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BELFAST BULLETIN

No.10

Internment rubber bullets drug squads plastic bullets juvenile courts CS gas unfair dismissal H blocks probation night raids fit person orders interrogation surveillance frame-ups diplock courts SAS squads confessions Prevention of Terrorism Act training schools Arrest anti-picketing Powers Emergency Provisions rape laws police powers confidential police records remand

Rough Justice

THE LAW IN NORTHERN IRELAND

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THE BELFAST BULLETIN

This is the tenth Bulletin to be published by the Belfast Workers' Research Unit since its formation in the summer of 1977. The Unit's stated aim is *'to research matters of interest to socialists and to make the results of that research freely available to all'.* Over the past five years we have published research Bulletins around the following main topics: the Queen's Visit to Belfast; Repression; Health and Wealth; Women; the British Media's Misreporting of Northern Ireland; the Trade Unions; the Churches; and a magazine type issue on Conor Cruise O'Brien and the Media, and other stories. We have also carried out research on specific subjects at the request of individuals and groups, both in Ireland and abroad. We are open to such requests in the future, and are also willing to receive suggestions about future Bulletins or completed research articles from any of our readers.

DEAR COMRADES

When asked how often his paper *The Workers' Republic* came out, James Connolly once replied that *'it appeared so weekly that it almost died'*, but that *'whenever it was strong enough, it got out'*. This, the tenth issue of the *Belfast Bulletin*, has finally 'got out', the delay a consequence of the immense task involved. Researching the law in the North of Ireland was not easy. As we point out in the Bulletin, the law is deliberately complicated, thus mystifying itself and legitimating the professionals who interpret it. In addition, getting information on that tight circle which comprises the legal profession presented many problems.

Although we are conscious of the fact that we have neglected large areas of law – in particular, law creation – we believe that what follows is a valuable contribution to the struggle for socialism in Ireland.

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INTRODUCTION

The law is the embodiment of the interests of various groups in society, the most influential one by far being the ruling class. Other groups in society, such as the working class, can struggle and have struggled against the powerful in order to have their own interests promoted in laws. But the struggle of such groups to protect and advance their interests is a difficult and constant one. Consequently, mapping the history of that struggle in any society is a complex task.

This is a Bulletin about the law in the North of Ireland. Given the origins of the Northern Ireland state, there has been no viable social-democratic consensus, and no major pressure for reform from within the society. (The major exception was the Civil Rights campaign of the late 1960s, which was concerned more with political reform than social reform.) Therefore, throughout the history of the state there were no reforms on the same scale as were emerging in other societies which had a social-democratic consensus. For example, in 1924 the Wheatley Act in Britain was a major reform in the provision of public housing for working class people. The Act resulted from concerted working class pressure and from the failure of the 1919 Addison Act - the Tories' answer to 'homes fit for heroes'. The ruling class in the NI state, despite the memory of the working class struggle for a 47 hour week in 1919, had little fear of workers' agitation and so based their inter-war housing policy on a carbon copy of the British Chamberlain Act of 1923. This Act only allowed council houses to be built where the local authority demonstrated that private builders could not our would not supply houses in that area. It gave direct subsidies to private builders with minimal controls over standards and the disposal of houses through sale or rental. The consequence was a minimal council house programme between 1919 and 1939. Instead, the Unionist put all their efforts into laws against the one major threat against then, namely, anti-Unionist opposition to the very existence of the state itself. Repressive legislation – or, more specifically, the Special Powers Act – was the Unionist government's forte.

Later, some of those reforms which had come about as a result of the social-democratic consensus in Britain began to filter through. The paradox is that they came about because of the Union, yet in the face of Unionist opposition. The prime example is the institution of the Welfare State which was opposed in Westminster by every Unionist M.P. But these same M.Ps were able to reap the political benefits of the Welfare State by pointing out to voters the value of the Union to Northern Ireland. Between the 1920s and 1969 the establishment of the Welfare State in the North of Ireland was the one major influence of British law on how the Unionists ran their state.

It is that complicated mixture of Unionists avoiding reforms, but eager to repress, and the British periodically putting pressure on the Unionist to institute reforms (while themselves quite content to come up with their own brands of repression) that is the key to understanding the uniqueness of law creation in the North of Ireland even after 1969.

British involvement after 1969 not only produced reforms, but also created the space for the growth of a reformist argument within the six counties. Although the new-found reformists did not emerge from a social-democratic consensus within the society, they saw their activities and very existence as a catalyst to the emergence of such a social-democratic consensus here. Apart from the dubiousness of such an argument, we would maintain that there are two major problems with the reformist position. Firstly, they are technocrats; they believe real and radical social change can come about through rational discussion with the ruling class. They view the state as benign, and especially the British state. Removed from any connection with or commitment to class struggle, they conclude that the mobilisation of a political movement is often an inefficient use of resources. They prefer to rely on their own expertise . Secondly, state repression is the 'Achilles Heel' of reformists. Despite the efforts of some of them, it is apparent that they can do nothing as regards reforming repression in the six counties. Moreover, many are not worried about repression at all, and those that are seem more often than not embarrassed by the nakedness of repression here. They would like to see repression tidier, and advise the state to that end. (See Box on Boyle, Hadden and Hillyard)

While dismissing reformism, we as socialists support movements for law reform. But we make a clear distinction between the struggle for reforms as part of a political movement which is a weapon in the development of class struggle, and the reformist approach we described above, which is based on a set of formalistic arrangements between administrators.

One final point: in what follows we have refused to accept the law's own categories; thus, our Bulletin is not organised into sections on family law, housing law, etc. Moreover, we do not accept the law's myths about itself, namely, that it is neutral, impartial and fair. The law represents, for the most part, the interests of the ruling class. It is for that reason that the political struggle against that class must involve an understanding of how the law is created and operates.

'THE LAW IN ITS WISDOM FORBIDS THE RICH AS WELL AS THE POOR TO SLEEP UNDER BRIDGES AND BEG FOR BREAD'.

Anatole France

BENEFITS OF THE UNION?

	ENGLAND	NORTHERN IRELAND
1924	**Housing Act**: Introduced generous subsidies for public sector house building.	No provision for public sector subsidies. Very little public housing built in inter-war years.
1948	**National Assistance Act**: the major development in the mass provision of welfare benefits.	Introduced in Northern Ireland against the objections of all Unionist MPs. Special residence requirements for claimants introduced to discourage citizens of the South moving north; still in effect today.
1949	**Legal Aid and Advice Act**: the first time access to the courts was made available for persons of limited means.	Not introduced until 1965 when there was still strong opposition within the legal profession.
1967	**Abortion Act**	Not introduced.
1967	**Sexual Offences Act**: legalised homosexual acts between consenting male adults in private.	Not introduced.
1967	**Matrimonial Homes Act**: gave spouse right of occupation of matrimonial home.	Not introduced.
1969	**Divorce Reform Act**: provided for much quicker, cheaper divorces based on 'irretrievable breakdown of marriage', rather than the fault of either party.	Not introduced until 1978 as the **Matrimonial Causes Order**. No provision for 'postal divorce', again because of considerable opposition from the legal profession.
1969	**Children and Young Persons Act**: attempted major reforms in the processing of young people by the courts. Stressed rehabilitative non-punitive methods.	Not introduced.
1972	**Housing Finance Act**: Made rent rebates compulsory.	Not introduced for public housing tenants until 1976, and private tenants until 1978.
1974	**Rent Act**: provided security of tenure for furnished tenancies, developed controlled rents.	Not introduced.
1975	**Children's Act**: proposed to establish a comprehensive adoption service, to make it easier for long-term foster parents to adopt and to provide for independent representation of children in care proceedings.	Not introduced.
1976	**Domestic Violence and Matrimonial Proceedings Act**: provided for exclusion of husband or male cohabitee from home if woman is physically abused by him.	Not introduced until 1980 as **Domestic Proceedings Order**; no protection for cohabitees.
1977	**Homeless Persons Act**: gave local authority duty to provide for homeless.	Not introduced. Squatting has been a criminal offence here since 1946 under the **Summary Jurisdiction (Miscellaneous Provisions) Act.**

BOYLE, HADDEN & HILLYARD

Boyle, Hadden and Hillyard are perhaps the best known authors on the operations of the law in the six counties in the last ten years. They have published three main works – **Justice in Northern Ireland,** 1973 (written only by Hadden and Hillyard), **Law and State: the Case of Northern Ireland,** 1975, and **Ten Years On In Northern Ireland,** 1980 – which have been highly influential. Here we look at the latest of those works, using quotations from it to examine the task that the authors have set themselves.

Through the years the concern of Boyle, Hadden and Hillyard has been to create space for a civil libertarian lobby in Northern Ireland. There is a basic problem involved in such a task, namely, that the illegitimacy of the northern state allows little space for such a lobby. But, choosing to ignore that fundamental point, Boyle, Hadden and Hillyard have argued consistently for the *'return'* (sic!) of 'normal law' here. In doing so they have moved from being aggrieved critics of the state to being technocrats, concerned to advise the British government on how to better go about the task of repression. The Brits are seen as basically nice, even if they are a bit over-enthusiastic about repression now and again; they are

> *'committed to eliminating any remaining discriminatory practices and to the unbiased allocation of public resources'.*

That is, the Brits are themselves over half way to providing the civil libertarian space the authors want. So, it is no surprise that in their saintly task the Brits are assured of the backing of these three muskateers, especially when it comes to 'normal law'.

> *'It will already be clear that we support the view that relying on criminal prosecution is the best means of achieving a return to peace and stability in Northern Ireland. Since this has been the policy of successive administrations since the report of the Gardiner Committee* (which recommended the ending of political status) *in 1975, we are not calling for any basic change of policy.'*

There are two main obstacles that can be placed in that path to peace and stability. The first is the unnecessary pursuit of 'abnormal law' by the state. Things are better than once they were. For example, the authors

> *'have not in recent years been able to establish any clear evidence of systematic discrimination',*

in Diplock courts, although prior to 1979 they had found lots of evidence of anti-Republican bias. But there is room for even more improvement. For a start, all talk of going back to even more 'abnormal' legal practices, for example, internment, must be forgotten. A return to internment

> *'would make matters worse in that it would assist the IRA in recruiting new members and thus in stepping up the level of its campaign'.*

Furthermore, it is necessary to remove those elements of 'emergency law' that are not really necessary and replace them with 'normal' procedures.

> *'The definition of a scheduled offence should be revised',*

so that more cases could be taken away from Diplock courts and heard in front of juries. Proper procedures in interrogation, trial and sentencing (collectively called by the authors *'the criminal prosecution model')* should be religiously adhered to in order to enhance *'confidence in the judicial system'.* And the government should be less intransigent about the H Block issue, on the grounds that

> *'there is growing support for the view that all prisoners, whatever the motivation for their crimes, should be kept in custody in conditions which resemble those outside prison as closely as possible'.*

In short, they are in favour of criminalisation, but sweeten the pill by conceeding at least one of the five demands at the end of the process.

In their conclusion Boyle, Hadden and Hillyard quote E.P. Thompson:

> *'If the law is partial and unjust, then it will mask nothing, legitimise nothing, contribute nothing to class hegemony'.*

Conversely, it could be said that their concern to have the ideal of 'normal law' in operation in effect will serve to mask many problems, will win the Catholic working class away from its support for the rival ideal of Republicanism, and will help solidify British ruling class dominance in the six counties. 'Normal law' thus is not only the means to an end – *'peace and stability in Northern Ireland'* – but also an integral element in the end itself.

And the Brits know this. That is why they can happily allow the authors access to information about the operations of the judicial system that is completely closed to anyone with more Republican or socialist politics. The Brits can allow Boyle, Hadden and Hillyard the space to be civil libertarians because they are not in ultimate disagreement with the state. They need not be limited because they limit themselves.

But that is as far as it goes. The British state is happy to allow them the space because it can point to its liberalism in tolerating criticism. But it holds the last card: it need not act on that criticism if it does not find it opportune to do so. As Humphrey Atkins said on the occasion of the renewal of the Emergency Provisions Act in 1979:

> *'I am well aware that there is a contrary view: that, in fact, the temporary powers are an irritant rather than an emollient, tending to enhance the opposition to the forces of law and order, and to encourage disrespect for the law. I recognise that this is no frivolous argument. But the hard fact is that the powers which I asked the House to renew need to be available'.*

THE SECURITY INDUSTRY NORTH AND SOUTH

'A philosopher produces ideas, a poet poems, a clergyman sermons, a professor compendia, and so on. A criminal produces not only crimes, but also the inevitable compendium in which this same professor throws his lectures on to the general market. The criminal moreover produces the whole of the police and of criminal justice, constables, judges, hangmen, juries, etc. and all these different lines of business create new needs and new ways of satisfying them. Torture alone has given rise to the most ingenious mechanical inventions and employed many honourable craftsmen in the production of its instruments. Would locks ever have reached their present degree of excellence had there been no thieves? Would the making of bank notes have reached its present perfection had there been no forgers? While crime takes a part of the superfluous population off the labour market, the struggle against crime absorbs another part of this population'.

Thus, with his tongue planted firmly in his cheek, Marx makes the point that the detection and prosecution of criminals provides employment for many people. He wrote this over one hundred years ago, and without Ireland specifically in mind. Yet, what he had to say certainly sums up an important element of Irish society under British domination in the 19th century. In 'normal' times the pursuit of 'criminals' in Ireland gave employment to many. But periodically the number of 'criminals' and the employment prospects of those pursuing them rose suddenly. Ireland was often remarkably 'crime-free'. Yet often too it had large numbers of people labelled by those in power as 'criminals', that is, those people striving to liberate Ireland from British domination. Official statistics often hid the difference between these conscious rebels against British rule and those people individually responding in desperate or ingenious ways to the pressures brought about in their lives by the development of capitalism in Ireland. But the two sets of people must be distinguished; otherwise the periodic 'crime waves' in Ireland are inexplicable.

So, above and beyond the pursuit of non-political crime, the pursuit of political offenders has provided at various times a vast, intricate and lucrative security industry. Judges, magistrates, lawyers, yeomen, jailers, RIC, paid informers - all did well out of political dissent. What did they care if they had to bend the rules they claimed to believe? The law was held up as an attainable ideal, a golden calf to which we all were to bow, led in this ritual by the high priests themselves, the judges and lawyers. In reality, the golden calf was tarnished. The high priests tried to justify this by saying that their failure to reach the ideal was 'temporary', 'exceptional', 'due to the present emergency'. Meanwhile, they made their fortunes on the backs of Irish rebels. Marx's daughter, Jenny, saw through the legal facade. *'Theoretical fiction has it that constitutional liberty is the rule and its suspension an exception, but the whole history of English rule in Ireland shows that a state of emergency is the rule and that the application of the constitution is the exception'.*

REPRESSION IN IRELAND, NORTH AND SOUTH

These same phenomena continued in the six counties that remained under British rule after partition - the constant backdrop of 'emergency law' (the Special Powers Act) and the periodic rises in the 'criminal' population as the state sought to suppress real or imagined challenges to its existence. A similar continuation of the old ways existed in the 26 counties, now 'free' from British rule. Emergency law was less of a constant backdrop; rather it ebbed and flowed in direct relation with the peaks and troughs of resistance to British rule. Table 1 lists the main pieces of repressive legislation in Ireland since partition. It shows the differences, with the North having one blanket 'emergency law', and the South having briefer laws tailored to fit the specific 'emergency'. Despite these differences, the conclusions of Jenny Marx and her father seem to be as relevant to post- as to pre-partition Ireland.

In the North the repressive laws have allowed for the arrest of approximately 20,000 people in eight years (according to the SDLP's reckoning), all of whom could be held up to seven days. Of these, around 12,000 were released without charge. The RUC and army thus have involved themselves in a vast screening exercise, mainly directed at young Catholic males. (For figures on the Prevention of Terrorism Act, see Box 1.) Part of the same strategy has been the systematic and repeated searching of houses in Catholic areas, often carried out in the early hours of the morning and involving disruption, fear, physical damage to property, verbal abuse and arrests. Table 2 gives the numbers of house searches over the years. If the numbers have fallen

YEAR	NUMBER OF HOUSES SEARCHED
1971	17,262
1972	36,617
1973	74,556
1974	74,914
1975	30,092
1976	34,939
1977	20,724
1978	15,462
1979	6,452
1980	4,106
1981 (1st half)	1,536

TABLE 2: HOUSE SEARCHES

THE SOUTH

1922 **Constitution**: Articles 6 and 70 allow for martial law and military courts.

1923 **Public Safety (Emergency Powers) Act**: allows indefinite internment. Expires in 1924, but is renewed, and finally made permanent in 1926. 1926 version allows government to declare a three-month state of emergency.

1927 **Public Safety Act**: follows assassination of government minister O'Higgins. Allows detention of suspect for 7 days, which can be extended to 2 months, but not indefinite internment. Allows also proscription of illegal organisations, and curtailment of 'seditious publications'. As a result of the Act, military court set up; death sentence mandatory for person found guilty of murder or treason. Act repealed in 1928.

1929 **Juries Protection Bill**: follows wounding of jury foreman and killing of juror. Allows secret empanelling of jurors, imprisonment for refusal to recognise court.

1931 **Constitution (Amendment Number 17) Act**: Article 2A allows detention of suspect for 72 hours, but not indefinite internment, proscription of illegal organisations (12 were immediately banned). Permanent military court - called the Constitution (Special Powers) Tribunal - set up. 5 officers from defence forces, not below the rank of Commandant, any 3 of whom could constitute the Tribunal. Death penalty allowed.

1932 **Constitution (Suspension of Article 2A) Order**: follows accession of Dev and Fianna Fail. N.B. only suspension of the notorious Article 2A.

1933 Dev revives Article 2A. Tribunal re-established. Between September 1933 and February 1935 513 persons convicted by Tribunal. First government moves against fascist Blueshirts, then against IRA, which is proscribed in June 1936.

1937 New **Constitution**: replaces 1922 Constitution. Article 2A and permanent Tribunal disappear. But allows special jury-less courts where ordinary courts are not being successful enough.

1939 **Offences Against the State Act**: repeals and replaces Public Safety (Emergency Powers) Act of 1926. Allows indefinite detention, proscription of organisations. Sets up Special Criminal Court, which remains in operation until 1946.
Emergency Powers Act: allows internment, arrest without warrant of Irish citizens, censorship. Does not allow military tribunals. Amended in 1940 to allow arrest of non-Irish citizens and introduce military tribunals. Expires 1946.

1940 **Offences Against the State (Amendment) Bill**: after successful writ of habeas corpus to Supreme Court, government amends 1939 Act. Substantially the same as before but now judged constitutional by Supreme Court.

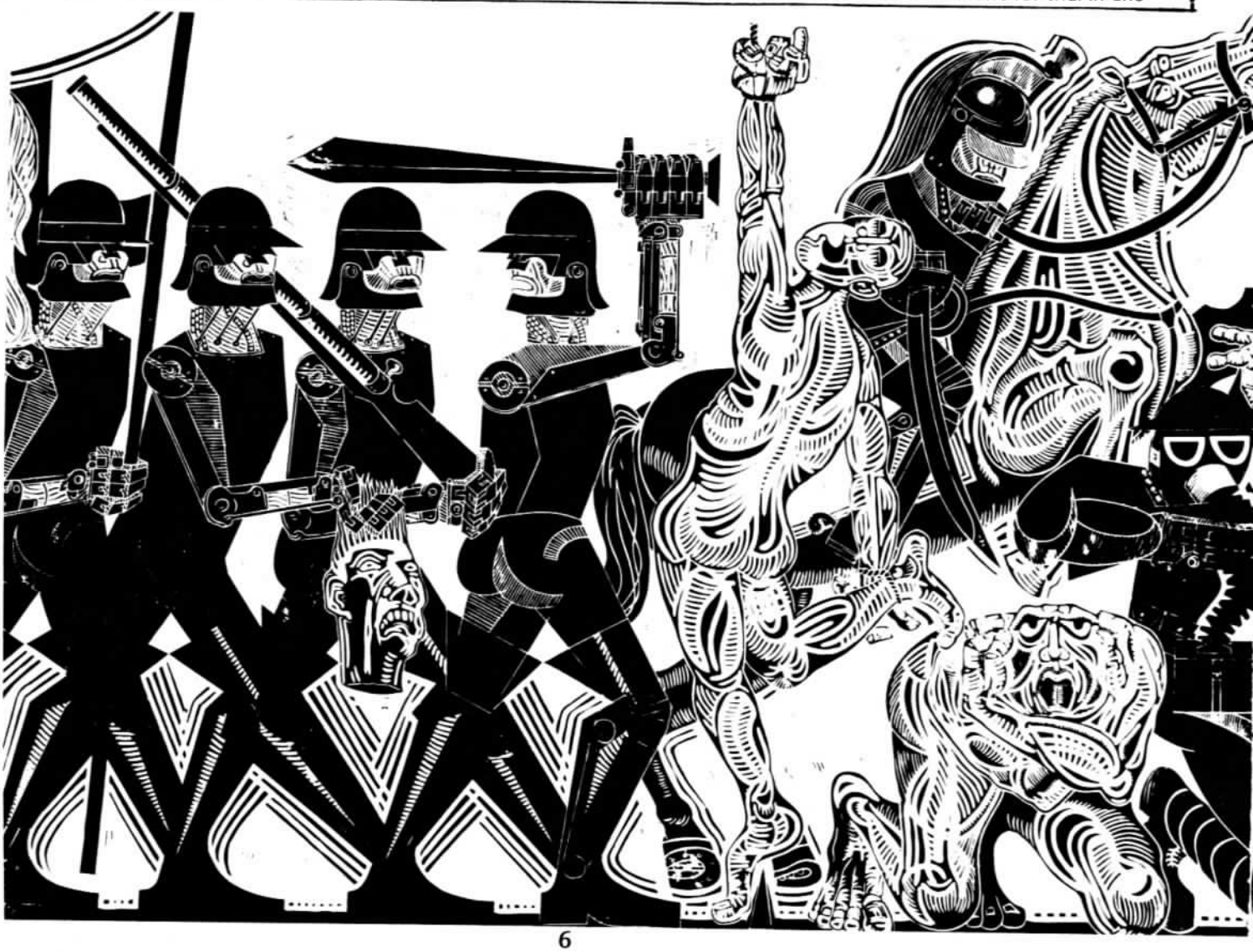
1960 **Broadcasting Act**: sets up Broadcasting Authority to manage RTE. Section 31 allows for prohibition of broadcasts that support 'subversives' or 'criminals'.

1961 Special Criminal Court re-established, and stays in operation until 1962.

1963 **Official Secrets Act** updated, replacing 1911 and 1920 versions.

1972 Dismissal of RTE Authority because of interview with IRA spokesperson.
Offences Against the State (Amendment) Act: after death of two busmen in explosion. Allows for conviction on charge of membership of illegal organisation on basis of statement of Chief Superintendant of Gardai. Special Criminal Court again brought into operation.

1976 **Criminal Law Jurisdiction Act**: sole survivor of Sunningdale's Law Enforcement Commission. Allows for trial in one



state for offence allegedly committed in the other. Also updates Explosives Substances Act 1883, Larceny Act 1916 and Firearms Act 1964.

Emergency Powers Act: Gardai can hold suspect for 7 days; previously could only be 4 days.

Criminal Law Act: increased penalties for 'terrorist' offences; for example, maximum of 7 years for membership of illegal organisation (previously 2 years), 10 years maximum for inviting or inciting someone to join such organisation.

Broadcasting Authority (Amendment) Act: RTE Authority now only removable through vote of Parliament. Allows minister to prevent broadcasts that might incite to crime or undermine the state; it is under this authority that interviews with members of proscribed organisations are forbidden.

THE NORTH

1922 **Civil Authorities (Special Powers) Act:** allowed arrest without charge or warrant, internment without trial, flogging (repealed in 1968), prohibition of inquests, execution, use of depositions of witnesses as evidence, destruction of buildings, requisitioning of land or property, prohibition of meetings, organisations and publications. Allowed the Minister of Home Affairs to make any regulation *'he thinks necessary for the maintenance of order'* without consulting Parliament, and to delegate the Act's powers to anyone he chose.

1923 **Civil Authorities (Special Powers) Act** renewed; renewed each year until 1928, then in 1928 renewed for five years; made permanent in 1933.

1970 **Criminal Justice (Temporary Provisions) Act:** made six months sentence mandatory for riotous or disorderly behaviour. Amended later to exclude cases of disorderly behaviour.

1971 **Payments for Debt Act**: brought in after massive rent and rate strike against internment. Allows removal of money at source from people in receipt of Supplementary Benefits and other such state benefits to cover current rent and any arrears. Remains in operation long after original rent strike is ended. Later extended to cover gas and electricity payments, and to allow removal of money at source from pay of public employees.

1972 **Detention of Terrorists Order:** attempt to end internment without trial by bringing detainees before a Judicial Commissioner.

1973 **Northern Ireland (Emergency Provisions) Act:** replaced Special Powers Act. Set up Diplock Courts to try scheduled offences (that is, politically motivated offences). Gave army power to hold suspects for four hours for questioning, after which they must be released or handed over to the police for 72 hours.

1976 **Prevention of Terrorism (Supplemental Temporary Provisions N.I.) Order:** suspect can be held for two days, then five further days, for questioning, if Secretary of State authorises. Secretary of State can also serve Exclusion Order on persons not from Northern Ireland, keeping them out of Northern Ireland.

Criminal Law Jurisdiction Act: see Southern legislation.

1978 **Northern Ireland (Emergency Provisions) Act:** consolidated earlier legislation and required Secretary of State to consult Parliament on the reintroduction of internment (either before or after the event).

recently, it is only because more sophisticated techniques of information-gathering have been devised, and also that the RUC have become somewhat disenchanted with the time and effort needed for small returns in pursuing Kitson's strategy of low intensity operations.

'CRIME' IN IRELAND, ORDINARY AND POLITICAL

These laws represented the needs of both states in Ireland to control those who have questioned the legitimacy and practices of the states in Ireland. This is not to say that all 'crime' in Ireland was related solely to the political question of partition. It is to say, however, that at various times the official statistics of both states show sudden 'crime waves' that can be explained in no other way than as the peaks of political dissent. Political and non-political 'crimes' and 'criminals' are often (and often deliberately) indistinguishable in those official statistics, but the extent to which 'crime' in post-partition Ireland is political can be shown by a comparison.

