independence would be a boon to Britain—to a British Labour Government standing for the real interests of the people at any rate. For one thing it would remove the eleven tame Tories from Westminster. They make no contribution to British progress and indeed hinder good legislation. They batten on the fears, hatred, and prejudices of people. They pander to ignorance. They are fossils.

The Road Ahead

The present political structure of Ireland is based on the defeat of the independence struggle, not on its success. The issue is "the Rights of Man in Ireland": the rights of the poor. "There were and are only two alternatives," said Pearse. "An enslaved Ireland and a free Ireland."

The ancestors of the Northern Unionist voters drafted the programme of "the Rights of Man in Ireland". Now they are so frightened of the Catholic Hierarchy that they are prepared, as Churchill once said, "to impose a permanent veto on a nation". But like it or not, Catholics and Protestants live together on one island and are part of the same nation, as Lord Craigavon once acknowledged. There is in fact great tolerance among the ordinary people of Ireland. They can live together in peace. Sectarianism will disappear when it no longer has a cause to serve. Men seek liberty not as an end, but as a means to an end. The end in Ireland must be a democratic, equalitarian society where the social needs of the people come first; where all will have—as the First Dail promised—" an adequate share of the produce of the nation's labour "; where the right of the people to the ownership of the country and to the unfettered control of its destinies will be acknowledged facts.

It would be best for the Irish if they ran their own affairs. That would be the first step to true independence and would involve, among other things, the removal of the "British presence" from the North. Big-power interference in the affairs of small countries has nothing to recommend it and should be universally resisted.

The constitution of a united Ireland should include a Bill of Rights, to guard against possible "tyranny of the majority", with a Commission on Rights to enforce it. Fundamental guarantees would include freedom of religion, speech, press, assembly, petition; security of person, home, effects; due process of law, trial by jury, legal aid; equality of opportunity in education, jobs, housing; help for the young, the ill, the aged . . .

The Young Democracy

To people such as Craig and Paisley the civil rights campaign is a cloak for the I.R.A. This is absurd. Many of the marchers accept the North's constitutional position. They seek reform not revolution.

Paisley speaks directly to the prejudices of Orangemen who feel betrayed by O'Neill's conversations with Lemass and Lynch. To some people in the North this is a more honest posture than that adopted by many Unionist leaders. But the question is one of control, not honesty. For all its advanced industry the North is still part-feudal. This explains the dominant position of one great landed family, the Chichesters, to which the Prime Minister belongs. Landlords and industrialists, working through the Orange Order, have been able to rule the area in 19th century fashion with battle cries from the 17th century—while keeping the working class divided along religious lines. But inevitable conflicts have arisen and some reforms can't be kept at bay indefinitely.

O'Neill is aware that states built on the suppression of large sections of the population have doubtful futures. The North is not a South Africa or a Rhodesia. So he combines promises with threats.

Nowhere was this clearer than after the march of the Queen's University students from Belfast to Derry during the first four days of January. They were ambushed by the Paisleyites and batoned by the police. The R.U.C. ran amok in Derry smashing windows and terrorising the people. But O'Neill read a long lecture to victims. Having told them to learn "about the nature of our society" he continued:

"Had this march been treated with silent contempt, and allowed to proceed peaceably, the entire affair would have made little mark, and no further damage of any sort would have been done to the good name of Ulster.

Indeed, in turning their backs in peaceful disapproval of these irresponsible and misguided people, those who disapprove of them would have shown a maturity which could only have won new respect.

The extremism of the Republicans, radical Socialists and Anarchists can only be defeated by the forces of moderation, and not by the forces of some other form of extremism. It deserves to be remembered that it was the refusal of decent people, both Roman Catholic and Protestant, which made the last I.R.A. campaign such a failure . . ."

The "moderate" O'Neill, like Paisley and Craig, linked

the protests with the I.R.A. Perhaps a word should be said on that. The I.R.A. is a revolutionary body. Between 1956 and 1962 it conducted a guerrilla campaign in the Six Counties. Jawaharlal Nehru, the Indian leader, once wrote that those denied legal redress can beg or revolt. "They can either submit to something they dislike intensely, or adopt other than so-called constitutional methods. Such methods may be wise or unwise, but the question of their being constitutional or not does not arise."* Civil rights is a constitutional question unless decreed otherwise by Stormont.

The student marchers worried O'Neill because they represented all denominations. That carried its own threat for the future. O'Neill may fear that the 70 or so youths who braved the bigots, the hooligans and the police will not have to struggle alone indefinitely. Where injustice exists, the young will seek to end it.

That explains the crisis within the Unionist Party produced by the civil rights campaign and the challenge to O'Neill's leadership culminating in the February 24 general election. O'Neill went to the polls to overwhelm his foes, not to decide the issue of civil rights. He didn't succeed because most of his opponents were re-elected, thus keeping the challenge open; and Paisley hurt his prestige by getting 38 per cent of the poll to O'Neill's 47 per cent in the Premier's own constituency, Bannside.