In 1962 the IRA declared a ceasefire. It was 1968, with the Civil Rights marches in the North, before the question of the northern state's legitimacy was again brought to the forefront of political argument. In that period Ireland was among the most crime-free societies in Europe, as Table 3 shows. Admittedly, the number of known indictable offences was growing in both states (a trend they shared with all Western European societies) and the increase in the North was more rapid than that in the South. At the same time, as the number of murders and armed robberies show, there was little serious crime.

But, what happened after 1969? Table 4 indicates a rapid increase in a number of offences directly related to the 'troubles'. For example, of the 51 murders in the South in 1974, 38 were the direct result of two loyalist bombs. Similarly, the bulk of what is classified as 'murder' in the North is due to the 'troubles'. (The RUC's classification is interesting. They sometimes list 'domestic' - that is, non-political - murders, but do not class people killed by their own bombs as murdered; further, murders by the security forces are listed under 'justifiable killings by the security forces'. Thus, there is a presumption of innocence from the very beginning as regards police and army terrorism.) Similarly, the number of armed robberies is related to the political situation. In the 60s only a miniscule amount was taken in armed robberies in Ireland; for example, £3,664 in the South in 1967. But from 1969 on the number of such robberies and the amounts stolen each year have increased (see Table 5). The majority of the money is taken by armed political people in a very small number of robberies. As Garda Commissioner Garvey said of armed robberies in 1973:

'The increase in this offence in recent years may be attributed to some extent to the trouble in the North, and its influence on criminal behaviour here.'

The start of the 'troubles' - a Brit views the Shankill from the top of Unity Flats

	SOUTH			NORTH	
YEAR	KNOWN OFFENCES	NUMBER OF MURDERS	ARMED ROBBERIES	KNOWN OFFENCES	PERSONS FOUND GUILTY OF MURDER
1958	16,567	4	2	7,589	0
1959	17,375	8	4	7,606	1
1960	15,375	2	1	8,460	1
1961	14,818	8	2	9,850	5
1962	15,307	2	0	10,286	0
1963	16,203	4	0	10,859	1
1964	17,700	6	2	10,428	0
1965	16,736	?	?	12,846	1
1966	19,029	6	2	14,673	5
1967	20,558	8	3	15,404	4
1968	23,104	10	3	16,294	1
1969	25,972	6	12	20,303	4

TABLE 3 (Because of high rates of detection and verdicts of guilt, 'persons found guilty of murder' in the North is close to number of murders committed.)

	SOUTH			NORTH		
YEAR	INDICTABLE OFFENCES	MURDERS	ARMED ROBB–ERIES	INDICTABLE OFFENCES	MURDERS	ARMED ROBB–ERIES
1972	30,237	19	132	35,884	376	1931
1973	38,022	21	123	32,057	200	1215
1974	40,096	51	127	33,314	205	1231
1975	43,387	23	153	37,239	238	1201
1976	54,382	19	153	39,779	280	813
1977	62,946	25	236	45,335	116	591
1978	62,000	14	217	45,335	82	439
1979	64,057	22	228	54,262	128	434
1980	72,782	20	194	56,316	85	412
1981 (1st half)	–	–	–	–	–	256

TABLE 4

YEAR	AMOUNT TAKEN IN ARMED ROBBERIES (£s)	
	NORTH	SOUTH
1970	?	17,133
1971	303,787	42,074
1972	790,687	134,891
1973	612,015	243,332
1974	572,951	434,403 *
1975	572,105	983.601**
1976	545,497	?
1977	446,988	?
1978	232,650	?
1979	568,359	?
1980	496,829	?
1981 (1st ½)	333,312	?

(* Plus £5 million of oil paintings, all later recovered.
** Garda Commissioner Reports stopped recording the amounts taken as the figure reached the magic £1 million mark.)

Table 5

YEAR	RAPE	BURGLARY IN BUILDINGS	HANDLING STOLEN GOODS	RAPE	BURGLARY*	RECEIVING STOLEN GOODS
1970	17	3,838	370	15	425	360
1971	15	4,079	441	24	451	434
1972	28	3,651	279	26	489	455
1973	17	3,664	358	42	504	573
1974	33	3,788	283	6	120	149
1975	38	5,786	212	38	556	479
1976	66	6,099	144	32	95	489
1977	57	7,066	200	60	259	578
1978	47	7,889	287	47	213	608
1979	58	7,613	189	50	127	666
1980	48	7,944	312	46	201	728

TABLE 6

But, not all 'crime' is explained by the 'troubles'. Table 6 gives the figures for some crimes which are not necessarily directly related to the politics of national liberation. These figures should be read with caution. Firstly, not all 'crimes' are known to the police, so statistics are faulty; this is especially true of rape, for example. Secondly, there may be indirect, but unquantifiable, links between some of these categories (for example, handling stolen goods) and the 'troubles'. However, the figures, when put alongside those for offences directly related to the 'troubles', serve to emphasise an important point. Pundits who fear that the social fabric of Irish society is ripping apart have not a great deal of evidence in these figures. Dublin and Belfast are unlike many Western cities in that they have low crime rates. What is ripped apart is the political fabric, and that is what shows up in the 'crime' figures.

So, it is political dissent in post-partition Ireland that is at the base of a vast security industry. Thousands draw their wages and salaries on the basis of pursuing and containing 'criminals'. Were the political element to be taken out of 'crime' in Ireland, would all these people be out of work?

PRISONS: THE COST OF INCARCERATION

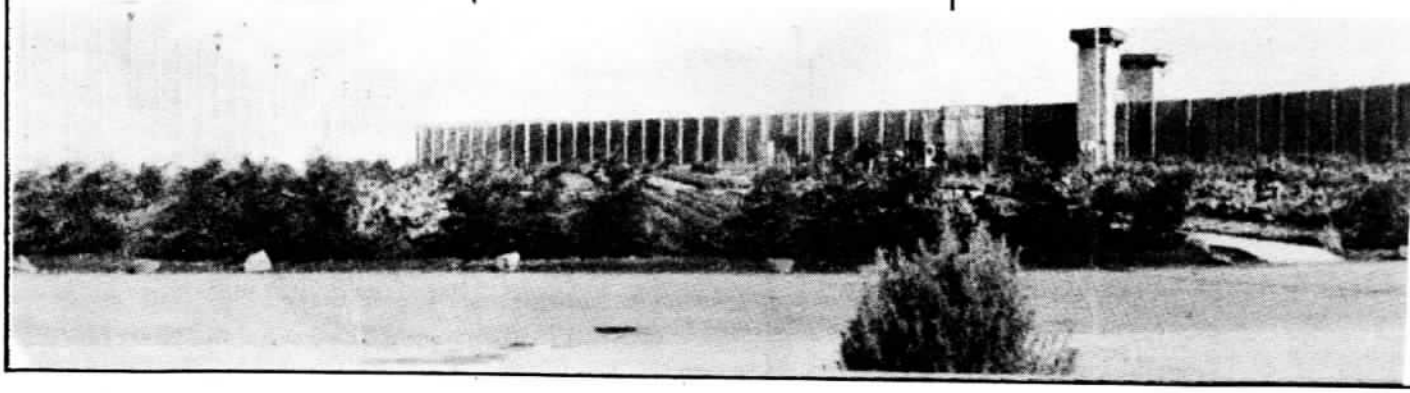
Hand in hand with this escalation of political dissent has been a growth of the prison population. In both North and South during the 1960s prisoners rarely exceeded 500. After 1969 all this changed, as Graph 1 shows. The bulk of these prisoners are in jail as a result of the struggle to liberate the six counties from British rule. In the South the male political prisoners are held mainly in Portlaoise and the Curragh; in the North, they are in Long Kesh, Crumlin Road and Magilligan. Women prisoners in the North are held in Armagh jail; there were 4 women there in 1969, and the number had risen to 87 by 1975, the year when the population was highest; in 1980 there were 55 women in Armagh. A similar increase did not take place in the South; the number of women in prison has been decreasing since the 1930s, with only 22 places for women now, shared between Mountjoy and Limerick. Notable political women prisoners in the South have been Rose Dugdale and Marie Murray, both held in Limerick.

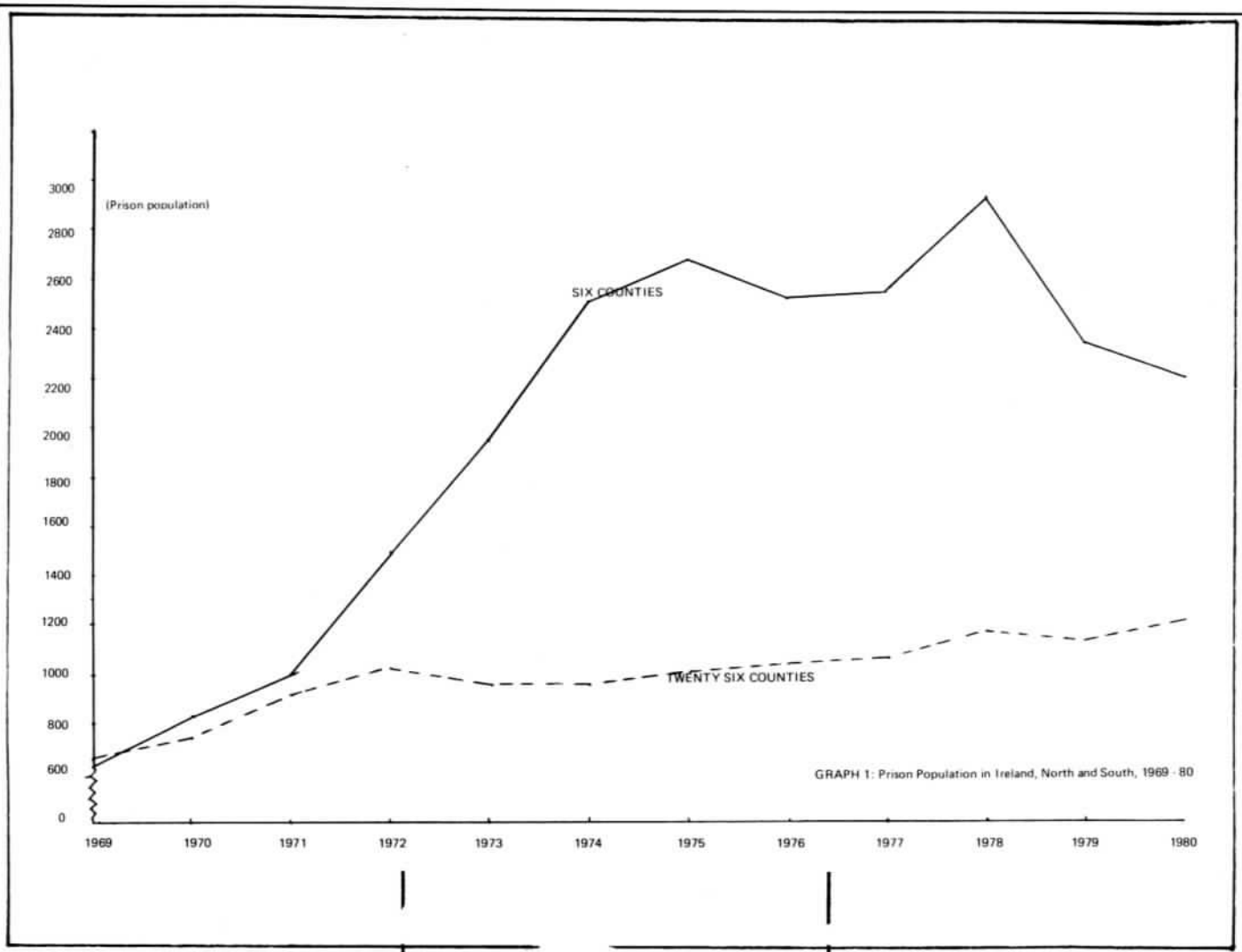
YEAR	EXPENDITURE (£s)
1968	596,000
1969	653,000
1970	743,000
1971	1,053,000
1972	2,372,000
1973	4,482,000
1974	9,681,000
1975	14,021,000
1976	30,773,773

TABLE 7: Expenditure on Prisons in the Six Counties.

To contain and control this growing prison population, there has been a tremendous increase in expenditure on prisons. Figures for the South are not available, but some evidence of this expansionism is the opening of the young persons' prison, Loughan House, in County Cavan, and the proposed new women's prison (despite the falling number of women to fill it) at Clondalkin. Figures are available for the North, and are presented in Table 7. These figures are not available after 1976, but some evidence of expansionism since then has been the building of Hydebank Wood Young Offenders' Centre at the cost of £7 million, and the 'temporary' H Blocks (to serve until Maghaberry Prison is complete) at the cost of £1 million per block.

But the most visible evidence of prison expansionism is surely the increasing number of prison officers. Table 8 gives only part of the story. By 1980 there were 2,996 screws. So successful had been the Northern Ireland Office's recruiting drive

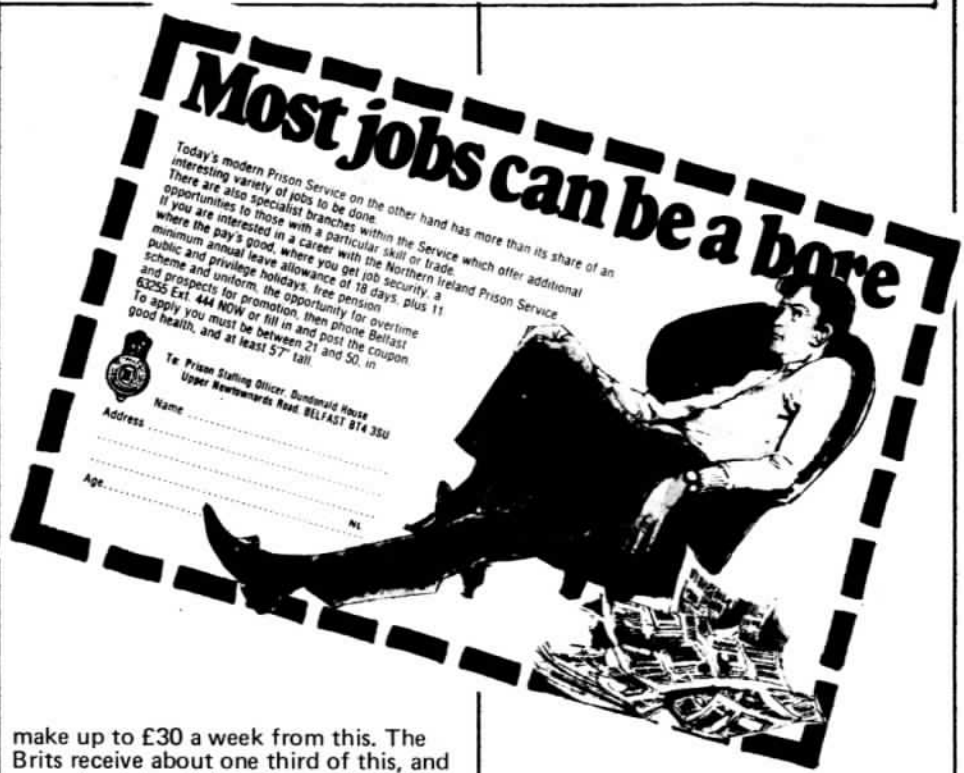




GRAPH 1: Prison Population in Ireland, North and South, 1969 - 80

- at a cost of £150,000, perhaps the most successful job creation scheme the NIO has ever mounted, with a 14% growth rate in jobs per year - that in 1980 all recruiting was postponed. Why such success? Well, remember the slogan from the NIO's '7 Years is Enough' poster campaign of 1976? — 'Who's Doing Well out of the Troubles?' According to the NIO it was 'the men of violence feathering their own nests by extortion, robbery and murder'. But, barely two years after this campaign, just 2,339 screws made £24.5 million out of their contribution to conveyor belt 'justice' - that is, £10,425 each. That is equivalent to £12,850 .

The reason screws earn so much is because they do a great deal of overtime. This is not just the case in the North, but is also true of Scotland, England and the 26 Counties. But in the North, screws do better than anywhere else. In October 1978, for instance, a basic grade prison officer in Scotland made £105.60 per week. In the North that same officer would have made £161.20, or £8,404 a year - more than the salary of a Grade 111 Governor! There is another reason for the high wages over and above overtime. Screws in the North have as many as nine weekly allowances to supplement their basic pay and overtime. Five of these apply only in the North and are paid because the screws are dealing with political prisoners. Like the army and RUC, prison officers get a Daily Emergency Allowance. Unlike the army and RUC, screws can make up to £30 a week from this. The Brits receive about one third of this, and cops about two thirds. Screws brought over from Scotland and England for a minimum tour of three months (who made up 25% of screws in the North at one stage) also get a special Disturbance Allowance, which was worth £50 a month in 1978.



The screws have done particularly well out of the long protests by Republican prisoners. For those working the H Blocks containing protesters, a £2.00 per day Special Allowance was paid three years ago, worth about £2.70 today. And

for the privilege of cleaning out no-wash protest cells, £4.00 a day was paid (called a Steam Cleaning and Drying Operators Allowance!)

With other minor allowances and with generous allowances for working shifts, over one third of a screw's pay packet comes in allowances compared to just over a third in overtime. As the NIO has tried to reduce overtime in the past few years, special allowances have become more important to a screw's take-home pay and screws have had a growing direct interest in prolonging prison protest.

YEAR	TOTAL NUMBER OF PRISON OFFICERS	OF WHICH ON LOAN FROM BRITAIN
1969	292	
1970	338	
1971	377	
1972	555	1
1973	885	166
1974	1124	290
1975	1381	279
1976	1926	153
1977	2058	104
1978	2339	88

TABLE 8

In fact, the only occasion on which screws have shown any militancy (aside from their treatment of prisoners, that is) was over these allowances. In October and November of 1978, the Prison Officers Association took industrial action over a claim for an increase in the Daily Emergency Allowance from £3.00 to £5.00. The prisoners took the brunt of the action, which, amongst other things, involved a ban on parcels, letters and visits, the closing of workshops and a refusal to receive prisoners from the courts. The government solved the last problem in two ways. Firstly, emergency legislation (the Remand in Northern Ireland Order) which allowed prisoners on remand (but whose remand had run out) to be re-remanded without appearing in court. Secondly, a temporary prison was set up at Magilligan for new prisoners, and was manned by the RUC. It only had to function for about a week. The screws lost, getting only an extra 30p, not the £2.00 they were after.

According to the May Report on Prisons in the United Kingdom, screws in the six counties don't have to sit an entrance exam. They are interviewed, references are taken up and the screws have to fill in a personal information memo which serves as a basic literacy check. In short, the qualification to be a screw in the North is the ability to write your name and address.

YEAR	NUMBER OF SCREWS
1975	711
1976	774
1977	881
1978	1,092
1979	1,143
1980	1,444

TABLE 9

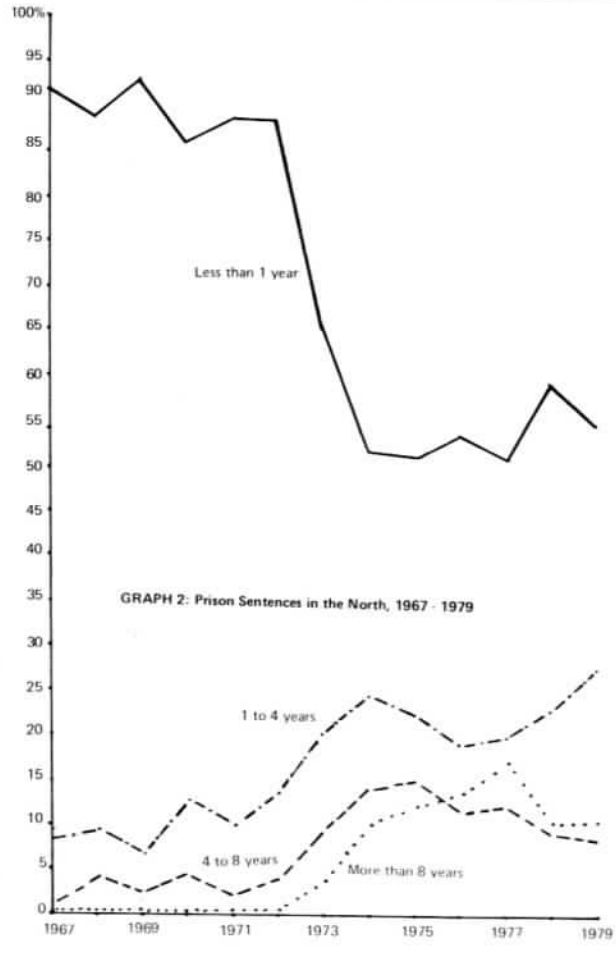
The number of screws in the South has also been steadily increasing over the years There are no figures available before 1975, but Prison Reports in the South make it clear that a rapid expansion in staffing was going on in the early 1970s. That expansion continued in the late 1970s, as Table 9 shows.

Alongside this expansion has gone an increased emphasis on training. In 1975 prison officers received only a four week training course before beginning the job. By 1980 this had been extended to ten weeks. And the 1980 Prison Report notes that there are plans to build a special training school for screws. The expansion has not been painless for the Southern government. The Prison Officers' Association seems strong, and has frequently come into conflict with the government over wages, conditions and overtime.

The fact that so much money is tied up in the totally non-productive job of containing so many behind walls and bars would seem to call for some serious questioning of the political system which makes so much incarceration necessary. But all too often the voice of 'concern' is a right-wing one, which is eager only for even more repression. For example, Conservative MP Jill Knight last year sought to prevent the families of Irish political prisoners in English jails receiving money from Supplementary Benefits to visit the prisoners. This would save the taxpayer, she said in mock concern, as much as £500,000 a year. But this is a mere fraction of the cost of incarceration of Irish prisoners, and the cutting of that overall cost is not a proposition which would move the arch-reactionary Mrs. Knight to action.

Nor would she be troubled by another under-researched but ominous factor, namely, the savage sentences meted out to prisoners in the North. It is normal in any prison population to find that the vast bulk of prisoners are serving relatively short sentences. This was true of Ireland, North and South, in the 1960s, as Graphs 2 and 3 show. It is still relatively true of the South ; long sentences (6 years or more) have not increased noticeably, and the slight decrease in the proportion of people serving 1 year or less is mirrored by the slight increase in the number of people serving middle range sentences, that is, 1 to 5 years. The position is very different in the North. The proportion of people serving less than 1 year has dropped dramatically since the early 1970s, with the result that there has been an increase in the proportion of people serving more than 1 year. Most noticeable is the massive (by comparison with any normal prison population) increase in the proportion of people serving more than 8 years. Such an increase in savage sentencing in the 70s made it easy for the Brits to appear very liberal by conceding more remission for good behaviour in Northern Ireland (50%) than in Britain (one-third). Even with the higher remission, prisoners in the North spend longer in prison.

The definitive proof of that is that on 22 October 1978 (the only day for which complete figures are available) the sentenced population (as opposed to new commitals) in the 6 counties was composed of the following:
11.3% serving life,
9.3% serving less than a year,
14.6% serving between 1 and 4 years,
and 64.8% serving between 4 and 8 years.



GRAPH 2: Prison Sentences in the North, 1967 - 1979

GRAPH 3: Prison Sentences in the South, 1967 - 1980

THE PRICE OF ULSTERISATION: THE RUC ('RICH UNIONIST CONSTABULARY') AND THE UDR

The pursuit of 'crime' in the six counties in the last decade has had a growing band of well-trained, well-paid, shock troops backed up with inexhaustible armouries and increasingly sophisticated technology - the RUC, UDR and the British Army. Before Civil Rights there was a token number of Brits here, garrisoned in such places as Gough Barracks, Armagh, and Ballykinlar. In 1969 ('in support of the civil power') that number was augmented by the sending of 8,100 troops (incidentally, a number which matched the number of B Specials sacked after the Hunt Report, and, even more coincidentally, approximately the same number as is in the UDR now!) The number of Brits increased each year in the early 1970s, but by the mid-70s Ulsterisation was well under way. As Table 10 shows, the combined forces of the RUC, RUCR (Reserves, formed in 1970) and UDR (also formed in 1970) increased inexorably. This increase is most obvious in the case of the RUC and the RUCR (about 20% of the latter only are full-time; further, two thirds of the UDR are part-timers).

The 70s has also seen the involvement of women in the Ulsterisation process. There were no women in the B Specials, and none in the RUCR before 1973. There were 711 women in the full-time RUC in 1980, compared with 104 ten years earlier. The RUCR started out with 215 women in 1973, and grew to 629 by 1980. There are also women in the UDR (called 'Greenfinches').

It is estimated that 96% of the RUC and 98% of the UDR are Protestant. In the midst of increasing unemployment in the six counties, 'defence' has offered one sure source of employment, especially to Protestant males. 'Public administration and defence' now employs 10.5% of the workforce, compared with only 1.5% in shipbuilding. 'Defence' has replaced shipbuilding as the backbone of male protestant working class employment.

Many of the RUC and UDR share the sectarian attitudes of many others of their co-religionists. Their involvement, either individually or through such groups as the UDA, UVF or the so-called 'Third Force', in loyalist violence against Catholics is one sure sign that the indigenous security forces are in many ways the same sectarian groupings they were before 1969 (this despite the fact that the RUC likes to boast that, as the majority of their members are under 35, they are a much different force from the one they were a decade ago).

Propaganda picture of disarming of RUC after the Hunt Report

These people are well rewarded for their loyalty. A person 22 or over starting in the RUC as a constable will earn £6,699, plus a rent allowance of £1,252, plus a Special Duty Allowance (danger money) of £777, giving a total of £8,728 per annum. And then there is overtime; the overtime bill for the RUC in 1980 was £22 million, an average of £3,000 per cop, bringing the grand total for a young constable to nearly £12,000 per year, or about £230 per week, before tax. Full time UDR personnel have salary plus overtime, and for part-time UDR people, their reimbursement is added to their salaries and wages from their full-time jobs. In short, there is money in the 'troubles' for everyone but the Brits. Their wages are low, with no chance of overtime money and little by way of danger money. In short, the cost of Ulsterisation is measured not just by the deaths of the RUC and UDR, but also by the money needed to pay those who remain alive.

YEAR	RUC	RUCR	B SPECIALS	UDR	'ULSTER' FORCES	BRITISH ARMY	TOTAL
1969	3,044	–	8,100	11,–	11,144	–	11,144
1970	3,809	625		3,869	8,303	8,100	16,403
1971	4,086	1,369		5,500	10,955	?	?
1972	4,256	1,909	D	9,102	15,267	20,300	35,567
1973	4,391	2,299	I	8,000	14,690	?	?
1974	4,563	3,860	S	7,900	16,323	16,000	32,323
1975	4,902	4,819	B	8,000	17,762	?	?
1976	5,255	4,697	A	7,800	17,752	14,900	32,652
1977	5,692	4,686	N	8,000	18,378	?	?
1978	5,789	4,689	D	8,100	18,578	13,400	32,978
1979	6,729	4,500	E	7,753	18,982	?	?
1980	6,935	4,752	D	7,500	19,287	12,100	31,387

TABLE 10

Within the RUC certain groups need singling out for a mention. The first is the Auxiliary Constabulary. These are former B Specials, taken on as full-time cops on 'short term' contracts to do security duties and otherwise boost the strength of the regular force. Each time their contracts have been close to expiring, they have been renewed. In 1970 there were 256 of them, and ten years later 121.

In 1970 the SPG (Special Patrol Group) was reformed along similar lines as their English counterpart. (The group had existed under a different form as an anti-terrorist unit since the 1956-62 IRA campaign.) They were to be a highly mobile group trained in 'riot control' and other such brutalities. By 1979 there were 358 of them. However, in 1977 a decision was taken to introduce Divisional Mobile Support Units, each working on the same principles as the SPG, but assigned to each police district. By 1980 the process of decentralising the SPG as nuclei of these DMSUs was well under way.

Recently there has been some evidence, but very little as yet, that the RUC are forming covert force along the lines of the SAS.

Much more obvious has been the growth of 'soft' policing since the 70s. By 1980 there was a large community relations branch working not only with adults in community groups, pensioners, etc., but most significantly with young people. Community relations cops met teenagers on rambles, at adventure camps (1,061 teenagers went to 35 separate RUC camps lasting four to seven days, and 1,366 to 76 separate weekend camps), at Blue Lamp discos (1,281 held in 1980, with around 185,000 teenagers in attendance), at their 'Top of the Form' Quiz League held in secondary and grammar schools, and through Blue Lamp Football League matches (546 played in 1980). In addition, the RUC has a Juvenile Liaison Scheme, a Schools Liaison section, shows films to the public, and holds seminars with 'key people' (which were successfully exposed by the Irish Times and Republican News in 1981) . Finally, there is the cadet scheme, which takes in under-18 year olds and gives them some basic training, community service duties and actual low-level policing duties (for example, controlling children when Princess Alexandra visited here in 1981). In 1980 there were 131 cadets, and since 1970, 673 cadets have gone on to join the RUC.

Backing this all up has been improved education (before 1970 few cops had even O Levels; now they attend courses at Garnerville, in Enniskillen and at the Ulster Polytechnic), and more importantly, improved technology, not only in terms of SLRs, plastic bullet guns, etc., but also computers. In November 1980 their CAP (Computer Assisted Policing system) was introduced in Greater Belfast, and

plans are well under way for CIRC (Crime Information Retrieval system). These new 'toys' have become the latest source of hope for the Special Branch (which numbered 279 in 1978, three times what it was in 1969) in their counter-insurgency battle.

Finally, in 1980 the RUC in the course of duty travelled an incredible 27 million miles within the six counties. The United Ulster Unionist Movement has just drawn up plans for a bomb-proof jeep. Could we suggest that some other public-spirited person design a jeep that could hold all the police, from Chief Constable Hermon down, at once, and point it in a straight line to travel a similar number of miles?

POLICING THE SOUTHERN STATE

Similar trends have occurred in the South in the 1970s, although not on quite as collossal a scale as in the North. In 1969 there were 6500 people in the Garda Siochana, and by 1980 that number had risen to about 10,000. In some ways the public images of the gardai have changed along with that increase. The dominant images of, on the one hand, the genial if slightly eccentric bicycle-riding rural cop (a la Flann O'Brien), and , on the other, the heavy-handed Kerryman venting his personal and whimsical spleen on Dublin city slickers on a Saturday night after the pubs closed, have been increasingly challenged by a number of other images; the community relations cop (Dublin has begun experiments in such activities, but is still a long way behind Belfast); the younger, better educated and better trained cop; the modern, trained interrogator (such as the heavy gang revealed by the Irish Times in 1976, whose violence, unlike that of the individual garda on Saturday night in Dublin, was planned and organised for the purpose of extracting information and confessions);

The uniformed gardai are still unarmed, and perhaps paradoxically, show no signs of wanting anything different. But their apparent liberalism is backed by two factors. One is the retention of the death penalty (abolished in general in 1964) for the murder of police and prison officers; the other is the growth of a specialist armed unit within the gardai. The South's Special Branch has its origins in the repression of Civil War days, and in Broy's Harriers, founded as a state anti-fascist squad in the 1930s, but later turned against Republicans. The 1970s has seen the rise of a new squad, the Garda Task Force. Formed in 1979 to back a Special Branch under pressure, the Task Force was modelled closely on the North's SPG. The 110 men in the Force are given military training and are organised on paramilitary lines. The original members of the squad were trained in Germany by the paramilitary police unit there, GSG9 (of Mogadishu fame), who themselves are trained by the British SAS. In addition to Walther pistols and Israeli Uzi sub-machine guns, Task Force members have access to a whole range of technology available to the international network of anti-'terrorist' squads, including plastic bullets and 'stun grenades'. It is expected that they will eventually also be given helicopters (the South's lack of large helicopters for the Pope's visit led them to borrow German GSG9 helicopters, complete with their paramilitary pilots!), spotter planes and bullet-proof cars.

In 1969 there were 5,500 in the South's army. Ten years later there were 15,000. Apart from their involvement in the Lebanon under U.N. auspices, there is one staggeringly obvious conclusion to be drawn from this sudden expansion. As two journalists (Lavery and Trench in **Magill**) put it:

'It is the only European army conceived above all for anti-guerrilla activities and internal security'.

By far the most important factor in police and army expansion in the South has been this aspect of 'internal security'. However, it has not been the only factor. Moral panic over the increase in urban crime has led to demands from the Association of Garda Sergeants and Inspectors for extra powers (including a home-grown version of the 'sus' law, and a tightening on the granting of bail), more personnel and modern equipment. But over-riding this moral panic has been the one over Republican struggle.

Policing partition — Irish troops at Britain's border

Hence the emphasis on 'internal security', a euphemism for preserving the Border at all costs, and the consequent growth of cross-border cooperation. In the early days of the 'troubles' there was a great deal of 'unofficial' British army activity South of the border, usually put down to 'map reading errors'. Frequently the reason for these incursions was to arrest someone - for example, Sean McKenna, one of the original 7 hunger strikers, was kidnapped from Ebentubber by the S.A.S. - or to assassinate. The Southern authorities proved unwilling to intervene. They released the two car loads of S.A.S. arrested on the Flagstaff road near Omeath in 1974, and believed to be en route to assassinate an INLA leader staying in a caravan in the area. Also, it was Lynch's flirtation with the notion of an air corridor for British Army helicopters 'in hot pursuit' which partially contributed to his downfall as leader of Fianna Fail.

Interestingly, the growth of less spectacular cross-border activity has caused less public outcry in the South. In 1974 much was made of the cordial meetings between Garda Commissioner Patrick Malone and RUC Chief Constable Jamie Flanagan. Within a year of these meetings, direct radio contact between both police forces was established for the first time. Following that, the Garda-RUC Joint Coordinating Committee was established and continues to operate. At JCC meetings senior officers from both forces get together monthly, alternating meetings so that each force must host the other on its own territory, and then be guest in the other's territory the following month. And, of course, apart from their activity against armed bank robbers in Dublin, the Task Force's main area of operations is at the border.

All of this expansion cost money. As Fianna Fail Foreign Affairs Minister Michael O'Kennedy put it in 1979: *'In 1970/71 our Garda and army cost £40 million to maintain. Today the equivalent figure is £230 million, of which about one third is directly attributable to the current campaign of violence in Northern Ireland'.*

The most recent phase of cross-border contact and cooperation , however, has not been at the border itself, but in Dublin's Special Criminal Court. There the Criminal Law Jurisdiction Act, dormant since its inception in 1976 (with both sides accusing the other of dragging their feet) is being dusted off and being very effectively used against the Republicans who escaped from Crumlin Road jail in June 1981. Already five of the eight escapers have been caught, and the two already sentenced have been given hefty sentences on charges related to the their escaping from custody in the North. The cases are politically sound ones from the Southern government's point of view. The escapees were sentenced in the North in their absence on charges totally unrelated to their escaping (that is, different ones from the charges against them in the South); so, there is no danger of an 'innocent' person being jailed for a crime allegedly committed in the North. The South can thus rest easy that its veneer of bourgeois law (not to say its supposed opposition to extradition) remains intact, while in fact, it is merely rubber-stamping through its Special Criminal Court the findings of the jury-less Diplock Courts in the North.

Together with the sentence of three years given to the first of the people charged with rioting at the British Embassy in Dublin in July 1981, it is worth wondering if there may not be changes on the way as regards sentencing in the South (see Graph 2 earlier in this article).

'THEY ALSO SERVE ....'

We started out this article by stressing how many people have benefitted from the 'troubles'. Our concentration has been on the main beneficiaries, especially the police and prison officers. But there are many others. To return to the North: there are the social workers who write social reports for the courts of or deal with the families of prisoners; the uniformed civilian searchers (just how many of them there are we have been unable to discover) who search everyone entering Belfast's central shopping and business district; the people who search customers going into shops (again, it is impossible to find out how many such people there are; however, some idea of the scale of the operation may be gained from the fact that £ was paid out in 1980 under a NIO scheme to firms to enable them to hire such searchers.); the judges, the lawyers, and so on, and so on.

The wages and salaries of these people have been part of the cost of keeping the six counties within the U.K. In addition there has been the £34,981,578 paid out in 36,265 criminal injury claims between 1971 and 1978, and the £234,487,561 in 126,832 criminal damage claims in the same period. Not least has been the inestimable cost of keeping the army here for over 12 years.

We have deliberately avoided focusing on the British army in this section. The reasons for that omission are these: their activities (some of the illegal ones of which we examine elsewhere in this Bulletin), their technology and their strategy and tactics are well known to anyone who has cared to take any interest in Ireland in the past number of years. They have been brutal, guided and commanded by even more brutal godfathers in Stormont and Westminster. They must go. But when they do, they will leave behind, thanks to a concerted Ulsterisation policy and the cooperation of all the authorities in the South, the formidable phalanx of people we have looked at here, people who have an ideological and financial stake in smashing Republicanism and socialism in Ireland – the security industry North and South.

THE PTA : LEGAL TERROR

The Prevention of Terrorism Act, (PTA) is now 8 years old. In this article we examine its origins and look at its effect upon the lives of those who have been subjected to it.

The regular publication by the government of statistics on numbers arrested and/or charged and/or deported under the PTA is not necessarily bad propaganda, even for the government which claims to be democratic. For one thing it satisfies the lust among large sections of the population of Britain for revenge on the Irish people for bombings etc. in Britain. In addition it focuses attention on the quantity of people arrested under the Act, rather than the qualitative changes in the law and the practice of law which the Act has brought about.

The origins of the PTA lie in the aftermath of the Birmingham pub bombings of 21 November 1974. Seven days later the then Home Secretary, Roy Jenkins, introduced the Bill into parliament. By the next day it was law without even facing a division. Within one hour the Special Branch had produced a list of suspects for consideration of exclusion by the Home Office. The speed with which the British establishment produced the PTA is a measure of the weakness of civil libertarians in the context of anti-imperialist struggle. In fact, the renewal of the Act (which originally took place every 6 months but was extended to 12 month intervals since 1976) is one of the least attended parliamentary events, attracting only a handful of MPs. That more British MPs don't speak out on the PTA isn't necessarily a bad thing. The most vociferous and successful lobby has been that of the right, and it seems to be the only voice which the British government hears.

Although supposedly a 'temporary' measure, the PTA soon became the major medium through which Irish people tasted British justice in Britain itself. The 1974 Act had 3 major provisions:

1. Banning of organisations (so far only the IRA and INLA).
2. Exclusion of suspected Irish terrorists.
3. Extension of police powers to detain and hold suspected terrorists.

An Amendment Act in 1976 made it an offence not to pass on information to police concerning terrorism, widened the provisions for dealing with those who gave financial and political support to proscribed organisations, and provided for exclusion from N.I. to Great Britain. It also made two minor changes to the 'rights' of the detainee and doubled the lifespan of the Act to one year. With some minor adjustments (eg. INLA proscribed in July 1979) the Act has remained unchanged since.

Since 1974 a total of 5,335 people in Britain have been arrested and held for varying periods up to a maximum of 7 days without charge, court appearance, a guaranteed right to a solicitor or contact with family, or even any knowledge of the allegations made against them. An unestimable number suffered brutal racist treatment - bullying, physical assault and mental torture. In the first 5 years of the operation of the Act, less than 5% actually had an exclusion order served and less than 7% were charged with an offence. But for the 254 people deported with the stigma of 'terrorist', many of them split from families, forced out of jobs and totally innocent, it was little consolation that the percentage was so low. Although the Act doesn't make provision for deportation of people born in Britain and/or living there over 20 years, people who have been settled in Britain for 19 years are at the mercy of the authorities and can be deported with no right of redress. Such people, who have jobs, who have families born and settled in Britain, who indeed consider themselves as British, have been forced back to a country where they have no work, no home, and few remaining friends. Families have been in consequence split up, the children remaining in Britain. And many English women, married to Irish men, have been forced to choose between splitting their family or moving to N. Ireland.

The significance of the Act however cannot be measured solely in terms of the official statistics on those arrested. Such an approach has a number of shortcomings:

1. It excludes those 'unofficially' deported by threats from police officers brandishing the PTA.
2. It takes no account of the number of people living in Britain who feel intimidated about engaging in political activities on Ireland or even associating with Irish people.
3. It excludes Irish people who are intimidated from even going to Britain because of the risk of arbitrary arrest.

Nor can the total significance of the Act be assessed solely in relation to changes in the law and established legal principles - crucial though these are. For instance the Act removes the long established right to habeas corpus since the whole process of arrest, detention, interrogation and exclusion takes place without any judicial involvement and without the right of the detainee to any appeal in law. This is in direct contravention of Article 6 of the European Convention on Human Rights. The power of the executive to exclude citizens from one part of the country is also new (and contravenes Protocol 4 of the Convention). So too is the provision that suspects have no right to know of what they are being charged, (Article 6 again). The specific mention of Irish people in the clause permitting deportation is also a new departure and besides making a mockery of the Rule of Law principle which according to textbooks means that all are subject to the law and equal before it, contravenes Article 14 of the European Convention. The fact that exclusion orders can't be challenged in court contravenes Article 13 of the Convention which proclaims the right to legal remedy within her/his own country.

There are two other departures from established legal norms which are contained within the Act. The first is that the Act de facto removes the right to silence by making it an offence to withhold information from the police about acts of terrorism. The vagueness of the wording of the Act makes it almost impossible to know what constitutes an offence. Silence by detainees is taken as proof of guilt and is included in the file sent to the Home Office for deportation consideration.

The other departure from legal norms concerns the grounds on which an arrest can be made. Rather than being suspected of having commited specific offences, persons are arrested on suspicion of the more general offence of involvement in terrorism. Futhermore at ports, arresting officers do not even have to have a 'reasonable suspicion'. The exclusion of the word 'reasonable' gives carte blanche to arresting officers to do as they please without any form of comeback.

In Britain the main use of the PTA has been to harrass and punish those who oppose the British presence in Ireland and to obtain information. The existence of the EPA in N.I. has meant that the PTA has not been used so extensively. However it has provided the security forces here with a useful extra legal weapon enabling them to hold suspects for a longer period (7 days rather than 3 days) and therefore increasing the liklihood of obtaining a forced confession. The ease with which such confessions are accepted in N.I. courts explains the higher conviction rate here of those arrested under the PTA.

One final point. We argued earlier that the significance of the Act does not only lie in the numbers arrested or the departure from established legal principles. Its significance must be measured also in departure from legal practice or the interpretation and use which the police make of the law in their day to day operations. Although Although clearly and explicitly designed against the Irish Republican movement, the Act is freely used against students, feminists, trade unionists and on one occasion, Welsh nationalists. The fact that this 'temporary' measure is now in its 8th year of operation, having been expanded and strengthened, is something which should be of concern to all.

LICENCE TO KILL

'I do not intend to give any currency to the view that the army is above the general law in the use of weapons' — said Lord Justice Lowry on July 4, 1979, as he brought in a 'not guilty' verdict on S.A.S. men Sgt. Alan Bowen and Corporal Ronald Temperly who had been tried before him for the murder of 16 year old John Boyle. John Boyle was shot by the S.A.S. when he went to look at an arms dump which he had discovered and told his father who informed the R.U.C. Unknown to John the dump had been staked out by the S.A.S. and as he bent to pick up a rifle, he was shot several times in the back and head.

Had the killing of John Boyle been an isolated and totally atypical incident, Lowry might have had more justification for his judgment which, as he admitted, gave the benefit of the doubt to the soldiers. They claimed they had opened fire only because they believed their own lives to be in danger. Far from being an isolated case, however, John Boyle's death was only one of the estimated 120 killings of innocent civilians by the 'security forces' since 1969. It was unusual only in that the persons involved were brought to trial at all.

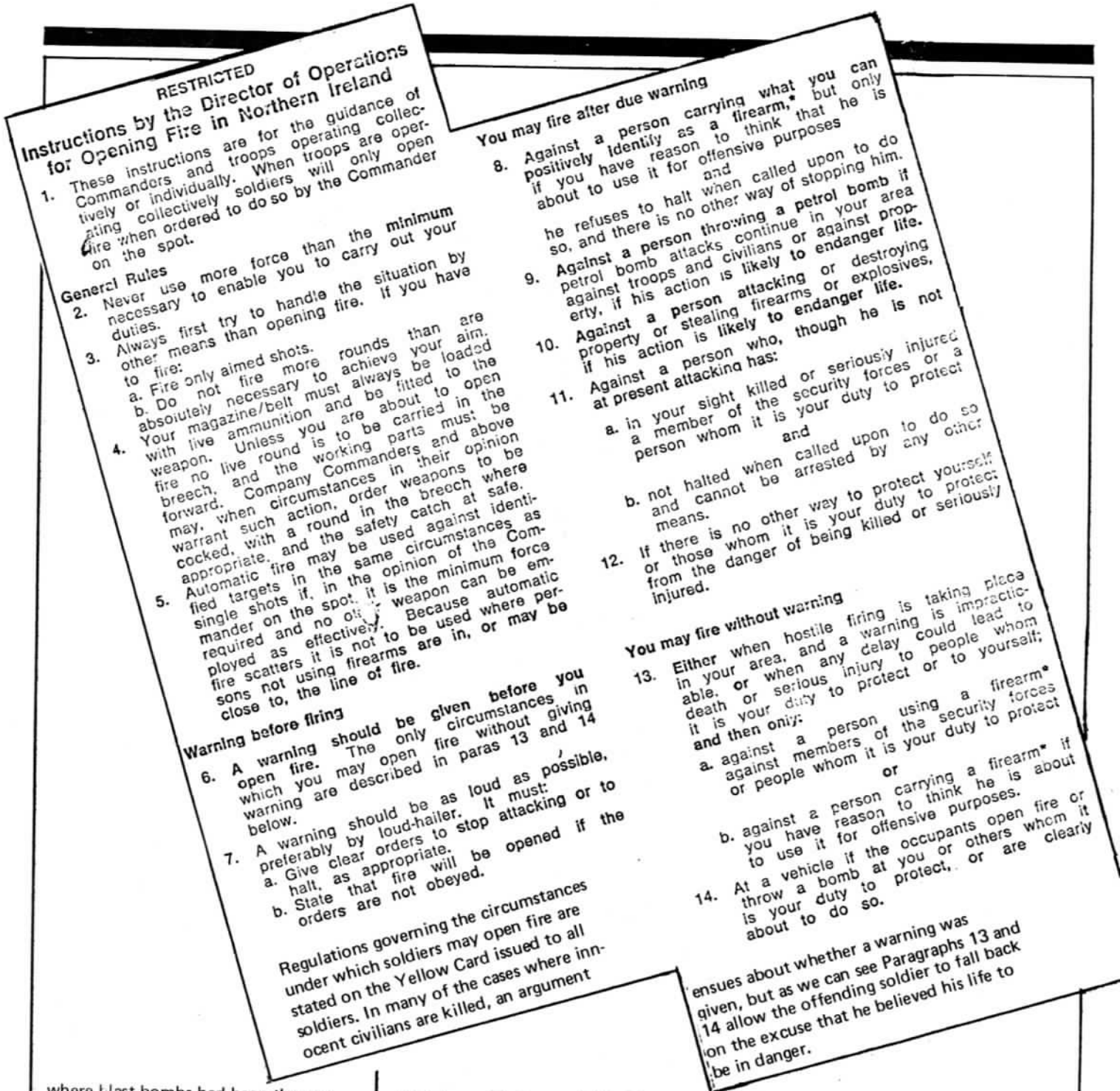
While policemen and soldiers have been involved in numerous prosecutions for crimes committed off-duty — ranging from petty larceny to murder and often committed using their police or army issue weapons — when it comes to killings by on-duty personnel, a big effort is made to avoid prosecutions. This is an overtly political decision taken at the highest levels to maintain the 'peace-keeping' image of the 'security forces' and to avoid damaging morale.

The 'cover up' operation, orchestrated by R.U.C. or British Army propagands departments begins immediately after the incident and is designed to give the soldiers or policemen involved the benefit of the doubt and to fudge the issue by putting out what often turn out to be totally misleading or unture statements.

When John Boyle was shot on October 19, 1978, the first British Army press release said that a man had been shot when he failed to respond to a challenge from soldiers at whom he was pointing a loaded rifle. The next press release said that the soldiers had no time to challenge the man (sic) as they believed he was about to open fire on them. These versions of the incident were shown to be untrue in court and Lowry even described Sgt. Alan Bowen as an 'untrustworthy witness' - but still acquitted him.

When 12 year old Majella O'Hare was shot dead by Private Michael Williams of the Third Parachute Regiment as she and some friends walked along a country road in South Armagh, initial British Army reports claimed that she had been shot by IRA who were attacking an army patrol. This was then changed to a report that Majella had been caught in crossfire between the British Army and the IRA. No evidence of the IRA presence ever came to light. Under pressure from public opinion, the authorities brought Private Williams to trial for manslaughter. He was acquitted by Judge Gibson.

When 16 year old Michael McCartan was shot dead by R.U.C. Constable Robert McKeown as he ran away from a corner where he had been painting slogans, R.U.C. press reports claimed that McKeown believed Michael to be an armed gunman operating in an area



RESTRICTED

Instructions by the Director of Operations for Opening Fire in Northern Ireland

1. These instructions are for the guidance of Commanders and troops operating collectively or individually. When troops are operating collectively soldiers will only open fire when ordered to do so by the Commander on the spot.

General Rules

2. Never use more force than the **minimum** necessary to enable you to carry out your duties.

3. Always first try to handle the situation by other means than opening fire. If you have to fire:

4. a. Fire only aimed shots.
b. Do not fire more rounds than are absolutely necessary to achieve your aim.
Your magazine/belt must always be loaded with live ammunition and be fitted to the weapon. Unless you are about to open fire no live round is to be carried in the breech, and the working parts must be forward. Company Commanders and above may, when circumstances in their opinion warrant such action, order weapons to be cocked, with a round in the breech where appropriate, and the safety catch at safe.

5. Automatic fire may be used against identified targets in the same circumstances as single shots if, in the opinion of the Commander on the spot, it is the minimum force required and no other weapon can be employed as effectively. Because automatic fire scatters it is not to be used where persons not using firearms are in, or may be close to, the line of fire.

Warning before firing

6. **A warning should be given before you open fire.** The only circumstances in which you may open fire without giving warning are described in paras 13 and 14 below.

7. A warning should be as loud as possible, preferably by loud-hailer. It must:
a. Give clear orders to stop attacking or to halt, as appropriate.
b. State that fire will be opened if the orders are not obeyed.

Regulations governing the circumstances under which soldiers may open fire are stated on the Yellow Card issued to all soldiers. In many of the cases where innocent civilians are killed, an argument

You may fire after due warning

8. **Against a person carrying what you can positively identify as a firearm,* but only if you have reason to think that he is about to use it for offensive purposes**

and

he refuses to halt when called upon to do so, and there is no other way of stopping him.

9. **Against a person throwing a petrol bomb** if petrol bomb attacks continue in your area against troops and civilians or against property, if his action is **likely to endanger life.**

10. **Against a person attacking** or destroying property or stealing firearms or explosives, if his action is **likely to endanger life.**

11. **Against a person who, though he is not at present attacking has:**

a. in your sight killed or seriously injured a member of the security forces or a person whom it is your duty to protect

and

b. not halted when called upon to do so and cannot be arrested by any other means.

12. If there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured.

You may fire without warning

13. **Either** when hostile firing is taking place in your area, and a warning is impracticable, **or** when any delay could lead to death or serious injury to people whom it is your duty to protect or to yourself; **and then only:**

a. against a person using a firearm* against members of the security forces or people whom it is your duty to protect

or

b. against a person carrying a firearm* if you have reason to think he is about to use it for offensive purposes.