One result of the election was a gain of two seats for the Unionists, whatever their internal differences, and a further splintering of the opposition. O'Neill made promises, but did not deliver. Not to be outdone in opportunism, his chief opponent and former deputy, Brian Faulkner, vowed that he believed in "one man, one vote" too; and would implement it immediately, something O'Neill avoided saying. But the second-class citizens of the North remained secondclass citizens after the election as before it. And British power remained in firm control.

So the election produced no changes and wasn't meant *India's Freedom.

to. And the debate continued within the Unionist Party, And some civil rights figures advanced their political careers. And some of the old guard constitutional Nationalist --- if that is the word-leaders were shunted aside. And the old game would likely go on as before with a couple of changes in cast.

But all the same something had been achieved. Although the polarisation of politics remained, the anti-Unionists had avoided the temptation of voting for one faction of the powerholders over another. And the civil rights campaign itself, which was inexperienced and raw, had produced a remarkable degree of solidarity among the people in a couple of months. And the young and the brave received a vote of confidence.

Out of it all much good must come — after much struggle.

The World is Watching

"Last October 5, the day of the first civil rights march in Londonderry, may stand in future as the moment when Northern Ireland really began to come to terms with the twentieth century", David Holden wrote in the London Sunday Times of December 1, 1968. "That was the day when the Ulster police got tough once too often in defence of the old traditions". He listed some changes:

"In Queen's University, Belfast, where three-quarters of the students are Protestant, there is a Catholic President of the Union this year, and students of both backgrounds are among the leaders of the civil rights movement. In Londonderry a Protestant is chairman of the Civic Action Committee: and two weeks ago, both the Protestant and Roman Catholic cathedrals in Derry stayed open overnight for peace prayers before a big demonstration the Style", on the situation.

at all.

" The agitation among North Ireland's Catholic minority for better jobs and housing and for "one man, one vote" has been likened in Britain to the civil rights movement in the American South.

following day. Three thousand people visited them,

Catholics and Protestants kneeling at each other's altars.

American newspapers viewed the Derry demonstration

I doubt if Derry had ever seen the like of it before."

as a religious riot at first, stressing "the centuries-old

antagonisms" between Catholics and Protestants. Liberal

publications adopted a kind of plague-on-both-your-houses

attitude and did not comment on the rights campaign

The New York Times, most influential newspaper in

America, sent a correspondent to the North and on January

8, 1969, carried an editorial. "Donnybrook, American

But that attitude changed as the marches continued.

There are striking similarities. Some Irish protesters have even adopted the marching song of the American Negro, "We Shall Overcome".

There are also echoes of the youthful militancy. extremist bigotry and police brutality that have become all too familiar here in the clashes among Irish Catholics. Protestants and police that led Capt. Terence O'Neill, Premier of Northern Ireland, to declare recently: "We are on the brink of chaos."

As in America, the Government has responded with a stern demand for law and order. As in America also, attempts to impose law and order mainly by police power are not likely to prove sufficient. Although the dispute is complicated by political and religious antagonisms deeply rooted in Irish history, the minority protesters have genuine grievances that deserve a more generous official response than they have vet received.

It is a unique experience for Americans to be giving the Irish lessons in how to conduct a Donnybrook. Is it too much to hope that Irish authorities will also learn

from American experience that civil right agitation cannot be stilled by a shillelagh? "

It is appropriate that Ulster should be the scene of a civil rights struggle. "The Glorious Revolution of 1688" was about civic and religious liberty—in other words civil rights. The boys of Derry slammed the gates of the city in the face of King James's army for the same cause. Wolfe Tone and the United Irishman were near to that thinking, only they called it "the rights of man".

The gulf between the two communities in Ulster is great, but they hold things in common: they share the same history, the same country, the same future.

A new wind blowing in the North is bound to affect the South too.

"We have been on our knees for too long", a woman in Derry said when the battered students entered the city on January 4 after the five-day trek from Belfast. Getting up off one's knees is a necessary preliminary to claiming one's rights.

The oppressed may be getting off their knees at last. Or they may be merely shifting the weight of their body the better to stay down. The coming months will tell the tale. Whether Captain O'Neill or some other will speak for the Orange government is not the important thing: the gains in the North will be measured by the pace of the march to democracy and by no other yardstick.

George Gilmore, a clear-thinking Irish democrat of Northern Protestant stock, puts his trust in the younger generation.

"We of the older generation have very little to be proud of," he wrote in a letter to the *Irish Times* on January 10, 1969. "Let us hope that the shaping of the future lies with those grand youngsters of the Spartan Band who, representing, as your editorial put it 'a youthful disgust with the lie their parents have lived through', carried to Derry their banner with the strange device 'Civil Rights North and South'."

And a worthy slogan it is too.

Title: Sean Cronin: The Rights of Man in Ireland Organisation: Wolfe Tone Society Author: Sean Cronin Date: 1969

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