14. At a vehicle if the occupants open fire or throw a bomb at you or others whom it is your duty to protect, or are clearly about to do so.

ensues about whether a warning was given, but as we can see Paragraphs 13 and 14 allow the offending soldier to fall back on the excuse that he believed his life to be in danger.

where blast bombs had been thrown earlier. In reality the blast bombs had been thrown miles away on the other side of Belfast and Michael, armed only with a paint brush, was shot in the back. R.U.C. Constable McKeown was tried for murder, but acquitted by Lord Justice Jones.

The above-mentioned cases have become well known because they are among the few which actually came to court. Because the victims were children and the circumstances such that even the versatile propaganda departments of the British Army and R.U.C. found it almost impossible to conceal the truth, it became necessary to have at least token trials. Public pressure is not, however, always successful in bringing security forces personnel to trial. In September 1978 James Taylor, a wild fowler, was shot by an S.A.S. unit who claimed to have mistaken him for a 'terrorist'. Taylor and two friends returned to their car after a wildfowling trip to discover the tyres slashed and a S.A.S. unit lying in wait. In an ensuing argument, Taylor was shot in the back. The S.A.S. had the car staked out for several hours and could in that time have checked out its registration with the police and established that its owner had a legally held shotgun. Despite pressure from local politicians and relatives of the dead man, the Director of Public Prosecutions decided in April 1979 not to bring charges so the methods employed by the S.A.S unit were never challenged in court.

In many cases the soldiers or policemen responsible for killings of innocent civilians are never publicly identified. This has been so in the several deaths from plastic bullets which occurred during the 1981 hunger strike disturbances.

Apart from the official 'cover up', the soldiers and policemen involved tend to cover up for each other and there may be collusion within a regiment to protect the guilty. On the night of October 23, 1972, the Number 13 platoon of 'A' company, 1st Battalion Argyll and Sutherland Highlanders were on duty in County Fermanagh. Second Lieutenant Andrew Snowball led a four man patrol to stake out an isolated farmhouse belonging to Michael Nann. Before morning Nann and a farm helper, Andrew Murray, were dead - savagely butchered by the Argyll patrol. When the bodies with multiple stab wounds were disc-

overed, they were assumed to be victims of loyalist assassins. The cover up was not revealed until 1978 when a member of the Argylls, believing Sergeant Hathaway, who had stabbed Nann and Murray, to be the Yorkshire Ripper, reported the Fermanagh murders. In January 1981 four members of the Batallion eventually came to court. Sergeants Hathaway and Byrne, who pleaded guilty to the double murder, received life sentences, but with no minimum term recommended, while Lance Corporal Chestnut, who pleaded guilty to manslaughter, got four years. Snowball, who had colluded in the cover up, got one year suspended.

No fully comprehensive statistics are available of the numbers of 'security forces' involved in the death and injury of innocent civilians, or in what often amounts to the summary execution of republican and loyalist activists. Even when cases come to court, the complexity of the law can be used to conceal or protect. The statistics given in Box 1 tell us little since they refer only to limited periods and the charges of murder and manslaughter. They would not include such cases as that of Private Francis William Foxford of the Royal Hampshires, who was tried for the 'unlawful killing' of 12 year old Kevin Heatley of Newry in 1973. Nor would they include the trial of Lance Corporal Stephen Nevile Buzzard and Colour Sergeant Hugh Smith of the Second Royal Anglian Regiment acquitted in January 1982 of 'reckless driving' which caused the deaths of two Derry teenagers when the Army landrover rammed into a crowd of youths at Easter 1981.

The latter case was unusual in that a jury was involved. Most trials of this nature are heard in no-jury Diplock courts, and when you remember that it is the state which employs the prosecutor - not the family of the victim - to try a member of the state's 'security forces' before a state-appointed judge, it becomes obvious that the odds are in favour of the accused, rather than of justice for the victim. Even the most objective and apparently damning forensic evidence can be liberally interpreted by the judge to give the benefit of the doubt to the accused - as in both the John Boyle and Michael McCartan cases, where the 'security forces' personnel claimed to have been threatened with weapons, but were shown to have shot the boys in the back.

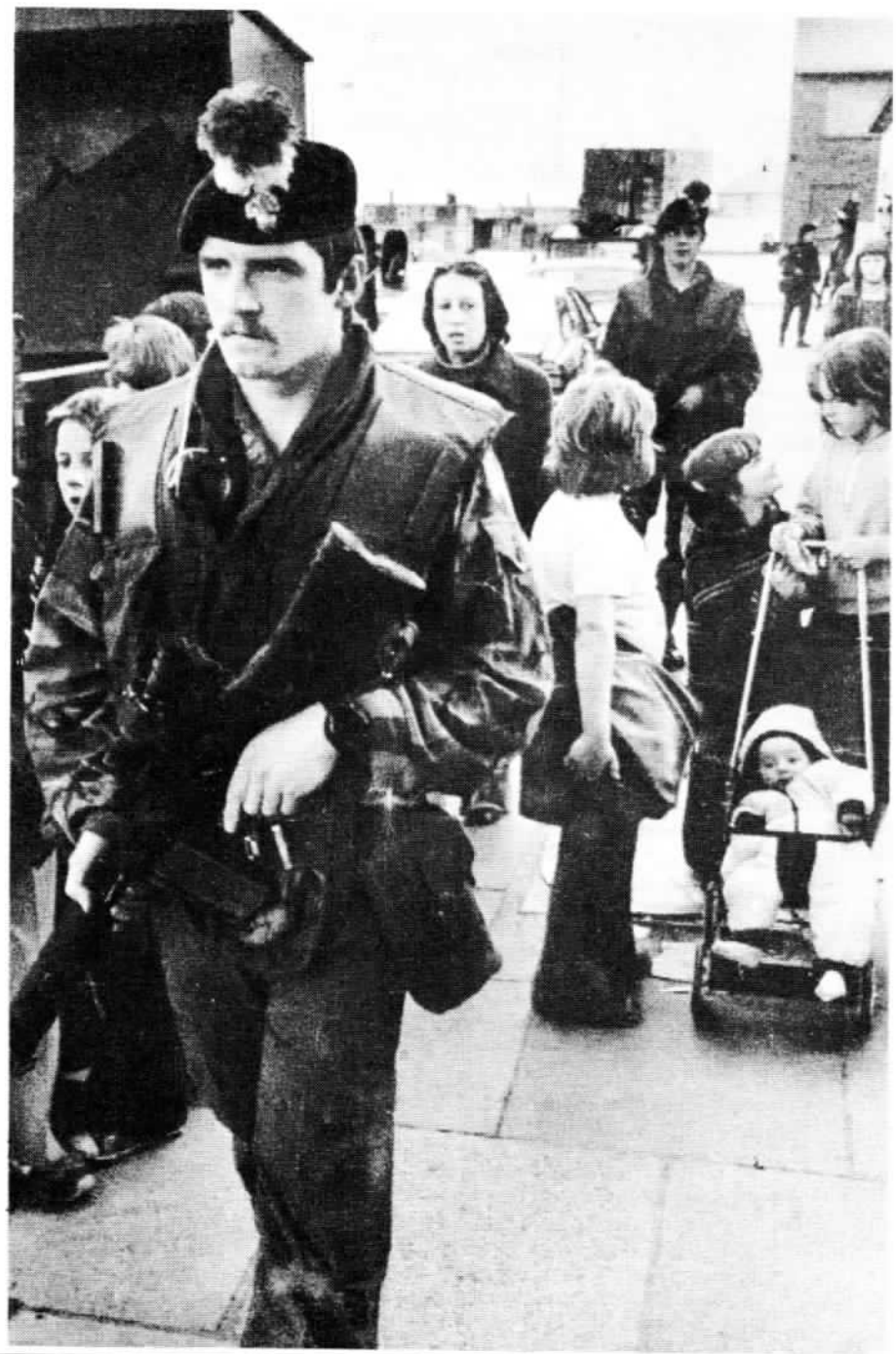
The accused will also have the best of references - a typical example being the one from Major Blackett, Commanding Officer of the Argyll and Sutherland Highlanders -
'He wants to stay in the regiment and the regiment want him to stay also' - referring to Private Robert Reid Davidson, who had just been found guilty of the manslaughter of Mrs. Teresa Doherty at a Strabane border checkpoint and been sentenced to one year in a Young Offenders Centre, suspended for two years by Mr. Justice Murray.

The British government will not admit that its troops are 'at war' in Northern Ireland. To do so would be to recognise the legitimacy of its opposition, the Republican armies. Nevertheless, on many occasions British soldiers and R.U.C. men have behaved as though they were at war, not only with the republican armies, but with the entire Catholic population. Although some of these cases may nominally be dealt with under civil or criminal law, the evidence suggests that the 'security forces' are in fact above the general law in the use of firearms.

'Since the troubles began in Northern Ireland (i.e. 1969) a total of 12 soldiers have been charged with manslaughter. Eleven were acquitted, one was found guilty, but had his appeal against his sentence upheld and was released from prison.'
Sunday Times, 22.8.76.

'According to the Army, since 1974 there have been 12 serving soldiers prosecuted for either murder or manslaughter. Of these nine were acquitted, two convicted, and one case is pending'.

Belfast Telegraph, 1.2.79.



THE PROFESSIONALS

JUDGES AND MAGISTRATES

A major notion in bourgeois democracies is the claim that the law is impartial. Those who make the claim back it up by pointing to the supposed independence and objectivity of judges. However, it is obvious to anyone who wants to see it that in a class-divided society, judges belong to the upper class (along with businessmen, politicians, church leaders, etc.) and that their decisions about working class people are biased as a result. The six counties is no exception to that general rule. As the following profiles show, our judges are integrated into the upper class and are consequently class-biased in their decisions.

But the profiles stress another important point: the fact that sectarianism, whether overt or covert, has had an continues to have an important influence in the decisions taken by judges in the six counties. Under Unionist rule the road to a position as a judge was well signposted. The major stages were: public school/elite grammar school - University - Orange Order – barrister - military - crown counsel - M.P. - judge. (Some of course were optional.) Sprinkling one's career with a variety of bigoted sectarian attacks on Catholics added significantly to the chances of eventual appointment. For example, note the statement of ex-Judge Curran in 1946:

'The best way to prevent the overthrow of the government by people who have no stake in the country and have not the welfare of the people of Ulster at heart is to disenfranchise them' (**Newletter**, II.I.46.); and Judge Jones, still sitting on the bench, in 1958:

'If anybody says that only loyalists have the right to be employed, that is a perfectly fair and reasonable proposition' (**Belfast Telegraph**, 6.2.58.)

Things have changed a bit in the 70s as the Brits have attempted to 'normalise' the six counties. The chances of entry to the judiciary would seem to be much less now for those who are tarnished by extreme sectarian utterances. Not that all the judges now are innocent of sectarian bias; (the fact that even Brit-appointed judges are class-biassed goes without saying); what has changed is their wariness about making sectarian statements. Where their sectarian bias is most evident is in the area of differential sentencing of Protestants and Catholics. Despite the claims of people such as Boyle, Hadden and Hillyard that things have changed and that there is no evidence of sectarian bias in sentencing, regular observers of the six county courts will be familiar with numerous examples of extremes of severity and leniency which can be explained in no other way than by judicial sectarian bias. We reproduce here one such example from the **Irish News**. There are many more, and together they only scratch the surface of this question of differential sentencing.

Increased Brit involvement in the six counties has led to the appointment of Catholic judges; in fact, the last Catholic judge to be appointed, Doyle, was appointed not on the basis of his ability but in order to increase the number of Catholic judges to 3. These Catholic judges seem to behave more like each other than like their Protestant counterparts. It would be going too far to say that they are more lenient towards Catholics who appear in front of them, but it is true that they are more suspicious about police and army evidence than are Protestant judges. That at least is one slight piece of relief for Catholic suspects. However, it is more than counter-balanced by another obvious trend, namely, that judges in Diplock courts release Protestants where the evidence is in severe doubt; but rather than act similarly towards Catholics in identical circumstances, the judges appear to follow up a decision of guilt with a lighter sentence than might have been expected in such a case.

So, the judges at work in the six counties can be seen as falling into three camps: the old guard Protestants, pre-Direct Rule; the new 'liberal' Protestants directly appointed by the Brits; and the Brit-appointed Catholics. But all in all the actions of these three groups converge to give the law in practice its unique six county flavour – class bias, intertwined with sectarian bias.

In what follows we also consider the magistrates who operate in Belfast, and look at the workings of Belfast's Petty Sessions Court.

10 YEARS FOR MEN CAUGHT WITH GUNS IN HIJACKED CAR

Irish News, 29.9.77.

THREE Belfastmen, who were caught with guns in a car in Butler Street last October, have each been jailed for 10 years at Belfast City Commission.

Sean Anthony McClenaghan (25) Butler Street, Robert Henry McCallum (23) Elmfield Street, and John Joseph Conway (20) Crumlin Street, were found guilty of possessing with intent a 9mm pistol and seven bullets and a sawn-off shotgun with two cartridges.

The court heard that the three had been stopped by an Army patrol as they were driving along Butler Street on October 30 last. Conway was at the wheel and McCallum had the pistol stuck down the waistband of his trousers. The shotgun was found on the floor of the car.

McCallum was also given a five-year concurrent jail sentence for belonging to the IRA.

Disbanded Force

Two men who admitted being members of the now disbanded Orange Volunteer Force in Antrim, were each given 12-month suspended jail sentences for possession of firearms.

William McCartney Todd (44), Tobergill Gardens, Antrim, pleaded guilty to possessing a shotgun and a automatic pistol between May 31 and July 1, 1976, under suspicious circumstances, and Robert Edward Carnwath (22) Mallusk Gardens, Antrim, pleaded guilty to having a .32 pistol and three rounds of ammunition between June 30 and July 31, 1976.

Defence counsel said that Todd had been under considerable pressure to take the guns and that he had been used as a storer of these weapons. Counsel also said that the Orange Volunteer Force had not been responsible for any violence in the Antrim area.

In sentencing the two, the judge said he accepted that Todd had got involved in the organisation "in times of great emotion. The whole evidence against you is your own statement.

"The same can be said for you, Carnwath."

A. HIGH COURT JUDGES

1. LORD LOWRY

Sir Robert Lowry, the Lord Chief Justice of Northern Ireland, is clearly the most important member of the Judiciary. He was appointed on August 1, 1971, a few days before the introduction of internment. He is the son of William Lowry, Unionist M.P. from 1939 to 1947, Attorney General from 1944 to 1947, and staunch Orangeman. Lowry junior was educated at Royal Belfast Academical Institution, and was Governor of that school from 1956 to 1971. After studying classics at Cambridge, he was a British Intelligence Officer during the War, leaving the army with the rank of Major. In 1971 he accepted the honorary rank of Colonel in the Royal Irish Rifles.

He came to the Northern Ireland Bar as a barrister in 1947. As such he sat on various committees investigating legal matters, including the Steele Committee, which looked into the need for Legal Aid for low income people in Northern Ireland Lowry opposed the introduction of Legal Aid, but it was eventually introduced in 1965 (1949 in Britain).

More recently, in 1974 he performed two very important jobs. Firstly, he sat as chairman of the short-lived Constitutional Convention. He then returned to his legal career as Lord Chief Justice. Also in 1974 he was a key member of the Joint Law Enforcement Committee, which included senior members of the Judiciary from the South. Lowry and other Northern members argued that extradition was legally possible for 'terrorists', their Southern counterparts , however, being opposed because they said that extradition of political offenders was contrary to their Constitution and international law. The compromise was the Criminal Jurisdiction Act (Northern Ireland) 1975, under which a person can be tried in the South if apprehended there, for a scheduled offence committed in the North and vice versa. (There is a list of offences triable in either jurisdiction, listed in a Schedule in the Act.)

Since 1976 Lowry has also been Chairperson of the Northern Ireland Council for Legal Education, a key post, giving him a great deal of control in policies concerning the selection and education of future solicitors and barristers.

Lowry is frequently the judge in the more important cases; this is apparently his prerogative as the Lord Chief Justice. It would seem that he is regarded as a fairly progressive judge in such areas as employment law, equal pay and sex discrimination. In Duffy - v - Craigavon Council (see 'Still Crazy After All These Years' in **Belfast Bulletin 8**) he found the council guilty of religious discrimination and he laid down progressive legal guidelines for such cases. Similarly progressive was the decision in Wallace's case, where he found sex discrimination by the South Eastern Education and Library Board against Mrs. Wallace. Yet another progressive decision on equal pay followed in Brunt - v - Northern Ireland Electricity Service.

Lowry being interviewed on his appointment as Chairperson of the Constitutional Convention in 1974

He remains, however, like all the judges, a tough sentencer in Diplock trials, the courts where there are no juries and which deal with the various 'terrorrist' cases. But, like many others who make and administer 'justice' in the six counties, he does not view all 'terrorists' as equal before the law. Early in 1980 he gave suspended sentences to members of the R.U.C. convicted of kidnapping a Catholic priest. Similarly, it was Lowry who acquitted the two SAS men of the murder of sixteen year old John Boyle at Dunloy.

Lowry has been Lord Chief Justice during the period of a number of Secretaries of State. It is, of course, impossible to know what relationship exists in that area, but it has been rumoured that Roy Mason was particularly annoyed when Lowry acquitted Gerry Adams, a prominent member of Provisional Sinn Fein, of membership of the Provisional I.R.A. This case had been an attempt by the DPP and police to broaden the law by convicting Adams of membership on the basis of a T.V. broadcast, not of a statement made while in custody. (Recently there has been another attempt to broaden the law by charging poeple on the basis of the testimony of police that they verbally admitted membership while in custody. Such fabricated confessions seem to be replacing signed confessions beaten from suspects.) Lowry seems to have believed that 'the Law' should not be compromised by putting people in jail on flimsy charges, a belief that is only a short distance away from advocating internment. Previous to the Adams case Lowry did not endear himself to the 'security' forces by his judgment in R. - v - Flynn and Leonard (1972) , in which he more or less said that confession statements obtained from Palace Barracks would not be admissable as they per se infringed the law on confessions because the very nature of the place sapped suspects' free will. More recently, he appeared to put the issue of allowing suspects to be slapped while in police custody beyond doubt by stating that no such ill-treatment was allowed. Previously, it had been considered that a certain degree of ill-treatment was legally permissible.

He was recently made a Law Lord, and can thus sit in the House of Lords, in both its political role and its judicial role as the highest court in the United Kingdom.

2. LORD JUSTICE JONES

Sir Edward Warburton Jones has been a Lord Justice since 1973. From 1951 until 1968 he was Unionist M.P. for Derry City; he also served as Attorney General for Northern Ireland from 1964 to 1968. He was a Lieutenant-Colonel in the British army, and an Orangeman. He is a lay member of the General Synod of the Church of Ireland. He has acted as Chancellor of the Diocese of Derry and Raphoe, Connor and Clogher.

As an M.P. Jones vigourously defended the system of discrimination against Catholics (see some of his more sectarian statements, reproduced in the following Box). Age has not softened his sectarianism. He recently acquitted a police officer of the charge of murdering Michael McCartan who was holding a paint brush when he was shot. The decision outraged many people in the Lower Ormeau area of Belfast where Michael had lived .

Jones is 69 years old, and very much represents a caricature of the public's conception of a judge. He is hard of hearing and cantankerous, and trials in his court take longer. He is an arch-conservative and is perhaps the most severe of all judges in sentencing. Recently he sentenced a man to life for being a look-out in a murder, and he said that this meant life. The sentence was overruled on appeal. It is generally believed that even his fellow judges consider him an embarrassment and think he ought to retire.

THE WIT AND WISDOM OF JUDGE ERNEST WARBURTON JONES

'We have been handed six counties of Northern Ireland, largely Unionist and largely Protestant, and that is what we want and that is what we are going to fight for'. (**Belfast Newsletter**, 4 March 1957)

'If anybody says that only loyalists have the right to be employed, that is a perfectly fair and reasonable proposition. Aren't you committing suicide by giving away your birth-right into the hands of people who would destroy you?' (**Belfast Telegraph**, 6 February, 1958)

'I have lived in all parts of Ireland and can tell a disloyalist at a distance. You will never make peace with them'. (**Belfast Newsletter**, 21 January, 1960)

3. LORD JUSTICE GIBSON

Like Jones, Maurice Gibson is also conservative and a tough sentencer, and like Lowry, he is an old boy of Royal Belfast Academical Institution. Furthermore, he is very legalistic in court. He was the judge who convicted Martin Meehan of kidnapping, despite some dubious evidence from a paid police informer. (Even when Lowry later quashed one of the most serious charges against Meehan, the heavy sentence that he had received from Gibson still stood. It was over such blatant injustice that Meehan went on hunger strike.)

More recently Gibson made an even bigger fool of himself. When a woman defendant applied for bail on the grounds that she was pregnant, Gibson said that she could wait until the baby was born and then it could apply for bail!

Gibson's house in Donegal was recently broken into by H Blocks supporters, but he was not there at the time. He is presently Chairman of the Northern Ireland Legal Quarterly, the North's most important legal academic publication.

4. LORD JUSTICE O'DONNELL

Turlough O'Donnell is the most senior Catholic judge. He was appointed to the High Court the week after the introduction of internment, and remained in office despite the withdrawal of many important Catholics from public positions in protest over internment. He was chairman of the Northern Ireland Bar Council (the body which oversees barristers in the North) before that, and was formerly a member of the society of Labour Lawyers. He is considered as having a more objective standpoint than some other judges (for example, Jones) when assessing evidence of police and army witnesses. Take the case of Doherty versus the House of Lords: Doherty, an innocent passer-by, was shot on the Falls by the army, who claimed he had been helping gunmen and in evidence produced a magazine they had 'found' on him. He was charged (surprisingly, in the Magistrates' Court) and got six months. He did not appeal, but sued the army for negligent shooting. O'Donnell was the judge in the case against the army. He ruled that he didn't believe the soldiers' evidence; in his judgment, Doherty did not have the magazine. He found for Doherty, a decision upheld by both an appeal court and the House of Lords. The chances of Doherty having been so lucky in front of any other judge are slim.

Similarly, O'Donnell is more likely to listen carefully to a bail application. He sat in the appeal court with Lowry in the Duffy - v - Craigavon Council case and agreed with Lowry that there was discrimination. O'Donnell was also the judge who gave some of the 'Shankill Butchers' thirty five years for their horrendous murders of Catholics.

5. JOHN MACDERMOTT

MacDermott is a High Court Judge. He is the son of the former Lord Chief Justice who was the target of a bomb at the Ulster Polytechnic shortly after having put members of the East Antrim UVF behind bars. He is also a tough sentencer though he annoyed the D.U.P. in particular when giving recorded sentences

McDermott on his wedding day in 1953

(which means that they were set free, but that the sentence comes into effect if any further offence is committed, even a 'non-terrorist' one) to two 'Bloody Friday' defendants. These men had left a car with a bomb inside at Oxford Street bus station; their defence was that they had acted under duress, and did not know the car contained a bomb. On the other hand, MacDermott is infamous for his judgment in the case of Corporal Jones, accused of murdering Pomeroy man Patrick McIlhone. Having acquitted Jones of murder, MacDermott said the trial had gone on long enough and he would not consider a charge of manslaughter!

MacDermott is also the wardship judge. In this capacity he deals with disputes over custody, etc. of children.

6. BRIAN HUTTON

Hutton is the most recent appointment to the High Court. Formerly he was Senior Crown Counsel in the six counties and legal advisor to the Ministry of Home Affairs. During the period of Direct Rule, he was de facto Attorney General for Northern Ireland.

Educated at Oxford, he was one of Britain's defence barristers at the Strasbourg hearings, where the European Court of Human Rights indicted Britain for ill-treatment in relation to the treatment of internees in 1971. Later, he was also a member of the Law Enforcement Committee with Lowry. He recently heard the Kennedy/M60 trial and gave most of the defendants very heavy sentences - in their absence as it turned out, for most of them escaped just before the verdict. Again he too has handed down at least one progressive judgment in the area of sex discrimination and he has also had articles published in legal journals.

7. BASIL KELLY

Kelly has been a High Court judge since 1973. At the time of the dissolution of Stormont in 1972 he was Attorney General, a position he had held since 1968, making him the most senior legal expert in the Unionist governments throughout the civil rights struggles and at the time of the introduction of internment. He was also an Orangeman and Unionist M.P. for the period 1964 to 1972.

Surprisingly, he has made several brave judgments in his time, in the sense that he was prepared to acquit on the evidence against considerable pressure demanding conviction. This was true in the Edward Brophy case, when Brophy was charged with the La Mon bombing. In the course of his judgment Kelly said: *'I have not heard all that went on at Castlereagh from the police over those four days in September'.* Kelly still gave Brophy five years jail for membership of the Provisional I.R.A., but Brophy was acquitted later both in the appeal court and the House of Lords. Some years previously Kelly convicted Corporal Foxford for the manslaughter of Newry Boy Kevin Heatley. This sentence, however, was quashed on appeal and Forford was freed.

Kelly, complete with Orange Order bowler, as a Unionist M.P.

Kelly was educated at Methodist College and Trinity.

8. DONALD MURRAY

Murray has been a High Court judge since 1975. He was formerly chairperson of the Incorporated Council of Law Reporting for Northern Ireland and Director of the Northern Ireland Legal Quarterly. He has also chaired a major inquiry into company law in Northern Ireland. He is the Chancery judge and deals with company law, trusts, land law and injunctions in that capacity. (The High Court is divided into two sections: the Queen's Bench, which deals with civil cases, and the Chancery Court, which deals with company and land law. The latter area is a very intricate and legalistic one, and one that no other judge in the six counties knows much about. For this reason, they are all perfectly happy to leave it to Murray, on the grounds that he loves law books.) As Chancery judge Murray recently gave Crazy Prices an injunction against the unions in the bread dispute case. (Crazy Prices were bringing in cheap bread from the South and selling it as a loss leader, thus threatening to put Northern bakeries out of business.) But Murray's decision was over-ruled on appeal by Lowry.

Murray was the inspector on the siting of the new prison at Maghaberry. He is Governor of Belfast Royal Academy - he was educated there, at Queen's University and Trinity - and is also a member of the Legal Advisory Committee of the Standing Committee of the General Synod of the Church of Ireland. He too has had articles published in various legal journals.

He has heard some very important cases. In one, two soldiers got life for the murder of two civilians with pitchforks. Murray gave Captain Snowball, who was convicted of withholding information about it, a suspended sentence. In another, he awarded Fermanagh school teacher Bernard O'Connor £5,000 for assault in Castlereagh interrogation centre (while at the same time publicly condemning O'Connor as both a Republican and a liar. Lowry had initially been the judge in the O'Connor case, but withdrew when it was learnt that his

daughter was engaged to - and has since married - one of the detectives implicated in beating O'Connor during interrogation.)

Murray also heard the libel case involving Judge Doyle and the Economist magazine. The jury awarded Doyle £50,000. Lowry gave evidence for Doyle. The Economist appealed and the case was settled out of court, reputedly for £25,000. In another libel action, - that of Loughran and the Andersonstown News against the Sunday Times and its journalist Chris Ryder - Murray was the judge overseeing events as Ryder won. (See 'Portrait of a Hack' in **Belfast Bulletin 6**, 'Media Misreport Northern Ireland')

Two other cases of public note have been tried by him. He decided that Magheraflet council was guilty of political discrimination against the G.A.A. in its grant-aiding capacity, and he found for Bernadette McAliskey in her claim that the BBC was discriminating against her in its election coverage of the 1980 EEC elections.

THE COUNTY COURT JUDGES

9. WILLIAM DOYLE

A recent Catholic appointee to the County Court, William Doyle was previously a barrister and magistrate. His appointment led to his libel action against the Economist, a case that caused a lot of concern. The judges grouped together on this case as closely as accusers in a Salem witch trial. Even the Sunday Times in September 1980 expressed concern that this was *'the disturbing story of the case brought by one judge, heard by another in which crucial evidence came from a third - who happened to be their chief'*. (Doyle, Murray and Lowry respectively.) Faced by such odds the Economist could not win, and their claim that Doyle had been appointed not on the basis of merit, but as a token Catholic, was found to be libellous.

10. SIR ROBERT PORTER

Educated at Foyle College and Queen's University, Porter was Counsel to the Attorney General for Northern Ireland from 1963 to 1965. He was a Unionist M.P. from 1969 to 1973, during which time he became Minister of Health and Social Services in 1969 and Minister for Home Affairs in 1970. As Minister for Home Affairs, he was known as a ditherer and as relatively weak, and was certainly not as popular among hard line Unionists as was his predecessor William Craig. It was Porter who went to London with Chichester-Clark and asked Callaghan to send in the troops. In August 1970 he resigned from the Cabinet, to be replaced by the more hardline John Taylor.

Porter was later heard of in the mid 70s at the head of a committee to look at privately rented housing in the six counties. The recommendations of his committee became the first step of both Labour and Conservative governments' attempts to make the private rented sector more profitable for the private landlord.

Porter was appointed a County Court judge in 1978, and has been, since 1979, Recorder of Derry (replacing Judge Littel, who was also a Unionist M.P.) He is known as a tough sentencer.

11. JAMES BROWN

Brown was County Court judge for Down from 1967 to 1978. In 1972 he headed the so-called Brown Tribunals, brought in to lend a veneer of respectability to internment. Internees faced charges of a sort, with 'evidence' presented by unnamed witnesses, standing behind screens, who could not be cross-examined by the impotent lawyers who attended to 'represent' the internees.

Brown now holds the important position of Recorder for Belfast. As such he hears many civil cases (cases where civilians sue the army and police for assault, unlawful arrest, false imprisonment, etc.) and no lawyer we have spoken to, except one, knows of a case where the police or army lost. He is also a particularly tough sentencer in criminal cases generally, as well as in the Diplock Courts. He has also heard a number of cases sponsored by the Equal Opportunities Commission for sex discrimination, and the Commission has won none of the cases.

He is the son of one of the North's first ever judges, and was educated at Campbell College and Oxford. He was a Captain in the Royal Ulster Rifles .

12. ROBERT BABINGTON

A County Court judge since 1972, Babington is descended from an old Anglo-Irish family, and counts among his ancestors the Bishop of Derry (1610) and a Williamite captain who fought at the Boyne. He was formerly a Crown Prosecutor for Derry. His uncle was a Unionist M.P., Attorney General and an Appeal judge. In 1936, the uncles, when closing for the Crown in a murder trial, made the infamous statement that *'the man was a publican and a Roman Catholic, and was therefore liable to assassination'.*

Babington's father served in the Royal Ulster Rifles, and said in 1961, when addressing the Unionist Labour Association, that *'registers of unemployed loyalists should be kept by the Unionist Party and employers invited to pick employees from them. The Unionist Party should make it quite clear it is loyalists who have the first choice of jobs. There is nothing wrong with this'.*

Babington himself was a Unionist M.P. for North Down in the late 60s and early 70s. He was a determined opponent of the Civil Rights struggle and once called on the government to make it illegal for the SDLP to obtain funds from the Southern government.

In a recent case (see Belfast Telegraph June 12, 1981) he gave a man a fine of £600 for admitting collecting ammunition and firearm components in case *'the fabric of society was brought down under the assaults of terrorists'.* The man was a security officer at Hillsborough Castle who claimed that he kept the arsenal at his home and that he would use it under the direction of the security forces in the event of a 'doomsday situation'. Babington said: *'In considering the state of affairs in Northern Ireland, one would not be surprised if persons did find it incumbent upon them to seek the oddest kind of solution to the problems, in desperation'.* He went on: *'I am satisfied you felt very strongly, clearly and honestly and that you thought you were behaving as a good patriot should'.* The man, Walter Lynn, was a member of the sinister and mysterious TARA organisation. A second man charged with him and who pleaded guilty to possessing detonaters and a rifle was fined £350 and given one year's suspended sentence.

13. ROBIN ROWLAND

Rowland was educated at Ballyclare High School and Queen's University. He served with the British army in India, Assan, Thailand and Malaya in 1942 - 46. He was Counsel to the Attorney General for Northern Ireland in the 1966 - 69 period and later was Senior Crown Prosecutor for County Tyrone. In 1974 he became a County Court judge.

He is on the Board of Governors of Strathearn School in East Belfast and is also on the Legal Advisory Committee of the General Synod of the Church of Ireland. In 1978 he chaired an Inquiry for the government into housing contracts, which arose out of allegations by arch-Tory Jill Knight of money supplied by the Northern Ireland Housing Executive finding its way to the Provisional I.R.A (see **Belfast Bulletin 8** for the real story behind 'Rip-Offs and Cover-Ups in the Housing Executive'.)

14. IAN HIGGINS

Higgins, a Catholic, was educated at St. Columb's College, Derry and Queen's University, Belfast. He became a judge in 1971 at the height of the internment operation. He sits on the Board of Management of two important Catholic educational institutions, St. Joseph's College of Education in Belfast and Dominican College in Portstewart. He is also involved in the Legal Aid Advisory Committee and in Voluntary Service, Belfast. He is a member of St. Vincent de Paul, and was a member of the Gardiner Committee in 1975 which endorsed the Diplock system and recommended the termination of 'special category status'.

Like Doyle and O'Donnell, both Catholics, he seems to be less willing than other judges to take army or police evidence as unquestionably truthful. However, he recently dismissed a claim by Fr. Dessie Wilson (see piece on Wilson in **Belfast Bulletin 8**, 'The Churches in Northern Ireland') for unlawful arrest by the army. This was probably not because he did not believe Wilson. The law says a member of the security forces can arrest anyone s/he suspects of being a terrorist. It does not say that that suspicion must be reasonable. So the person doing the arresting merely has to claim s/he was acting sincerely.

15. ROY WATT

Watt has been a County Court judge since 1971. He was educated at Ballymena Academy and Queen's University. He is considered a particularly brutal sentencer and can be ill-mannered in court. (Perhaps not coincidentally, he is a member of the British Boxing Board of Control!) He was formerly a Senior Crown Prosecutor for Counties Fermanagh and Tyrone.

16. FRANK RUSSELL

A recent appointee, Russell has already made his mark as a tough sentencer in Diplock courts. By contrast, he is considered to make fair awards in civil

cases. He was the judge who presided at the conviction of I.R.S.P. member Seamus Mullan, who subsequently went on hunger strike. The House of Lords recently dismissed Mullan's appeal. Russell also presided in Duffy - v - Craigavon Council. He found no discrimination, but Duffy later won on appeal. (See 'Still Crazy After all these Years', in **Belfast Bulletin 9**.)

17. DICK CHAMBERS

Chambers is also a fairly new appointee. He was formerly a barrister who represented a lot of insurance companies in civil cases, that is, cases for damages.

18. JOHN CURRAN

Curran has been appointed Recorder of Derry only in the last year. Peter Taylor in his book *Beating the Terrorists?* describes Curran (when he was a barrister who practised a lot in the Diplock Courts) as a *'thin, earnest Q.C. with glasses, who takes time to build up a head of steam'*. Be that as it may, he did not entirely blow a gasket in a recent case of some Argyle and Sutherland Highlanders accused of stealing documents and money from the UVF. Curran reprimanded the Brits for keeping the money and destroying documents that could have been of use to the Special Branch. He told the accused that it would not have been so bad if what had motivated them had been a feeling of revenge against a paramilitary organisation; they had been motivated only by greed, and that was what annoyed Curran!

19. JOHN MCKEE

McKee was appointed about the same time as Curran. He is the President of the Northern Ireland Industrial Tribunals and has just published, as a co-author, a book on industrial tribunals. Much disquiet surrounds these tribunals in the eyes of the Equal Opportunities Commission and the Irish Congress of Trade Unions, to name but two organisations. Workers are not winning cases, and part of the reason is that with a legal chairperson, McKee, and bosses having legal representation, the tribunals are becoming increasingly legalistic.

THE PETTY SESSIONS

More than 95% of all criminal cases are dealt with by Magistrates' Courts. The rest, generally more serious cases, are dealt with by the Crown Courts. Magistrates' Courts - or Petty Sessions, as they are more popularly known - sit in Belfast and in regional centres all over the six counties, and are presided over by Resident Magistrates, who are generally full-time. They are drawn mostly from the ranks of experienced solicitors and are addressed in court as 'Your Worship'.

THE MAGISTRATES

The magistrates who sit most frequently in Belfast are:

Charles Stewart, Q.C.
One of the few R.M.s to have practised as a barrister and the most senior of the Belfast magistrates, he is also the most popular and well-known. He is a wise-cracker who likes to play to the public gallery, but, more importantly, he is regarded as a liberal with a much keener sense of justice than any of his colleagues. This does not endear him to policemen and prosecution lawyers who regard his relative impartiality and preparedness even to acquit occasionally as a sign of naivety and softness.

Magistrate Charlie Stewart's daughter Berni is a sculptress. She sculpted this rhinoceros and then spent a long time wondering who it reminded her of. It was only when her father sat down beside the sculpture one day that she made the connection. There is no truth to the rumour that Berni has applied to join the Workers' Research Unit as our permanent political caricaturist.

John Edwards
Formerly of Castlereagh Petty Sessions, Edwards likes to cultivate the image of a tough, no-nonsense defender of law and order and has demonstrated a particularly harsh approach to benefit fraud offenders, whom he frequently sends to prison. Brusque and short-tempered, he is not well-liked, but is credited with the attribute that he is prepared to listen to legal arguments which other R.M.s would ignore and is less obviously deferential to the prosecution than most other R.M.s.

James Tweed
Tweed presides in the juvenile court with the sensitivity and social awareness of a plastic bullet. Pleas of not guilty are unwelcome in his court and he acquits as rarely as he smiles. Juvenile courts deal with civil as well as criminal matters and have power to put children in care until they are 18, so sensitivity and social awareness are actually very important. Every day Tweed and the two lay members of the court take decisions which affect the whole lives of children and their families and which, in the opinion of some social workers, he is not suited to take. He seems to be more concerned with procedure and formality than with justice. It is interesting to note that there has been a dramatic increase in training school orders since his appointment.

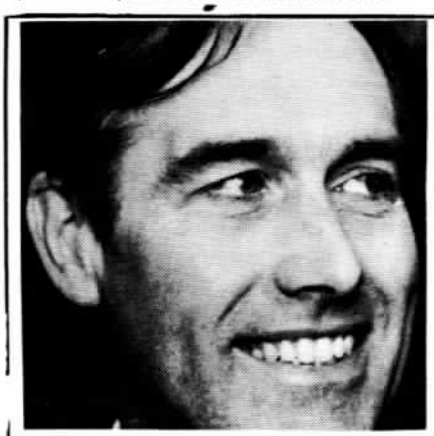
Albert Walmsley
Walmsley doesn't like to sit after lunch, so is unhappy when defendants plead not guilty. The reward for a guilty plea is a moderate sentence.

Thomas Travers
Travers is still settling in as a R.M. Generally regarded as moderate, he is already showing signs of case-hardening and his acquittal rate is on the decline.

Gerard Harty
Harty is also a recently appointed R.M. He is abrupt, completely lacking in patience and unwilling to give defendants a chance to put their case fully. He exhibits an unreasonable cynicism towards defendants. His acquital rate is also in sharp decline (from a low starting point). He was previously employed by the Director of Public Prosecutions.

Recently Harty came in for public censure from Lord Justice Jones, himself a man not noted for his liberalism. Harty had allowed the police to fingerprint a person charged with disorderly behaviour, even though the person's solicitor pointed out that the taking of fingerprints was irrelevant in the case. On appeal to the High Court, Jones ruled that the case had to go back to Harty for reconsideration. Jones said Harty had done something entirely contrary to ordinary law and had thus caused a lot of trouble. Awarding costs to the fingerprinted person he added, referring to Harty: *'I would like the person responsible for all this trouble to be answerable for the costs, and it is clear it could be done, but we don't think it should be done in this case'.*

Basil McIvor
A former Unionist Minister of Education, and of Community Relations, McIvor was appointed to the Bench while he was a Unionist member of the Northern Ireland Assembly. He sits regularly in the Maintenance Court, which deals with matrimonial separations, and he often exhibits his class prejudices in moralising, self-righteous lectures delivered to the parties who appear before him. He is not noted for his intellectual prowess.


McIvor when he was Minister of Education in 1973

Aiden Cullen
Notoriously pedantic and long-winded, Cullen is the most unpopular of all R.Ms. among solicitors and barristers because he takes an inordinate length of time to deal with cases with no apparent benefit to anybody. However, at least no defendant leaves his court without having every issue relevant and otherwise fully ventilated. He is as self-righteous as McIvor, and an even greater agoniser.

John Adams
'Robust' is about the mildest adjective that could be applied to this man, who sits mainly in Newtownabbey and terrorises lawyers and public alike. He is a man of very few words (for example, 'Guilty, six months') and even fewer liberal ideas. His recent conviction for careless driving is an embarrassment to him, but it doesn't seem to have had any effect on his sentencing policies. 'Doing the double' often attracts a prison sentence.

THE COURT

Belfast Petty Sessions is located in a newish but shabby building opposite the Law Courts at the Oxford Street end of Chichester Street. About eight courts normally sit every week day, three on the ground floor dealing with adult offenders, one dealing with matrimonial separation cases, one (or sometimes two) with juveniles and another one or two sitting as special courts to deal with lengthy contested cases. Each of the three main courts handles approximately fifty cases a day. The most common offences are theft, assault, riotous behaviour, disorderly behaviour, careless driving and speeding; the vast majority of defendants plead guilty and are dealt with by way of a fine.

The overwhelming majority of those who plead not guilty are found guilty and a conviction is virtually a certainty if the prosecution evidence consists of the evidence of soldiers or police, whose evidence is believed implicitly by most R.M.s. It is a common complaint of defence lawyers that no matter how many discrepancies and inconsistencies they expose in the evidence of a policeman or soldier, that evidence is accepted in preference to that of a civilian defendant and his/her witnesses, unless the defendant and witnesses are respectable, middle-class members of the public, in which case the R.M. is

We noted in the introduction to this section on judges and magistrates that one element in assuring your appointment to the Bench in the old days under Unionist rule was to issue a few blood-curdling sectarian statements. Some of the older magistrates were no less guilty than the judges of such sectarianism. We reproduce below some of the juicier statements of **Albert Walmsley.**

'If the person who is taking up employment which is paid out of the public purse refuses or is not prepared to give allegiance to the Crown, then it is quite clear that the person should not be in public employment'. (Northern Ireland Hansard, June 28, 1961)

'In the past ten years the number of Roman Catholics living in Northern Ireland has increased by 25,000, and certainly, if they are being discriminated against, they seem to be thriving very well on it'. (Northern Ireland Hansard, March 10, 1964)

sometimes less prepared to convict. By and large, though, R.M.s seem to think that they must stand behind the 'security' forces and not make any decision that would undermine their morale or expose them to criticism. After all, they are doing a difficult job in difficult circumstances and need the support of every right-thinking member of the community.

THE LAWYERS

The Magistrates' Court in Belfast is dominated by about five firms of solicitors and by two in particular. Both of these firms have a reputation among lawyers for providing a low standard of representation for their clients, mainly because they take on so much work that they don't have the time to handle it properly. A defendant who instructs a reputable firm of solicitors will normally have a full consultation with the solicitor some time before the court hearing so that the solicitor is fully acquainted with all the facts and can summons any witnesses who can give evidence for the defence. In some cases the solicitor will instruct a barrister to appear on behalf of the client and will send a brief to the barrister comprising the charge sheet and the statements of the defendant and the witnesses. The unsuspecting defendant who instructs a bad firm becomes a name on one file among a couple of dozen which the solicitor will be handling on the morning of the hearing and it is very often the morning of the hearing before the solicitor gets around to consulting with the client. The primary concern is to ensure that the legal aid application form has been signed and then to ascertain the facts as quickly as possible so as to enable the solicitor to get back into court on all the other cases. Indeed, sometimes the solicitors in the firms mentioned earlier are so poorly informed that they have to supplement their information by asking the defendant questions across the court-room while they are actually on their feet addressing the magistrate!

In cases where a client insists on pleading not guilty and withstands the pressure to admit the offence charged, most solicitors will instruct a barrister to do the case. The Legal Aid Department pays a solicitor about £15 for a plea of guilty (which in court takes about five minutes or less, in addition to the time taken - if any - to consult with the client, etc.) and about £25 for a contested case (which takes an average of an hour or two in addition to time for consulting, etc.) The brief sent to the barrister by one of the less reputable firms will often only contain the charge sheet and a blank legal aid application form. In fact, the brief will often be just the solicitor's file with a note of the defendant's name and the charge. The barrister may receive this for the first time on the morning of the trial. The result is that only very junior barristers who are desperate for work are generally prepared to act for these firms in the Petty Sessions and those who do prefer to take on several cases to make it financially worthwhile, with the consequence that s/he finds the time s/he can allocate to each client is limited. The upshot of all this is that the client receives shabby representation and suffers accordingly. In circumstances where a person's liberty or livelihood or, at the very least, reputation is at stake, this state of affairs is nothing less than scandalous. It is a state of affairs which magistrates, barristers, solicitors, probation officers and press all know exist. It is tolerated in official circles probably because the conduct of the bulk of the court's business by a small number of firms helps to ensure the smooth running of the conveyor belt. It is not for nothing that these courts are called courts of summary jurisdiction.

THE OLDEST PROFESSION

The legal profession is the most secretive and exclusive private club in the North. It makes and breaks its own rules, has its own private language and wears its own peculiar uniform of wigs and gowns. It disciplines its own members, decides to a large extent what it should be paid, and from its ranks are selected those who dictate what the law means - the judiciary.

WHO POLICES THE PROFESSION?

The club has two branches, solicitors and barristers. There is one solicitor's office for every 5,000 persons in the six counties, but solicitors are concentrated in Belfast where the ratio is one office per 2,700 persons. Solicitors are governed by the Incorporated Law Society - ILS - which acts as a professional association and has local branches such as the 400-strong Belfast Solicitors' Association. The ILS is responsible for administering legal aid and deals with legal advice available under the 'green form scheme'. Until recently the ILS kept no records of practising solicitors, but it is clear that the number of solicitors grew rapidly in the 1970s. In spite of this increase, the Council of the ILS, its ruling body elected each year, has for many years been made up of only 28 members.

YEAR	NUMBER
1974	562
1975	606
1976	630
1977	668
1978	772
1979	801
(1981	approx. 1000)

TABLE 1: Number of practising solicitors in the six counties

The ILS publishes no information on how it handles complaints made against solicitors by dissatisfied customers. People with complaints are usually told by the ILS to consult another solicitor to see if they can sue for negligence. But finding a solicitor willing to take such an action against a fellow professional is near impossible. In the case of a 'serious' complaint, the ILS will handle the matter itself disciplining the solicitor concerned if necessary, or it may pass the matter on to a disciplinary committee composed solely of solicitors appointed by the Lord Chief Justice, Lowry. So there is virtually no public accountability whatsoever.

This insular way of running the profession is no accident. It suits the most successful (rich) and senior solicitors who are strongly committed to private practice and those areas of work which pay the most. There is no enthusiasm in the ILS for encouraging solicitors to work in the areas of housing, social security, family, employment or consumer law. These are the areas in which the majority of people need advice most, but they are also the areas which pay solicitors the least. The most lucrative work, criminal law, is cornered by a handful of solicitors firms, a hierarchy which the ILS is happy to perpetuate.

Any departure from private practice and other rules is frowned upon. Solicitors must charge the rate for the job. They are not allowed to advertise their services as this might produce 'unfair competition' - the ILS prefers its nepotistic ways of sharing out business. Any solicitor practising in a law centre must get special permission to do so because law centres advertise their services to the public. Such solicitors are employees of the centre, rather than self-employed, and their position is therefore similar to doctors in the NHS. Thus, the ILS rules are a way of preventing or controlling the expansion of law centres and other non-private forms of practising since it sees these as creeping socialism.

Law centres aren't the only worry for the ILS. In the past few years there has been increasing pressure from radical and socialist lawyers, and more specifically from the Benson Report on legal services, to get the ILS to approve and set up a duty solicitor scheme. A duty solicitor scheme is a voluntary rota of solicitors who wait outside magistrates courts for consultation by anyone who hasn't had the opportunity to take legal advice or doesn't know a solicitor to go to. There are proposals in Britain to extend the scheme to police stations and prisons. Such schemes do two things. They provide a service for a large number of people who might otherwise have no legal representation, but they also provide more business for the legal profession. In spite of the latter, the ILS has strongly resisted the setting up of a duty solicitor scheme in the six counties, largely because it would involve distributing criminal work more widely among solicitors. The pickings would have to be more evenly shared within the profession. The ILS has reluctantly just agreed to introduce a pilot scheme in Belfast.

Other ILS contributions to legal enterprise include its campaign to get 'contingency fees' introduced (fees calculated as a percentage of the award made in damages cases) and its refusal to outlaw the practice in which one solicitor acts for both sides in conveyancing property.

Much of what applies to solicitors applies also to barristers. Barristers police themselves through the Bar Council, which has its own disciplinary and complaints committees. Barristers operate out of the Bar Library. Here they wait to be approached by solicitors who brief them on cases. For a barrister to get work, much depends on the personal contacts between solicitors and themselves. Young barristers in their first few years at the Bar are expected to earn very little. Later they will be raking in more in a few days than they earned in a whole year. Barristers start as 'juniors' and may go on to be QCs or 'silks'. It is from the latter than judges are appointed. In 1969 there were 61 barristers practising in the North. Eleven years later there were approximately 200. During this period the number of QCs only rose by 3. But the 1970s was a time of rapid promotion for QCs as more judges were appointed to cater for the workload of the Diplock Courts. So the current generation of QCs comprises a handful of old barristers and a batch of relatively young ones.

YEAR	QCs	JUNIORS	TOTAL
1969	22	39	61
1970	21	53	74
1971	19	66	85
1972	21	65	86
1973	24	66	90
1974	23	77	100
1975	21	93	114
1976	23	87	110
1977	23	100	123
1978	23	120	143
1979	25	135	160
(1981	25	175	200)

TABLE 2: Number of practising barristers in the six counties

EARNINGS

There are about 15 women barristers in the North. If women join the legal profession at all, they tend to end up as solicitors with lower earnings than men. Barristers earnings vary very widely. When the Benson Committee came to the North to examine the legal services here, it tried to find out as much as possible about the social and financial characteristics of the profession. The Bar council did agree to conduct a survey, but, unlike in England and Wales, this did not include contentious questions on social background (for example, religion). Solicitors and Barristers were asked to give details of their earnings for the year 1974/5. So few solicitors replied that no results were published. Barristers were more forthcoming , but most of the information they gave was in the form of estimates. Like others in the self-employed class, solicitors and barristers were obviously anxious to conceal from the Inland Revenue both the true extent of their earnings and the fact that many of their transactions are in cash. According to the Bar Council survey in 1974/5, 32% of barristers earned over £10,000. On the other hand, it was claimed 28% made less than £2,000 a year. But these are gross under-estimations. Our investigations have revealed that the top-paid barristers in the six counties - in civil cases, criminal cases and crown prosecution work - each earn approximately £250,000 per annum. Even the 'worst' paid senior barrister is probably on about £75,000, with most QCs earning between that and £150,000. The position with junior barristers is different. Those who refuse to take on prosecution work, or who involve themselves in the less prestigious legal areas may earn relatively little. But for those willing to ignore any principles they may have had, there are opportunities for big pickings for even junior barristers. We have located one junior barrister who receives about £40,000 per annum in prosecution cases in the Diplock Courts, doing the Mickey Mouse work of asking the preliminary questions of police and forensic witnesses (for example, 'Is this the gun that was found?', 'Is this a photo of the area where the incident occurred?') before the senior barrister gets down to the slightly heavier work of cross-examination, etc.

As for solicitors: their pay in any one case is usually about twice that of the barristers in the case. Considering that in one recent five-day criminal case the junior barrister got £3,000 and the QC £8,000, it is obvious that there are some solicitors who are doing all right. However, given that there are many more solicitors around than barristers, and that the solicitor may have to put a lot more time into the case than the barrister, solicitors are earning much less per annum than many barristers. All the same, the top ones are probably on about £100,000 per annum.

No wonder those at the top of the legal profession are worried about an end to the war here. They are drawing large salaries as a result of its continuation, either directly (through vast sums paid out of legal aid, that is, state money, for their participation in criminal cases), or indirectly (as a result of the field in civil cases being less competitive than it would otherwise be because everybody is off cutting other lawyers' throats for the big money in the Diplock Courts).

One question arises: why should a barrister give up the big money to sit as a judge on the Bench for the puny salary (comparatively speaking) of approximately £25,000? There are at least two reasons. Firstly, sitting on the Bench may be a lot less money, but it is also a lot less work. Secondly, being a judge in our society is prestigious, bringing with it cocktails with Generals, knighthoods and the chance to chair committees investigating everything from police reform to Housing Executive rip-offs.

TRAINING THE PROFESSIONALS: THE LAW FACULTY

The Law Faculty at Queen's was established by the British government in 1845 with the stated aim, then as now, of providing a liberal university education through the teaching of law. Until the partition of Ireland however, the Law Faculty remained very much of secondary importance, with the main centre of legal education in Ireland being at Trinity College, Dublin. It was only with partition that the Law Faculty really prospered - in close relationship with the new legal system and the legal profession in the new six county state.

Fiddling while Belfast burns: Queen's Law Faculty with its back symbolically turned on the 'troubles'

Since partition the Law Faculty at Queen's has prided itself on its 'unique' role as the only Law Faculty in the six counties. What this has in fact meant is that it has given unquestioned and unqualified support to the sectarian state. Thirty years ago Professor Newark who, together with two other professors, dominated the Law Faculty until the 1960's, chose to use his inaugural lecture as Professor of Jurisprudence offer a hymn of praise to the constitution of Northern Ireland, which, he said, 'has endured for twenty five years and which, with minor repairs and running adjustments, is capable of giving good service for a century or two to come.' After proclaiming that 'it is the duty of a lawyer - above all, of an academic lawyer - to present what he (sic) conceives to be the disinterested truth', Professor Newark proceeded to defend the introduction of the Special Powers Act on the grounds that 'the new government and the new Parliament found itself faced with a situation in which the state was at any time likely to dissolve in anarchy'. The Special Powers Act, he said, 'is in a respectable line of succession to many similar acts which the troubled state of Ireland has rendered necessary in times past.'

Given that dominant ideology, it was the rare bird within the Faculty who dared challenge the conservatism and sectarianism of the Stormont regime. The fact that people such as Newark were in charge of hiring and firing guaranteed that few 'rebels' reached the inner sanctum of the Law Faculty. Add to that the fact that most prospective lawyers got places as a result of family connections, and that most existing lawyers were Protestant, and it is obvious that the voice of dissension was rarely raised beyond a timid squeak. There were one or two exceptions, people like Jim McCartney, who became active on the question of civil rights in the mid-1960's. But McCartney survived because he was well established in the Faculty by the time his civil rights interest surfaced. In this sense he was active in the movement despite the Law Faculty. Gil Boehringer in the early 1970's was another 'rebel' who was less lucky. His concern with questions of the acceptability of the RUC and his advocacy of community policing brought him into conflict with the Law Faculty chiefs. Unlike McCartney,

Boehringer was not established in the Faculty and got the boot.

By Boehringer's time the previous approach in the Faculty - that of blatant support for Unionism - was beginning to give way to a more subtle appraoch. This change was evidenced in the choice of a new professor of Jurisprudence in 1975, a man then very much presented as a rising star, Colin Campbell. Himself a consequence of this regroupment of the Law Faculty, Campbell has further contributed to the process of redefining the Faculty's role vis-a-vis the 'new' six county state (with its reforms', its increasingly sophisticated repression, its British-inspired quangos and centralised bodies, and the bureaucracy and technocracy of Direct Rule). The general argument of Campbell in his inaugural lecture in 1975 was much more sophisticated than that of his predecessor, Newark, thirty years earlier. He said that despite the presence of conflict in a society, social institutions retain a remarkable stability and continuity and that the idea of law and the prestige of legal institutions play a crucial role in securing and reinforcing such stability.

'Northern Ireland', he said, 'is a persuasive example. While it is perfectly clear there is not value consensus in Northern Ireland - conflict is visible and virulent - nevertheless social integration continues. There is participation in institutions, regularities of relationships, dependable expectations, the following of institutional norms and so forth. This one example is enough to show that value consensus is not essential for social integration.' He concludes that such 'social integration' is primarily maintained by the respect which people have for the 'Law' and for legal institutions. Law is therefore seen in this view as playing the key role in securing a return to stability and 'normality' in the north of Ireland.

Campbell's commitment to 'normal law' is the key to understanding the role the Law Faculty has played in the six years since his appointment. At the very least Campbell can be accused of naivete, because if one thing is certain about the six county state it is that the law has never been 'normal' here. And at most Campbell can be suspected of playing a part in the British state's campaign of normalisation and criminalisations of political dissent since 1976. There is evidence for both assessments. Campbell has integrated himself and

his Faculty well into the expanding legal empire in the North. Ingratiating himself with judges, taking his place on the Standing Advisory Commission on Human Rights, sitting on the Management Committee of the Community Law Centre, playing the honest umpire for the Department of Health and Social Services (as chairperson of the investigation into the death of Paul McIlhone, a victim of child beating).

Where do Campbell and the Law Faculty stand as regards the repressive state? At times Campbell has toyed with playing a more openly dubious role. In 1976 he attempted to involve the Faculty in research undertaken on behalf of the NIO into prisons and prisoners in the six counties at the time of the introduction of the H Blocks in Long Kesh. This plan eventually came to nothing however, when the members of staff who were approached to actually carry out the research refused to have anything to do with it.

For the most part the Faculty's relationship to the repressive state has been supportive, even if indirect. The 'troubles' have led to a vast growth of the legal empire in NI. The Law Faculty plays a key role in reproducing 'proper' professionals and servicing them. Indeed, 'Servicing The Legal System' is the title of a major project set up within the Faculty to carry out research and provide information for the legal profession. Similarly, the establishment of the Institute of Professional Legal Studies (with Elliott, the Coroner of Belfast as its boss), was ostensibly to open up the legal profession to a wider cross section of society. (Although the sectarain balance of the Law Faculty had changed since the days of Civil Rights, the class balance had changed little). In fact the Institute has become one more element in the assembly line that produces proper professionals. Such a system, more planned and superficially more rational than the system that prevailed in the old boy network days of the Unionist Party, is as tightly closed to 'rebels' as ever. The lawyers in NIASL, though they themselves mostly products of the Law Faculty, are thus the contemporary equivalents of McCartney, 'rebels' despite the Law Faculty.

Given that, the established members of the Faculty have stuck mostly to 'safe' issues, such as company law or tort. To Campbell's credit he has at least focused on issues specific to the six counties, but his interest in a Bill of Rights (see the book he edited, 'Do We Need A Bill Of Rights?') can be classed as 'safe' too. Another ploy is to emasculate unsafe issues. At present the Faculty is backing research into RUC interrogation techniques with the full support of the NIO. Presumably the willingness of the NIO to cooperate is because they believe the Law Faculty researchers will 'objectively' and 'impartially' 'discover' what they themselves say about the changed interrogation techniques of post-Bennett Castlereagh.

Such research says a lot about the present relationship of the Law Faculty to the NI state. They are not mere puppets dancing to the commands of their political masters. But their common interest with the political bosses is a belief in the desirability of law. That leads them to believe that normal law in many ways already exists; it also leads them to share the concern of the NIO to have a return to at least the appearance of 'normality' as soon as possible. The attempt to impose that appearance in the six counties means criminalisation and the acceptance of massive state repression.

INSTITUTE OF PROFESSIONAL LEGAL STUDIES

The Institute of Professional Legal Studies was established in Belfast in 1976 upon the recommendations of the Report of the Committee on Legal Education in Northern Ireland, commonly referred to as the Armitage Report.

The sole conclusion of this report stated:

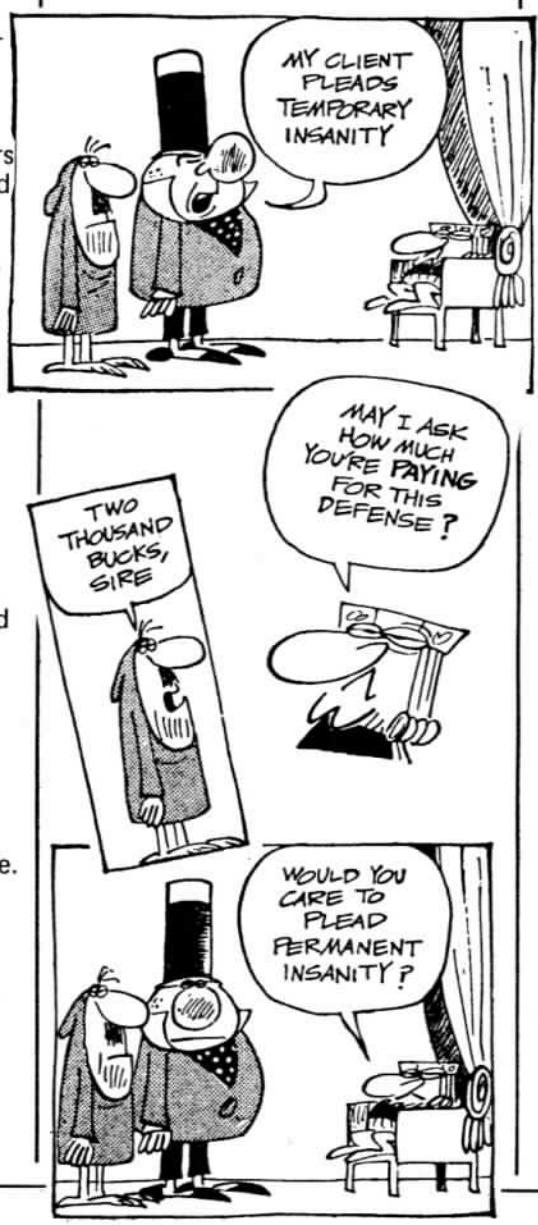
It was clear to us from the evidence submitted that the successful completion of the existing courses of professional training provides no guarantee as to the competence or the quality - beyond the academic quality - of a candidate for either branch of the profession. We are satisfied that the case for change is overwhelming.

No one would disagree with that! However, there may be another reason why the Institute came into existence. In 1968/69 there were very few solicitors and barristers in N.I. However, with the 'troubles', as we have shown elsewhere in this Bulletin, there was a rapid expansion in their numbers, and there seemed to be no control in relation to the numbers qualifying. So the Institute could have been a deliberate method for ensuring that there would be some control over the numbers of lawyers who would share in the vast sums of money to be made as a result of the great increase in the numbers appearing in court.

But this concern to keep the spoils in the hands of the select few is completely contrary to the recommendations of the Armitage Report, which argued that the profession should be 'open to all' and that there should be *'genuine equality of opportunity without hardship.'*

Despite Armitage therefore, various 'back doors' into the profession have been deliberately left open. In other words, it is still possible to qualify as a lawyer in N.I. without going to the Institute. Aspiring lawyers can attend courses constructed by the Law Society for future solicitors, and by the Inn of Court for future barristers. Incidentally, despite Armitage's recommendations as to legal training and competence, the one year Bar course run by the Inn of Court requires no lectures or tutorials to be attended, but simply the passing of an end of year examination. Approximately 20 solicitors apprentices and 4 Bar students this year alone have either been refused by the Institute on merit, or have deliberately chosen ways of avoiding selection.

There are therefore various struggles going on . The main issue at stake is simple - who controls legal education in N.I. Is it the professional bodies (the Law Society and the Inn of Court), the Law Faculty of Queen's University, or the personnel of the Institute? But it is is still basically a struggle within one class between traditionalists, liberals, and meritocrats. As an illustration of the fact that the professional bodies are unhappy with the control mechanism of the Institute, the Inn of Court has introduced over the last couple of years a compulsory 6 month unpaid pupillage for barristers with no grant and no social security - an effective deterrent for working class students.



Of course there are different struggles for students themselves. Pre-Institute non-law graduates are discriminated against in terms of higher fees and examination standards than those solicitors apprentices assured of jobs through the 'back-door' entry. Working class students generally are discouraged from entering both the Law Faculty and the Institute because job prospects are dependent upon knowing practising lawyers. For women, the whole system is male dominated and sexist attitudes among the staff and even the students are prevalent. As for socialist students, the Institute subjects are property oriented and the course is aimed at reproducing capitalist legal ideology. For all, it is an authoritarian 9-5 school-like regime. Finally, because of the competition for places in the Institute, law students in the Faculty opt for traditional 'safer' subjects which are easier to pass, as opposed to more challenging, and potentially more radical subjects such as the sociology of law, criminology, or human rights.

The Institute's future is problematic. In fact it is due for review this year. It would appear to suit certain interests within the legal profession and the government to axe it altogether. The former because for them the Institute has failed as a control mechanism in terms of numbers and the latter because it would suit Thatcher's monetarist policies . It is not improbable that the old self-recruiting system will completely reassert itself but this time with a much tougher controlling system - effectively excluding working class and socialist students altogether.

THE STANDING COMMITTEE THAT SITS PERFECTLY STILL

Concern about human rights has become popular, to the point where even governments have jumped on the bandwagon. But it is a fact that the further away from home the violation of human rights occurs, the more a government is likely to express its 'concern'. How else could we explain that the government whose armed forces have been party to torture, internment without trial, harrassment of countless civilians and murder can actually sponsor a Standing Advisory Commission on Human Rights in Northern Ireland?

THE COMMISSIONERS

The Commission was set up in 1973 as a result of the NI Constitution Act. Since then it has done little except run a few seminars, publish annual reports and make a few respectable suggestions to government. Respectability is in fact the hallmark of this body; take the commissioners themselves, for example (see Box 1). What some of these people know, or even care about human rights in NI is beyond comprehension! Even those whose credentials would seem to be somewhat better have not been in the forefront of agitation for civil rights and against repression. Terry Carlin, for example, is a member of the Police Authority, despite the opposition of a number of fellow trade unionists; his membership serves to give a badly needed legitimacy to the beleagured RUC. (See Belfast Bulletin 7 on Trade Unions in NI.)

David Bleakley, the chairperson, is another one with no record of opposing repression. His concept of 'peace' is a comfortable one, which allows him to canonise such people as Saidie Patterson while never, even when he was Minister of Community Relations (sic!), expressing any concern about internment, police brutality, etc.

As such he follows in the footsteps of the first chairperson of the Commission, Lord Feather of Bradford, CBE. (There have been two other chairpersons, Lord Plant, and Lord Blease of Cromac, formerly Billy Blease, trade unionist.) In his previous existence as Vic Feather, General Secretary of the British TUC, 'Lord' Feather's record on human rights was deplorable. In 1973 he caused a ruckus in the TUC by lending his support to PM Vorster of

The Standing Advisory Commission on Human Rights in earnest debate misses the carnival of reaction outside

The present Commission members are:

DAVID BLEAKLEY, chairperson, former MP and Minister of Community Relations, member of NI Labour Party.

DENIS BARRITT, O.B.E., Justice of the Peace, former secretary of Belfast Voluntary Welfare Society and former chairperson of PACE (Protestant and Catholic Encounter)

ELIZABETH BUTLER, consultant haematologist at Royal Victoria Hospital, Belfast.

TERRY CARLIN, NI Officer of the NI Committee of the Irish Congress of Trade Unions.

BOB COOPER, former Unionist and later Alliance Party member, present boss of the Fair Employment Agency.

JOHN FROST, O.B.E., retired headmaster of Sullivan Upper School, Holywood.

JAMES GREW, Director of Abbicoil Springs, Ltd., Portadown, and chairperson of the Post Office Users' Council for NI.

GEOFFREY HORNSEY, Professor of Public Law and Dean of the Law Faculty, Queen's University, Belfast.

CAROLINE KELLY, an Enniskillen solicitor.

TOM KERNOHAN, C.B.E., formerly of the Confederation of British Industry and no Commissioner for Administration and Complaints (the Ombudsman).

JOHN MACKIN, a youth officer from Newry.

LIAM MCCOLLUM, a barrister.

SANDY SCOTT, O.B.E., NI Labour Party member, Assistant General Secretary of the Amalgamated Society of Boilermakers, Shipwrights, Blacksmiths and Structural Workers.

South Africa by advocating separate unions for black and white workers. Before that, specifically on NI, he had received a personal commendation from British PM Heath for his crucial role in preventing the AFL-CIO (the American equivalent of the TUC) from instituting a boycott of British goods in protest over the Bloody Sunday murders.

With such backgrounds of ignorance concerning, if not active opposition to, human rights, it is not surprising that the Commissioners have done little. Now, it could be argued that it is unfair to criticise them for not being at the forefront of the H Blocks campaign, for example. It could be said that there is a place within the contemporary reformist state for a group of professionals who can convince the government about the need for fundamental changes in the law that in the long term will benefit those at the receiving end of repressive laws. But the evidence is that, not only has the Commission's advice to government been for the most part ignored, but also that it has succeeded in giving little advice. That is, the Commission has done next to nothing *even in its own terms!*

In eight years the total of fundamental changes brought about through the Commission's advice has been nil. Let's look at each of the issues about which they offered advice.

EMERGENCY LEGISLATION

In their 5th Annual Report (1978-9) they begin by spelling out how they view the protection of human rights in NI: *'There has been a succession of legislative measures which have sought to enhance the legal protection of human rights here, but, unfortunately, full enjoyment of these rights must await an ending of violence'.* That quickly puts them on the side of the forces of 'law and order'. Given that, the only scope they have for recommendations is to advise that *'no piece of emergency legislation should persist longer than is absolutely necessary'.*

For some years they urged the government to remove the power of 'executive detention ' (internment) from the books. Although this power had not been used since 1976, it was included in the EPA each time it was renewed. In July 1980 Atkins announced that the power would be allowed to 'lapse', a decision which the Commission not only regarded as being of *'major importance'*, but also one that resulted from their persistence. The actual reality is much less cosy, however. The power of internment can be resurrected by the Secretary of State at any time; the only change in the law is that he must now seek approval for his action from parliament within 40 days, an approval which would undoubtedly be given. Furthermore, the Commission's optimism ignores the reality of the conveyor belt of 'justice' in NI, which is effective enough to rule out the need for internment at present.

THE CONVEYOR BELT OF 'JUSTICE'

ARREST: It is more than apparent that the army and policy arrest people, especially young Catholic males, for screening. The Commission went as far as saying that this was tantamount to harrassment. Consequently, they argued that arrest should only occur when there is *'reasonable suspicion that the person ... had committed, was committing, or was about to commit an offence'.* The infamous 'sus' law in Britain used precisely those same terms to allow the police harrassment of young blacks. The obvious problem, of course, is about how to judge that a person is about to commit an offence. But an even more serious criticism of the Commission is the implication of implementing their suggestion. The liberal-minded commissioners could rest content that arrests were happening only when there was reasonable suspicion of crime. At very least such neat reformist efficiency ignores the politics of the criminalisation of political dissent; at most, it unequivocally comes down on the side of the Brits in labelling political activists as mere criminals.

INTERROGATION: The Commission agrees with Diplock's fundamental premise that, short of *'inhuman or deg-*

rading treatment,' some heavy handedness is needed in interrogation to make *'a guilty man ... more likely than he would otherwise have been to overcome his initial reluctance to speak and to unburden himself to his questioners'*. Of course, the problem is that such heavy handedness could lead to 'excesses' on the part of 'over zealous' interrogators. So, they argue for the need to make sure that police interrogators do not overstep the mark. Fine words, but not a hint anywhere of how systematic violence in interrogation has been condoned and planned within the RUC. While people suffered real human and degrading treatment in Castlereagh and other such centres, the Commission agonised over the minutiae of the law, unable (and unwilling?) to speak out forcefully against violations of human rights.

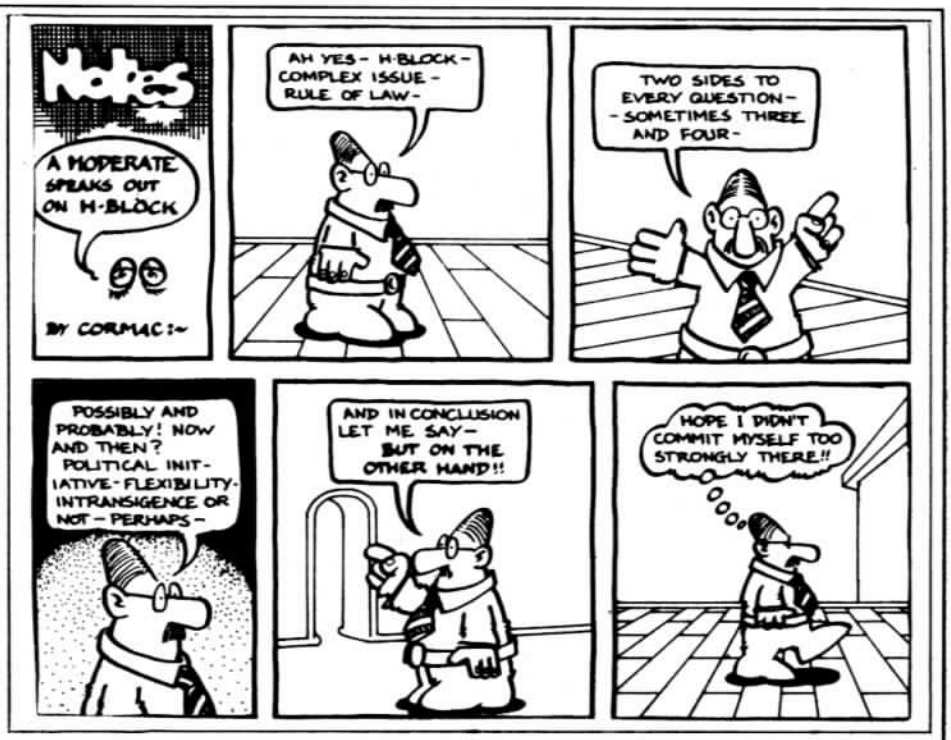
COURTS: Agreeing as they do with Diplock's starting point, they cannot but agree with his conclusions. *'Section 7 (of the EPA) established the Diplock Courts. We feel unable to recommend that this procedure should lapse in the absence of a viable alternative'*. End of argument!

REMAND: Amid claims that excessive remand was being used to introduce a form of internment by the back door, the Commission concluded: *'There will always be anomalous or difficult cases where longer than average periods will be spent on remand; unfortunately, many scheduled offence cases do fall into this category'*. In other words, if you end up on a long period of remand, it's not because the police or the Secretary of State want you to, but because you were stupid enough to be tried by a no-jury court.

PRISONS: Unbelievably, despite the escalating struggle against criminalisation which emerged in Long Kesh and Armagh from 1976 on, the Commission has nothing to say on the subject of prisons in its 5th or 6th Annual Reports.

A BILL OF RIGHTS

The Commission has put most of its eggs in the one basket of arguing for a Bill of Rights. There are many ways in which debates about such a Bill are a red herring. Britain since the 1950s has been a signatory to and is thus supposedly bound by the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms. These provisions exclude, among other practices, detention without trial. How then could internment have taken place? The European Convention allows signatories to 'derogate', that is, a signatory may argue that because of a



national emergency, it needs to introduce certain laws and practices not otherwise permissible under the Convention. Thus Britain first used its right to derogation as regards NI in June 1957, and has continued to do so since.

It is impossible that a British government would allow itself to be bound by a home-grown Bill of Rights to the extent of not being able to continue such repression as is allowed now under the European Convention. A Bill of Rights can quite happily co-exist with internment, no-jury courts, whatever, provided it can be argued than an emergency exists. The only value of a Bill of Rights would be that complainants could take a case through NI courts instead of having to go through the Court of Human Rights at Strasbourg. Such a change might slightly expose a chink in Britain's legal armour, but it would certainly mean little in real terms to those being processed on the conveyor belt of emergency law.

DIVORCE AND HOMOSEXUALITY

The Commission argued for and welcomed the decision of the British to allow for slightly easier divorce in NI as a result of the Matrimonial Causes (NI) Order of 1978. However, they failed to qualify that welcome in any way by pointing out that divorce is still fraught with difficulties, especially for many women. Furthermore, even if one was to believe (as the commissioners themselves seem to) that this success resulted solely from their advice to the British, it is not much to show for eight years work.

The effect of the Commission's advice is put in perspective when one looks at what didn't happen with regards Homosexual Law Reform. Atkins and company capitulated to pressure from Paisley's Free Presbyterians (through their 'Save Ulster from Sodomy' campaign), as well as to the strong, but less public, pressure from the Catholic hierarchy. The advice of the Commission was swamped in this wave of reaction. Yet their protest was no more than muted – *'We must record our regret and disappointment'* – not a full-throated bellow demanding to be taken seriously.

CONCLUSION

The Standing Advisory Commission on Human Rights is a joke. That is beyond question. But it is customary to follow up such condemnations with a demand that the organisation be given more teeth, or that, at very least, it be supported by those seeking justice. Such a conclusion is mistaken. The Commission has no teeth precisely because the British state is not interested in the issue of human rights in NI. It set up the Commission without teeth, and it appoints the respectable members. It supports the Commission not because it hopes to convince anyone in NI that it is serious about human rights, nor even to have the great, concerned British public rest peacefully knowing that human rights are being protected in NI. The value of the Commission is external. Under pressure from foreign governments, especially in the midst of the H Blocks crisis, Britain can point to such endeavours as the Commission and plead: 'But, look what we're doing for human rights in NI'.

COLONIAL RELICS: THE MAKING OF IRISH PRISONS

For more than two years, the British government has been consciously pumping out propaganda to counter the protests of Republican prisoners in Armagh and the Long Kesh H Blocks. It has briefed its embassies throughout the world, toured America, published and distributed tens of thousands of copies of four glossy 'brochures' on the 'realities' of prisons in the North; no expense spared, it produces sickening 'fact files' on hunger strikers close to death and is in the process of making a 50-minute film, 'Northern Ireland Chronicle', for which it hopes to get local churchmen and politicians to preach the British position. As the brief for this latest propaganda venture says: *'a statement along the lines that the men and women convicted of scheduled offences in the Diplock Courts are imprisoned not for their beliefs but for their criminal actions is far more cogently made by, say, a Catholic bishop, than by any on- or off-the-screen government spokesman'.*

These are just a few examples of the clampdown following the successful re-internationalisation of the Republican struggle currently centred on the H Blocks. The immediate background to the hunger strikes is well-known - the withdrawal of special category status in 1976, the move from a compound to a cellular system of incarceration and the conveyor belt system of military policing, interrogation, 'confessions' and special Diplock Courts. For four years the prisoners, their relatives and the Republican movement struggled to resist the new regime in various ways. The prisoners initially refused to wear prison uniform and after two years refused to wash, finally stepping up their action to the 'dirty protest'. Prison officers were attacked and shot dead. Appeals were made to the European Commission on Human Rights. The Catholic hierarchy visited the prisoners, held talks with the British government and appealed for a resolution to the issue. The May inquiry into prisons throughout the United Kingdom (1979) came and went, congratulating the government on the high standards of prison accommodation in Northern Ireland while completely ignoring the question of political prisoners.

Both British and Irish governments are at pains to point out that prisons in Ireland are monuments to humanity, veritable holiday camps, whose otherwise peaceful and rehabilitative regimes are disturbed by trained subversives who simply refuse to accept the charitable facilities there for the taking. Nothing could be further from the truth. The essential purpose of imprisonment has not changed since the 19th century and the specific political role of prisons in Ireland in suppressing Republicanism has an equally long history.

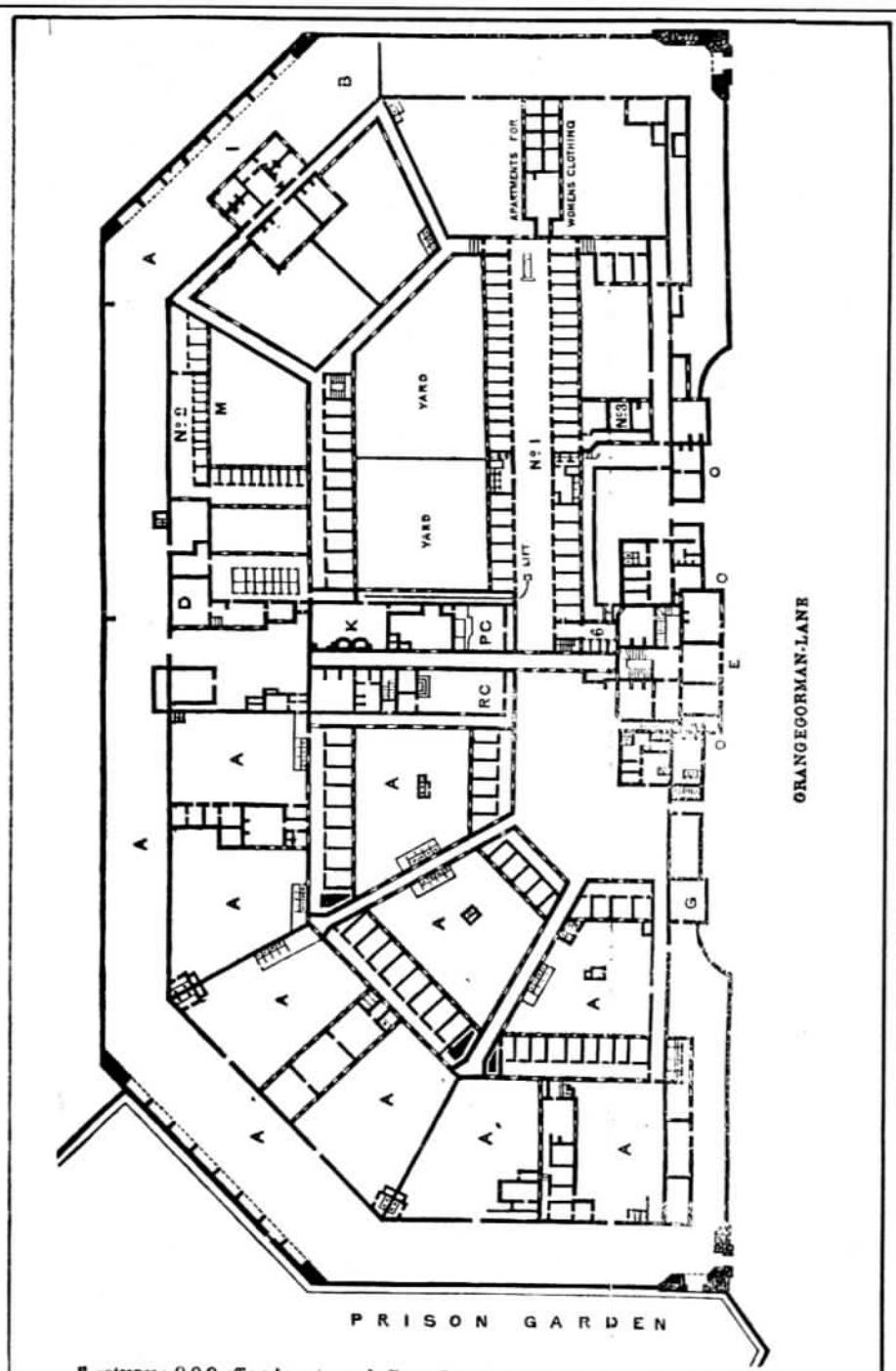
THE COMING OF THE PENITENTIARY

To understand the emergence of the modern prison system as a system of punishment and moral reformation, we need to go back to the 19th century and the latter part of the 18th century. The transformation of the prison from a judicial transit camp to a prototype of the factory owed much to Britain's imperial fortunes and colonial experience. It was only when the system of transportation as a means of exporting the problem of social discipline and of supplying cheap captive labour to the colonies began to break down that the modern architects of punishment and control came to dominate the bourgeoisie's debate on how best to deal with the 'dangerous classes'.

The Insurrection Acts were not considered as sufficient to suppress what the British saw as the innate rebelliousness of the Irish. In the first half of the 19th century, under the direction of Sir Robert Peel, the means of control were developed on two fronts. Firstly, a highly mobile central government armed police force (Peace Preservation Force) - the original 'peelers' - was established, later supplemented by a county constabulary. These two forces were combined in 1836 into the Irish Constabulary , again a centrally controlled body, whose loyalty to the Crown was rewarded with the title 'Royal' Irish Constabulary, specifically in recognition of its diligence in putting down the 1867 uprising. The political role of the RIC as the front line of the 19th century British colonial administration still informs popular attitudes to the Gardai (the police in the South) to this day.

Secondly, the British set about reorganising Irish prisons, developing and experimenting with the new technologies of pain and discipline which heralded the gradual switch in the object of punishment from the body to the mind. By the time of the Famine, the 178 prisons existing in 1823 had been whittled down to 44, including 26 new prisons, many of which were built along semi-panoptic radial and semi-circular lines (so that prisoners could be constantly watched). Most had tread wheels, a third operated the 'silent system', educational and religious instruction was almost universal. Some effort had gone into implementing total separation of prisoners by day and night.

From the late 1820s separate prisons were being established for women following Elizabeth Fry's dictum that *'the first thing which is absolutely essential if a woman is to be reformed is that she shall be kept from the other sex, not only from prisoners, but from the male officers'*. It is from this time that we can date the origins of the treatment of Irish women prisoners in terms of 'femininity', 'domesticity' and 'women's work' in the labour market. While men were breaking stones, turning cranks and working treadwheels (the energy of which was occasionally used by the linen barons or for raising water), women were set to spinning, needlework or washing - the latter usually reserved for the lowest class. The 'separate system' was fully operational in the main womens' prison at Grangegorman Lane, Dublin by 1846.



E, entrance; O O O, officers' quarters and offices; G, guardroom; P C, Protestant chapel; K, kitchen; I, infirmary; No. 1, new criminal prison, containing 126 cells, lavatories, and water-closets; No. 2, new laundries, to accommodate fifty women, mangling and ironing-rooms; D, drying-room; No. 3, new bath-rooms and fumigating apparatus, school-room over these apartments, off second story; R C, Roman Catholic chapel, enlarged to accommodate 200 women; No. 1, new hall.

Grangegorman Lane Women's Prison

PRISON UNIFORM

The inspectors of prisons faced a particular problem with prison uniform for three reasons. Firstly, there was some resistance from prisoners themselves, although not as organised or as intense as the protests of the political prisoners in the latter part of the 19th century or indeed of the 20th century. Secondly, the local Grand Juries, eager to avoid expense, were reluctant to purchase uniforms, this being more important than any considerations of control and degradation. Finally, the law on prison dress remained ambig-

The Five Demands – the most recent phase of an age-old struggle over prison conditions

uous (Prison Act 1826) and open to wide interpretation since it stated that clothing should be provided to those *'as shall stand in need of such assistance'*. The confusion institutionalised a class distinction, as well as giving rise to inconsistencies between and within prisons. Middle class prisoners had good enough clothing not to 'need' uniform, while some prisons supplied uniforms for convicted prisoners, but not for remand prisoners, and others supplied no uniform at all. Women prisoners seem to have been required to wear prison uniform, with 'ladies' (as opposed to peasants and the growing industrial working class) wearing a superior tweed.

THE FAMINE AND THE CONSOLIDATION OF THE MODERN PRISON

By 1845, as a result of the objections of the Australian colonies, the system of transportation was virtually at an end. Only a limited number of convicts were now accepted, yet the prisons were full to overflowing with people who had fought for food during the Famine. The state was forced to respond to this emergency, and it was out of this response that the Irish convict system was developed.

A number of Acts provided for the conversion of transportation sentences to terms of 'penal servitude' and for further political suppression (the Treason Felony Act, 1848), laying the grounds for the system of social control which involved an increase in the policing of the populace either through labour relations, emigration or sheer threat of force. Punishment and discipline came to be elevated to a science by the social reformers of the day, and was eagerly taken up and implemented by the ex-military British controllers of Irish prisons.

In theory, the new convict system consisted of four major stages. Stage one involved a period of solitary cellular confinement in Mountjoy (four months for women, nine months for men) which had been opened in 1850 as a 'national model prison' and was a carbon copy of Perth and Pentonville. (Crumlin Road Jail, Belfast, was opened five years earlier, and although very similar to Mountjoy, it remained outside the convict system, operating instead as a 'County House of Correction'.) For stage two, men were sent to Spike Island for 'hard labour in association', which in practice meant building fortifications for the British Army. Stage three was a term in a sort of 'finishing school', known as an 'intermediate prison' (for men this was at Lusk or Smithfield, Dublin). Not all convicts went through this type of prison since entry was selective. Political prisoners, for instance, such as the agrarian offenders of the time, were not eligible. The idea of this stage was to 'assail the prisoner with temptations' and to put his or her behaviour on public trial. Prisoners were usually employed outside the prison and were allowed to visit shops. But the main idea was to get prisoners to save their earnings, providing them with a lump sum on discharge with which to finance emigration (over two thirds of them emigrated). The women's equivalent of intermediate prisons were known as 'refuges', of which there were two, one each for Catholics and Protestants. The women received an extra £5 gratuity when leaving with the intention of emigrating. Thus emigration was encouraged as a means of reducing both male and female crime.

The final stage of the convict system was 'release on license', which effectively extended the authority of the prison beyond the prison walls, and which was an early form of today's probation. Released prisoners had to report every so often to the police. The length of license depended on how much remission the prisoner had 'earned' while inside. In fact, the whole convict system was designed as an obstacle course of 'incentives' (such as the 'privilege' of working with the cell door open!) and deterrents. Progress through the system could only be earned by good behaviour which was constantly monitored by a marks system, a practice adopted by many contemporary training schools, young people's prisons, etc. The two crucial tools of punishment and control, the marks and license systems, were much more strictly enforced by the colonial administration in Ireland than in England. For example, remission was regarded as a right by English prisoners, only to be withdrawn for serious midconduct, and police reporting on license was usually ignored. But in Ireland, failure to report to the police meant being sent back to prison.

The more troublesome Irish were not only subjected to greater controls; their prison education was also more explicitly political, as they were indoctrinated into an acceptance of existing property relations, the rights of owners and the necessity of earning an honest living.

THE CHALLENGE OF POLITICAL PRISONERS

The theory of the convict system was one thing: practice was quite another. As the system was being developed, the composition of political prisoners changed, and with it the forms of struggle and resistance within the prisons.

When the producers of the Fenian journal **The Irish People** were imprisoned in 1865, the British government was aware that they had on their hands a group of highly committed and politically articulate activists with popular support. The Army and colonial administration felt it was too risky to confine such men in Ireland. Perhaps an attempt would be made to liberate them, or they would be the pretext for another uprising, possibly inspiring a revolt against the convict system itself. Whatever the reason, they were removed to Pentonville where the authorities could be relied upon to administer an especially vindictive regime. It is evident from the accounts of Thomas Clarke and O'Donovan Rossa that the mental and physical destruction of the Fenian prisoners shipped to English jails was a conscious

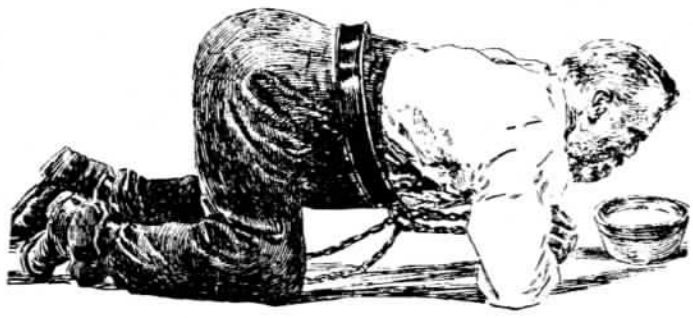
Thomas Clarke

policy. Many died or were transferred to asylums. A new cage system for visits was introduced and the regime as a whole tightened. As Marx reported, *'the convicts say it was a bad day for them when the Fenians were sent to the prisons'.* The exceptionally defiant Rossa, whose mind survived to tell the tale (and who was elected as MP for Tipperary while in prison) was subjected to treatment which even the conservative **Spectator** described as 'barbaric', calling for a separate, more relaxed regime for political prisoners.

As a result of public pressure the government was forced to hold an inquiry into the treatment of Treason Felony prisoners. The outcome was, predictably, exoneration of the authorities, but the Devon Commission of 1871 did recommend the segregation of Fenian prisoners for the other convicts: political status was therefore recognised.

Gladstone's policy of holding the Fenian prisoners *'as hostages for the good behaviour of the people outside'* (Marx) backfired. It led to increased Irish agitation in Britain, including a rally of 200,000 in Hyde Park , the springing of Lilly and Deasy (the Manchester Martyrs) from a prison van, and the deaths of twelve people in the Clerkenwell explosion. Finally, the prisoners were released on condition of exile.

The Prevention of Crimes Act prisoners of the 1880s - incarcerated because of their participation in the Land League - mounted a concerted opposition to the prison regime, refusing to wear uniform or to have their beards or hair cut. The outcome to this was an inquiry, in 1889, on prison dress. The Inquiry began by denying the relevance of the political motives of the offenders and great stress was laid upon the need to establish a universal discipline in place of the discretionary system that had been in operation. Civilian-type clothing was offered, but this was rejected by the only prisoner allowed to give evidence, an MP, jailed for articles published in the **Kerry Sentinel**, who made it clear that the prisoners wanted to wear their own clothes as a right, and not as a privilege to be manipulated by the prison staff. This conflict was only ambiguously resolved; political prisoners were allowed to wear their own clothes on the condition of personal hygiene. In other words, it was still not a right because the government was still the final arbitrer.



O'Donovan Rossa

THE TWENTIETH CENTURY

Prison protest became much more collective and intensive after the turn of the century. During the more decisive Rising of 1916, the stakes were much higher with the immediate prospect of liberating Ireland from colonial rule and the ruthless suppression of Republicans under martial law. The shape of protest, whether against prison, internment or military detention, changed dramatically.

The era of hunger strikes began. This form of 'moral blackmail', as the government calls it today, was employed on a massive scale in the years just before and after partition. There was no coherent government policy for dealing with the prison protests of this period as the political crisis was so acute a person could be sentenced to death and then be released a year later. This was the case with Thomas Ashe, who took part in the Easter Rising and who later became the first prisoner to die on hunger strike after being force-fed in 1917. Three years later the government was more hesitant about force-feeding when the Mayor of Cork, Terence Mac Swiney (serving two years) refused food for 74 days before dying.

All the hunger strikers of this period demanded either political status or unconditional release. After partition, the Free State government usually gave the anti-Treaty prisoners political recognition or release following the death of a protesting prisoner. Support from trade unions often put pressure on the government to concede the demands. But such concessions were won at enormous cost. During the Civil War over 12,000 women and men were interned and subjected to brutal treatment in the South. The regime in the North only contributed to the prison crisis by transferring prisoners who had lived in the South to the Free State in January 1922, following a series of hunger strikes and several attempts to wreck the North's prisons. From late 1922 to the end of 1923 the Free State authorities executed 82 prisoners after sentence by military courts, and it was during this wave of reaction that a mass hunger strike of 8,000 prisoners too place. The strike ended after the deaths of Denis Barry on 20 November and Andrew Sullivan on 22 November 1923. Several concessions were made following the deaths, including the release of 51 women hunger strikers, some of whom were required to sign declarations of good behaviour.

Terence MacSwiney

Republican prisoners in Dublin after the 1916 Rising receiving food from relatives

Political prisoners in the North also launched a mass hunger strike in 1923, demanding the unconditional release of all internees. The strike (involving 269) began on the prison ship Argenta and later spread to Larne workhouse (being used as an internment centre) and Derry prison. The main result was the transfer of internees from the Argenta to Derry.

Hunger striking was backed up by other forms of protest. For example, in the North men refused to do prison work. In the South Republican women in Kilmainham Jail rioted for five hours as they resisted being transferred to North Dublin Union until two hunger strikers, Mary MacSwiney and Mrs. O'Callaghan were released (they were). Many prisoners attempted to escape and some were successful, such as Maire Comerford, who was earlier shot in the leg for waving at other prisoners.

PRISON STRUGGLES SINCE PARTITION

At the end of the Civil War the prison regimes North and South settled down to a long period of relative quiet, punctuated by the IRA campaigns during the Second World War and the late 1950s. These campaigns included prisoners protesting against both the conditions of imprisonment and imprisonment as such. Neither government showed any urgency in developing the prison system such as by improving conditions, the range of work, educational and welfare provisions. With low crime rates North and South of the border, prison populations remained low, rising only in the periods mentioned above. Both governments preferred to muffle any trouble in the prisons and to preserve a tight Victorian-style regime for dealing with Republicans when the need arose. Complaints by prisoners were always (and still are) regarded as 'subversive', whether or not these were made by political prisoners themselves. Neither state developed a consistent policy towards political prisoners, responding instead with whatever was politically expedient at the time. There has never been an official public inquiry into prisons North or South since partition (although the North was included in the May Report on prisons in the UK in 1979).

There was plenty to inquire into. Below we have summarised some of the most publicised resistance to imprisonment by political prisoners since the Civil War and up to the 1950s.

For almost fifty years there were no substantial developments in prison policy North or South, aside from the closing down of disused establishments and the shoring up of the remaining 19th century monuments to discipline and punishment. It was only in the late 1960s and the 1970s, as a response to widespread protest in the prisons, that changes began to take place. We have set out the details of this intensive period of prison struggle below.

IRISH PRISONS TODAY

There are several points to note about this period as regards the South. Firstly, military detention, re-introduced in 1972, was only the sharp end of a broader strategy of reform and repression to meet the swelling prison population and the increasing restlessness of political and other prisoners. At the same time the South began a more detailed classification and treatment of prisoners, emphasising 'training', 'therapy' and psychiatric services as appropriate, and segregating political prisoners - not only from other prisoners, but from each other (according to party affiliations). Thus, the authorities have so far kept the lid on political prisoners by categorising them separately and by minor privileges which nonetheless had to be fought for. Whatever the limitations of this special treatment, political prisoners in the South have de facto political status. There has been little commitment to non-custodial punishments; rather, all the stress has been on security and on equipping the prisons with services (such as schooling and library books), and workshops, provisions which were in many ways better organised one hundred years ago.

Secondly, the Department of Justice with the full backing of prison staff and 'independent' Visiting Committees, has remained highly negative towards public concern over what is going on in prisons. It has stamped on protest and tried to cover up brutality inside the prisons, partly by refusing to take part in discussion outside

PRISON STRUGGLE IN IRELAND 1920s to 1950s

1927	North	Several Prison Officers sacked or reprimanded for 'negligence' following escape of four prisoners from Crumlin Road Jail (two re-captured).
	South	Twelve Portlaoise prisoners refuse to work, demanding political status.
1928	South	Five women start hunger strike for political status in Mountjoy. One was released after five days and association and other 'privileges' were given to the others. Two men in Mounjoy refuse to work and wear prison uniform. Both were allowed to wear their own clothes.
1930	South	Five prisoners in Mountjoy given 140 days solitary confinement. The authorities had withdrawn limited association for political prisoners during recreation, so the five had refused recreation.
1931	South	Two prisoners begin hunger strike after 17 months solitary confinement arising from the recreation protest. After eleven days the authorities restored remission, which in effect meant instant release.
1939	South	Internee Con Lehane begins hunger strike for release in October. Joined by McCarthy, Daly and Lynch. All were released.
1940	South	Eight prisoners in Mountjoy begin hunger strike for political status in February. D'Arcy dies on 16 April, followed three days later by McNeela. D'Arcy was only serving three months for refusing to answer questions and McNeela had a two year sentence for running a pirate radio station. The remaining protesters were transferred to military custody and issued with internment orders, thereby conceding political recognition.
1941	North	Prisoners in Crumlin Road and on prison ship El Rawdah threaten hunger strike over visiting conditions.
1943	North	In January four leading Republicans escape from Crumlin Road. Twenty one internees tunnel out of Derry Jail in March, but most of them are recaptured in the South when crossing the border and re-detained in the Curragh (military detention camp). In June twenty two Crumlin Road prisoners start unsuccessful strip strike.
	South	Fourteen prisoners in Portlaoise refuse to wear uniform. Limited association granted. Three begin hunger strike for unconditional release from the Curragh.
1944	North	In February thirty two Republicans begin hunger strike in Crumlin Road ; are opposed to conditions and demanding political treatment. Strike called off in March when three prisoners become seriously ill.
	South	Republican Prisoners Release Association formed.
1946	South	In April Sean McCaughey, sentenced to death (commuted to life) for common assault, begins hunger and thirst strike for unconditional release. He dies in Portlaoise twenty three days later. At his inquest the prison doctor admits to Sean McBride that he would not have treated a dog in the way McCaughey was treated. In June the Irish Labour Party visits Portlaoise and later published a critical pamphlet describing the treatment of political and other prisoners. The public is appalled to discover that men have been naked for four years, refusing to wear uniform and demanding political status. The ILP was especially critical of body searches, extensive periods of solitary confinement and special observation - turning cell lights on every fifteen minutes throughout the night.
	North	Tom Williams hanged. David Fleming starts hunger and thirst strike while on remand in Crumlin Road, demanding political status, one letter and visit per week, better rations and more association. Released on grounds of ill health.
1947	South	Following ILP visit to Portlaoise, new prison rules introduced. Political prisoners now wearing civilian-type clothing and taking exercise.
1954	South	Twenty four prisoners try to scale wall of Mountjoy using home-made ladder. Minor trouble in Portlaoise.
1955	North	Mitchell and Clarke, sentenced for participating in an unsuccessful raid on Omagh barracks in 1954, stand in Westminster election for Mid Ulster and Fermanagh and South Tyrone constituencies respectively. Both elected, but Clarke was unseated. He fought the by-election in August, winning with an increased majority. Both were barred from acting as MPs.
1957	South	Internment introduced in July. Gerry Lawless refused to sign an undertaking of good behaviour, so is not released. Sean McBride takes Lawless case to the European Commission. Lawless signs out in December 1958. McGirl, prisoner in Mountjoy, elected TD in general election along with three other Sinn Fein candidates (including current Sinn Fein President, O'Bradaigh).
1958	North	In May the authorities discover a tunnel dug by internees in Crumlin Road. A full-scale riot ensues as a search of the whole prison is carried out. The rioters are punished by loss of remission, solitary confinement and punishment diets.
	South	Serious disturbances and escape attempts by political prisoners in Mountjoy during the year, including a hunger strike. In September Rory O'Bradaigh and David O'Connell escape from the Curragh during a football match. There is a mass break-out from the Curragh in December; sixteen get away, eleven recaptured.
1959	South	Prisoner goes on hunger strike in protest against illegal detention following the release of the last internee in March.

1943 – 21 internees escaped from Derry jail only to be rounded up by Free State troops and re-interned in the South

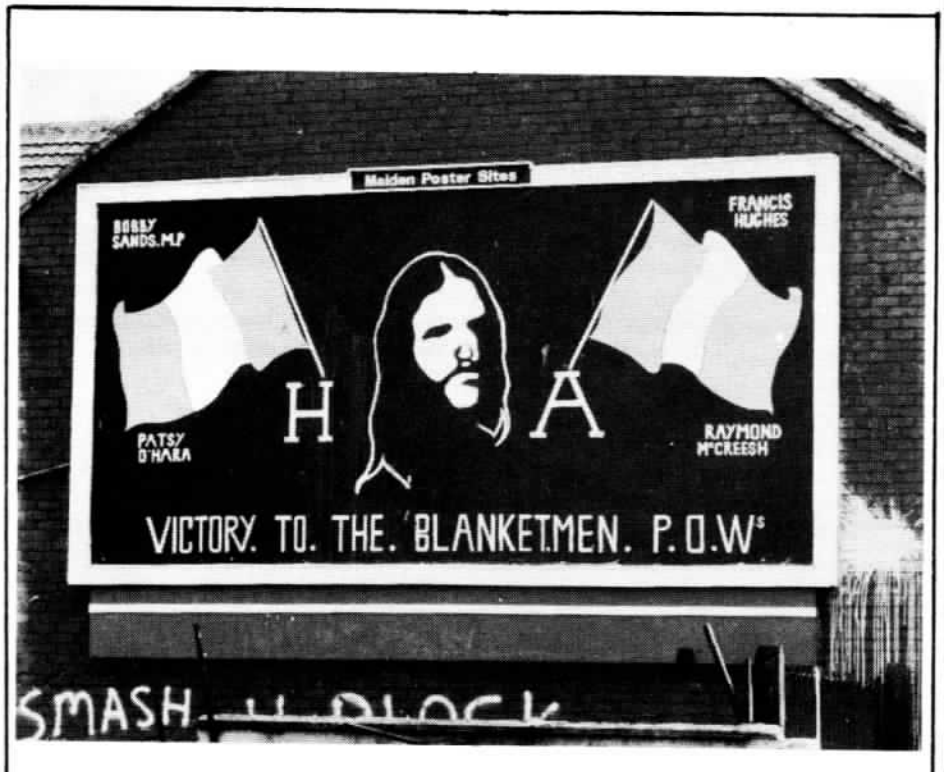
the prisons. If there is a penal policy at all, it is not something which is made explicit or open for debate.

Thirdly, the relatively small prison budget is mainly being used to expand the quantity of cellular accommodation, especially of the maximum security variety. A significant development is the construction of new secure units for juveniles.

The dramatic events surrounding prisons in the North may have received more publicity, but the British government and the media have done much to obscure the issues. Even more so than the South, prisons in less than a decade are being developed from antiquated dustbins into highly secure and sophisticated systems of control and vindication. The protests associated with the developments of the H Blocks and the withdrawal of political status have revealed this spectacularly. But the H Blocks, as an 'interim measure', are to be superceded by the electronic and militarily invincible Maghaberry. The British are gearing up for a long war. Investment in new prisons may well mean the final closure of Crumlin Road and Armagh (the provision of a women's section for 60 prisoners at Maghaberry ensures Armagh's demise), leaving the North with the 'most modern prisons in Europe'. But in this case, modernity means the repression of Republicanism, maximum security and an expansion of Protestant employment in 'law and order'. In a similar way, 'humanitarian reform' has come to mean, just as it did in the 19th century, the conversion of emergency provision into an elaborate and permanent system of control and demoralisation. While in the North the British have been forced to debate prisons publicly, they have done so with the arrogance of the Spanish Inquisition. Accountability is a charade; the Boards of Visitors have never been allowed to hear the complaints of political prisoners and even if they had, their selection ensures that they are no threat to British policy. Representatives of the prisoners are refused access to the Secretary of State, while streams of priests, politicians and other 'concerned'/'respectable' individuals are wined and dined at Stormont Castle on a diet of platitudes about 'ordinary crime'. The final proof of non-accountability lies in the fact that the British don't give a damn how many people vote for the prisoners or how much solidarity the prisoners get from mass demonstrations.

There are many parallels between the treatment of political prisoners past and present. The routine intimate body searches of the H Blocks are exactly the same as those carried out on O'Donovan Rossa in the 1860s. The screened visits of Portlaoise are very similar to the special visiting cages erected for the Fenians. The penitentiaries of the 1840s are still in use and the state continues to reduce prisoners' protests to a question of facilities rather than regime and the fundamental political reasons why prisoners are inside at all.

However, never before has the state exacted such a price for prison protest. Before the 1980/1 hunger strikes twelve men had died in the struggles of Irish prisoners for their political identity through the history of the Republican movement. Clearly there has never been a time in which the Republican struggle has been so condensed around the prisons. But the present situation is not the product of one particularly intransigent British Prime Minister, as the SDLP pragmatists suggest. It is instead the logical outcome of British counterinsurgency in militarising and criminalising the struggles arising from the peculiar form of subordination of the North's Catholic working class created by partition.



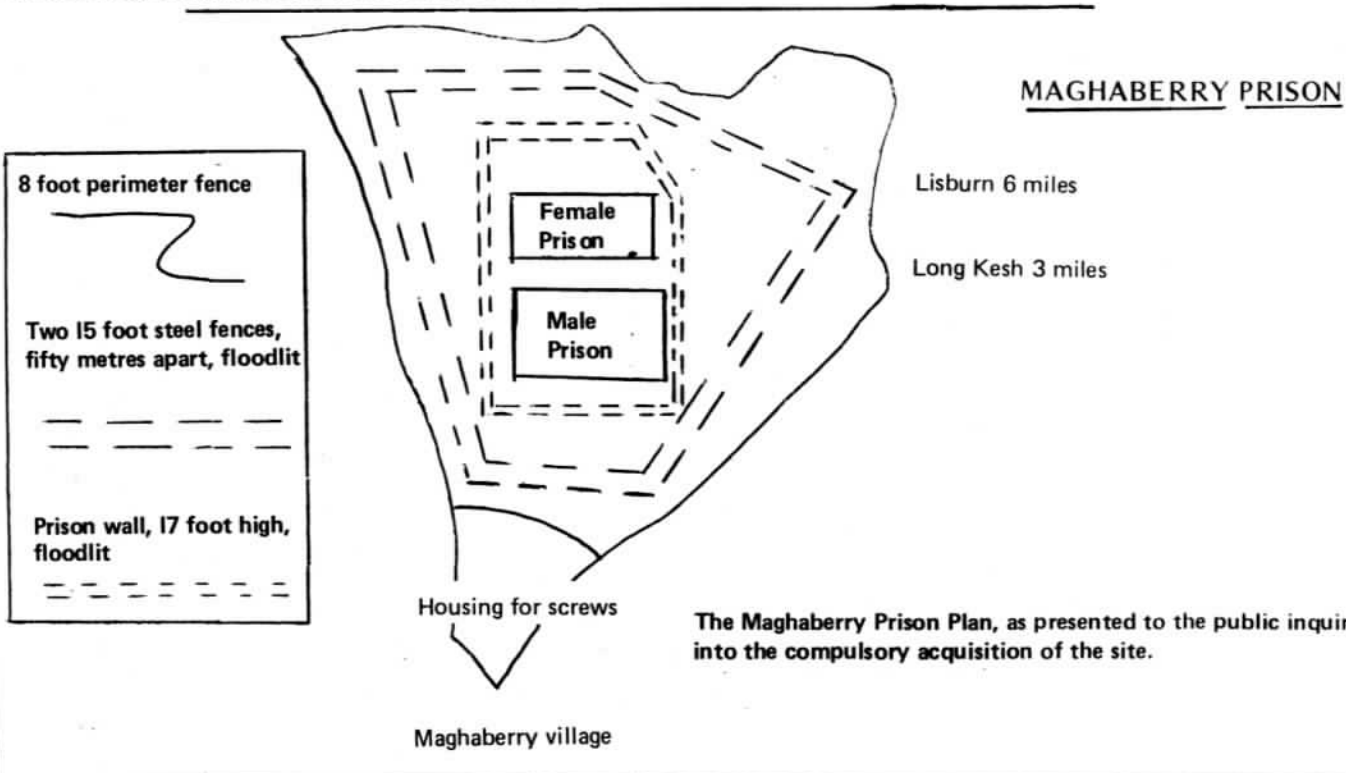
MAGHABERRY PRISON – A PROFILE

The decision to build a new maximum security prison was made ten years ago following the unpublished findings of the Cunningham Report into escapes from Crumlin Road jail in 1971. The original idea was to provide facilities for remand prisoners at the new prison so that Crumlin Road could eventually be closed for this purpose. However, as internment continued and the general prison population grew in the early 1970s, the government decided instead to retain Crumlin Road for remand and to make the new prison into an exclusively maximum security unit, housing both women and men. The four-phase plan, if fully executed, could provide cells for 1500 men and 50 women. The women's section included plans for a small young offenders centre for women aged 16 - 21 years.

After several years of indecision and bureaucratic bungling over planning permissions and site acquisition, an old Second World War airfield, in private ownership and adjacent to the village of Maghaberry, County Antrim, was chosen as the site of the new prison. Right in the middle of this site stood 12 broiler houses owned by the Courtaulds subsidiary Moy Park Ltd., which has about 5% of the total U.K. market in eggs and frozen chicken. The broiler houses had been built without planning permission, but with government grants in 1973, precisely the time when the government was selecting the Maghaberry site for a prison. Moy Park made vigourous objections to the new prison, as did local landowners and small businesses. In the event, the public inquiry into the compulsory acquisition of the site recommended that government departments should make every effort to compensate businesses for losses arising from having to move off the site. The legal costs of all objectors at the inquiry were also paid.

One of the main topics at the Maghaberry inquiry was the size of the plot required for the prison. In 1972 the government had been looking for about 50 acres, but this figure rose as time went on. Early in 1975, 170 - 250 acres was the favoured site size. The problem boiled down to the fact that the government could not make up its mind on how many prison cells it wanted, where to build them or on what proportion of the new cells should be built on the cheap as an emergency stop-gap. It took the Gardiner Report to inject some urgency into the plans. As his contribution to the criminalisation policy, Gardiner made strident criticisms of the Long Kesh and Magilligan compounds, arguing that there was 'a total loss of disciplinary control' by the prison authorities. So he recommended that the NIO begin work immediately on temporary cellular accommodation for 700 prisoners and on a permanent prison for a further 500. He urged the government to give priority to the new buildings 'such as has been accorded to no public project since the Second World War'. Hence the NIO was after 250 acres to meet the Gardiner plan, as well as to provide space for any extra cell blocks required in the future. But the final twist came when the police and the army were consulted about security. They demanded that the prison be surrounded by a special 165 metres-wide 'buffer zone' in the middle of which would sit two 15 feet high flood-lit steel mesh fences, 50 metres apart. The theory behind this was that they needed a large area around the prison which could be cleared of all trees and other obstacles if the prison came under attack. This meant doubling the site area to 536 acres.

The NIO changed its mind once again and finally built the 'temporary' cells at Long Kesh and Magilligan (the H Blocks, 8 at the Kesh, 3 at Magilligan). When Maghaberry opens late in 1982, it will house 450 men and 50 women initially. Both units are copies of British jails build in the 1970s. The women's prison is modelled on Cornton Vale near Stirling and the men's on a remand centre for young offenders at Low Newton, Durham. Neither of these was a purpose-built maximum security unit, but there seems little prospect of easy escapes from Maghaberry. In addition to the 8 foot perimeter fence to the site, there will be the flood-lit buffer zone fencing and then the prison walls proper. The latter, also flood-lit, consist of two 17 foot structures 25 feet apart and topped by generous coils of German 'S' wire. The whole site and the buildings will be monitored on closed-circuit TV and the screws will be equipped with radios.

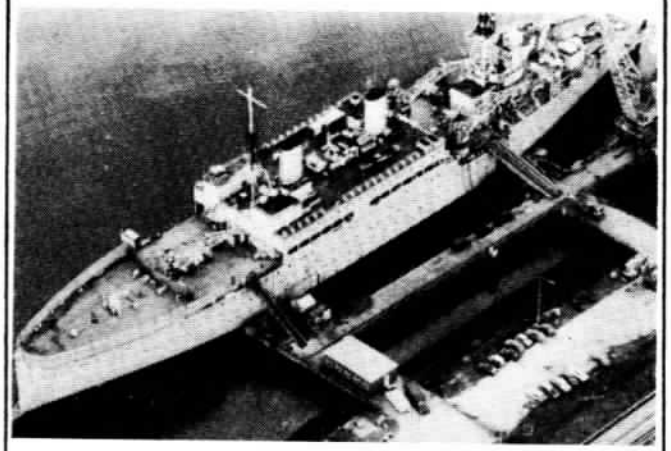


The Maghaberry Prison Plan, as presented to the public inquiry into the compulsory acquisition of the site.

PRISON STRUGGLES : THE NORTH 1971 –1982

1971

Internment is introduced in August and 124 are held in Crumlin Road's C wing while the rest are sent to the prison ship Maidstone. Education at Crumlin Road is abandoned as



classrooms are converted to dormitories. 11 escape from the prison in a single jail break. Long Kesh is opened as an internment camp in September. The emergency was such that the newly-opened Castledillon open prison was closed so that prison staff could be used elsewhere.

1972

Magilligan internment camp is opened in January. With the introduction of Direct Rule in April, Whitelaw closes the Maidstone. Billy McKee and Proinsais McArt lead hunger strike in Crumlin Road, demanding political status. Hunger

APPEAL TO WILLIAM McKEE

CRUMLIN ROAD PRISON, BELFAST.

ON behalf of The Irish Republican Felons Association, your comrades and the people of Belfast, we appeal to you, Billy, to cease your hunger strike. Through the past campaigns you have suffered and endured where all others have failed. The gallantry of your sacrifices has always been a hope and inspiration to Republican-minded people all over the country.

We call on you now to endure the greatest sacrifice of your life. We know that you will respond to the pleas of the people for whom you now suffer. We ask, although we have not the right to do so, that you sacrifice your strong and admirable spirits for the good of all your people who always hold you in the greatest esteem.

We need men such as you to live for Ireland. Men with your indomitable courage and unshakeable faith in what is just and right, are the reason why we have borne and conquered in the face of all hostilities. Help us again to overcome these difficulties and live to show all, who at this very minute question the integrity of the nationalist people, that our men will strive with patience and strength to ensure justice, equality and peace for all men.

The prayers of the people will help to guide you and to make the decision that we all hope you will make.

YOUR PRISON COMRADES (1940's).

striker Campbell, transferred to the Mater Hospital, escapes. As part of a deal between Whitelaw and the IRA, political status ('special category status') is granted and Gerry Adams

(vice-president of Provisional Sinn Fein) is released. Political status is also given to Loyalist prisoners. In December the Diplock Report is published, recommending the introduction of jury-less courts with revised rules of evidence, putting the burden of proof on to the accused, thus laying the basis for the criminalisation policy.

1973

A prisoner escapes from Crumlin Road in January, shortly after the discovery of a 40 yard tunnel being dug from the outside towards A wing. In May, a two week training course for prison officers is introduced. Tony Canavan and Michael Farrell of People's Democracy begin a hunger strike in Crumlin Road in July. They demand political status, which is not available to those serving less than nine months. They are released after 35 days, along with 100 other short-term prisoners.

1974

In October internees at the Kesh launch a major riot over their treatment, during which many huts are burnt to the ground. Three prisoners are hospitalised and many more injured; the authorities report injuries to 23 soldiers and 14 prison officers. The riot spreads to Crumlin Road (where

130 prisoners are injured), Magilligan and Armagh, where the women take Governor Cunningham and three other prison staff hostage. Merlyn Rees (Secretary of State) agrees to the women's condition of no reprisals and the hostages are released. Damage to all internment camps and prisons is put at £2 million. The Army sets about rebuilding the Kesh with 1,500 internees in situ. The Kesh, which had 5 compounds at the start of 1972, now has 22 compounds. The authorities are urgently considering ways of normalising internment (subjecting suspects to judicial process) and

converting Long Kesh into an ordinary prison. Top priority is given to breaking the autonomy and politics of the prisoners: *'the lack of cellular accommodation has limited the ability of the Prison Service to isolate trouble makers or segregate prisoners into manageable groups'.* Thus land is acquired for a new maximum security prison at Maghaberry, but plans are made to hurriedly build 8 H Blocks of 100 cells each at the Kesh as an interim measure. There is also talk of introducing 50% remission as a means of control: *'the possibility of losing remission of up to half sentence may make prisoners more wary about breaches of discipline'.*

1975

The Gardiner Report is published in January lending its weight to the new criminalisation policy and to cellular prisons: *'prisons of the compound type are thoroughly unsatisfactory ... their major disadvantage is that there is virtually a total loss of control by the prison authorities inside the compounds ... discipline within the compounds is in practice exercised by compound leaders and they are more likely to emerge with an increased commitment to terrorism than as reformed citizens'.*

With the Diplock Courts, increased policing, undercover work and intelligence gathering, it was possible for the Report to recommend the cessation of internment without trial - to be replaced by internment with trial. Intensive negotiations take place between the British government and the Provisionals over the new H Blocks and the proposed withdrawal of political status. Although minor concessions are granted, the British are intent on the new policy and the Provisionals announce they are prepared to die for the right to retain political status. In March, a new training school for prison officers is opened at Millisle Borstal and training is extended to 4 weeks, plus 2 weeks 'familiarisation' at Crumlin Road.

1976

From January 25, remission is increased from one third to one half as bait to make the ending of political status more acceptable. On 1 March, status is withdrawn for offences committed after that date. Two officers, Cummings and Dillon, are shot dead in April. Ciaran Nugent initiates the 'blanket protest' in September by refusing to do prison work and wear uniform in demand for political status. Protestors are punished by loss of remission and privileges, solitary confinement and by intimidation by prison staff. Two H Blocks are operational. In October another prison officer, Hamilton, is shot dead, and women in Armagh begin their no-work protest against the withdrawal of status. Since women are allowed to wear their own clothes they are not reduced to wearing blankets. Solitary confinement is imposed on them during working hours, unlike for the men, who are subjected to solitary 23 hours a day.

1977

Numbers on the H Block and Armagh protests rise as the interrogation/Diplock Court conveyor belt speeds up. A few prisoners in Crumlin Road join the protest. Another 4 H Blocks are completed. Amidst increasing concern over interrogation methods, Keith Kyles's interview with music teacher Bernard O'Connor (beaten up in Castlereagh) is broadcast on 2 March. Prison officer Fenton is shot dead in June, followed by principal officer Irvine in October.

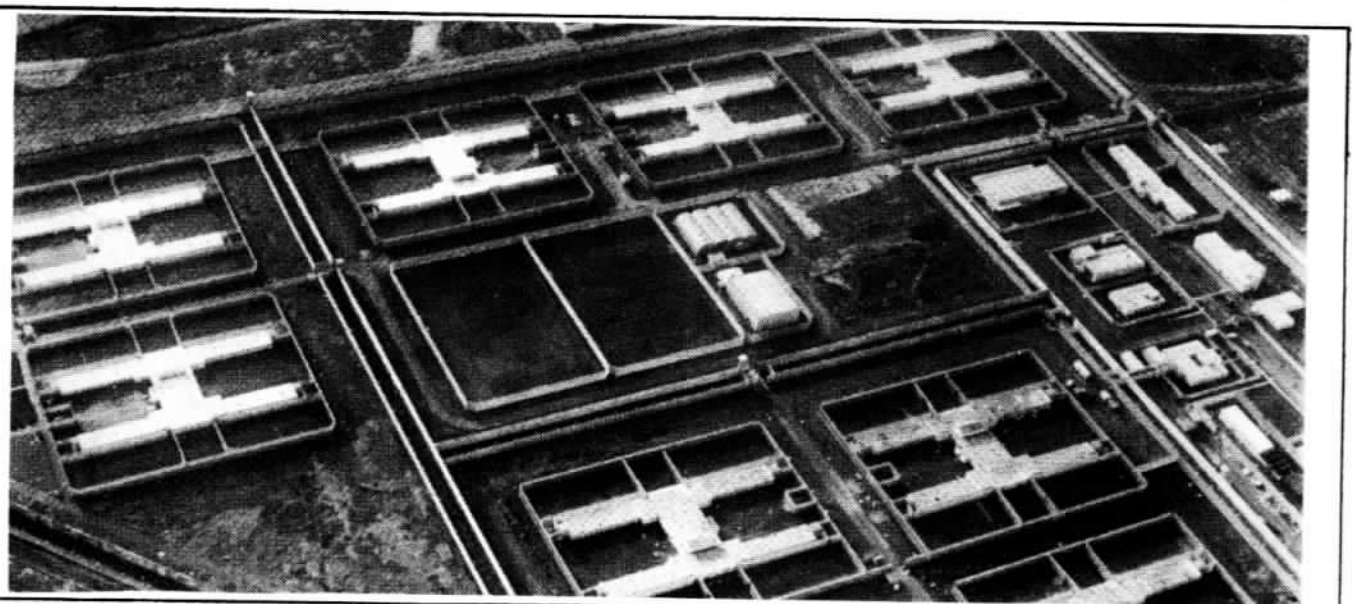
1978

Prison staff attempt to intimidate the blanket protestors into submission. Because of the increasing harassment, H Block prisoners refuse to leave their cells to slop out and collect water. Prison staff respond by refusing to bring buckets to the cells to enable the prisoners to slop out their cells. The 'dirty protest' begins. Amnesty International's inquiry into interrogation and ill-treatment of suspects is sent to Mason (Secretary of State) on 2 May and made public in June. The Report calls for a public inquiry to consider *'the rules relating to interrogation and detention, admissability of statements and the effectiveness of machinery for investigating complaints against the policy'.*

Mason sets up the Bennett Committee whose terms of reference do not include allegations of ill-treatment . In August, 4 H Block prisoners petition the European Commission on nine specific breaches of the human rights convention, but do not seek a ruling on political status. The Commission takes two years to report. Deputy Governor Myles is shot dead in November, as is prison clerk McTier in December.

1979

The protests continue. In February, retired prison officer Mackin and his wife are shot dead. RUC doctor Robert Irwin speaks out on Weekend World against brutality at Castlereagh early in March. He is backed up by Doctors Elliott and Alexander, who say brutality is endemic at other holding centres. The Northern Ireland Office starts a smear campaign against Irwin, leaking the story that he is embittered against the security forces because a soldier raped his wife. Such scandal was designed to steer attention away from the Bennett Report, published on March 16. The Report admits ill-treatment has taken place and suggests increased supervision and monitoring of interrogation, solicitor access after 24 hours, and the installation



of closed circuit TV in interrogation rooms. The DPP is criticised for not stating publicly the reasons for not prosecuting interrogators and the RUC is attacked for withholding information from the Policy Authority. The latter is told to make use of its powers to hold investigatory tribunals. In April, woman prison officer Wallace and male officer Cassidy are shot dead. The NIO launches a big recruitment drive for the prison service, approaching those leaving the Army as suitable recruits. On 30 November, protesting prisoners are each given a chair which they smash. Between September and December 7 prison officers are shot dead.

1980

The protests continue. Prison officer Fox is shot dead in January. Women in Armagh begin a no-wash protest maintained on average by 30 women. The protest is triggered off by a cell search of B wing in which 60 male officers are involved. The women's resistance leads to a riot. Anticipating the European Commission's ruling (see 1978), the government begins to make minor reforms. In March, the protestors are offered additional letters and exercise in prison-issue sports wear. The Commission criticises the authorities' policy of punishment and its failure to resolve the protests. But enough complimentary comments are in the ruling for the government to use it to legitimate its position. The prisoners refuse the exercise offer as a clear attempt to get them to wear prison uniform (of a sort). The extra letters offer was meaningless in practice. In August, further reforms are proposed, including limited evening association and a choice between intimate body searches or screened visits. The body searches are a futile attempt to stem the flow of communication (smuggled letters) between the prisoners and the movement outside.

Marion Price, suffering from anorexia nervosa and near to death, is released from Armagh in May; the anorexia was caused by her resistance to force-feeding when she went on hunger strike demanding repatriation from England. On October 27, 7 H Block protestors launch a hunger strike: John Nixon, Sean McKenna, Leo Green, Tom McFeeley, Raymond McCartney, Brendan Hughes and Tommy McKearney. The no-wash protest is stepped up with 533 protestors. This was Tom McFeeley's second hunger strike; he had previously refused food and water in protest against six weeks' solitary confinement imposed continuously as punishment by the Governor and contrary to prison rules. The hunger strikers made five demands: the

HUNGER STRIKE

A hunger strike until death will start in the 'H' Blocks on OCTOBER 27th. This decision by the Republican Socialist Prisoners of War to escalate their protest for Political Status faces us all with a historic task. This is the final phase of the struggle that has been waged since 1976. It must be WON NOW, there can be no going back. We must ensure that by our action on the streets that we prevent coffins coming out of the 'H' Blocks.

The British Establishment both conservative and labour has shown itself immune from reasoned argument. The British Government has stated quite clearly, that only when there are masses of people on the streets will they deal with the demands of the political prisoners.

It is true that the Conservative Government at this moment is prepared to see 'Blanket' men die on hunger strike. However, we must show in this interim period that the price they would have to pay is too much even for this Government, filled as it is with blood lust.

If the British Government is intent on sowing the wind of murder, then it must be made clear that they will reap the whirlwind of reaction from the people.

The prisoners, weakened by four years of their heroic struggle in the Blocks, could not survive a hunger strike for very long. WE MUST ACT NOW.

In the past while many people have supported the street demonstrations on behalf of the prisoners, there are others, including relatives, who have been content to sit at their firesides and act as spectators. In this new situation, there will be only two sides, those who are prepared to fight in the streets to save the prisoners and those who want to see the prisoners die.

WE ASK THE QUESTION, WHERE WILL YOU STAND?

We make the call now, organise in your own area and give all mass demonstrations your wholehearted support.

DON'T LET THE HUNGER STRIKERS DIE

YOUR SILENCE MEANS THEIR DEATH

Produced by BELFAST CENTRAL RELATIVES ACTION COMMITTEE

BRENDAN HUGHES

MAIREAD NUGENT

RAYMOND McCARTNEY

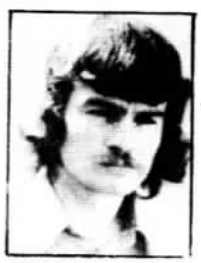
TOM McFEELEY

SEAN McKENNA

MARY DOYLE

LEO GREEN

JOHN NIXON



TOMMY McKEARNEY

MAIREAD FARRELL

right not to wear prison uniform, the right not to do prison work, free association, the right to organise recreation facilities, to weekly visits, letters and parcels, and the restoration of remission. There are sympathetic protests in Crumlin Road and mass rallies throughout Ireland. 3 days before the hunger strike begins, the government makes an offer of civilian-type clothing.

Mairead Farrell, Mairead Nugent and Mary Doyle, held in Armagh, join the hunger strike on December 1st. 11 days later, Robert Adams, Norman Earle, William Mullan, Thomas Andrews, Samuel Courtney and Samuel McClean, Loyalist prisoners in the Kesh, begin a hunger strike, demanding political status and segregation from Republicans. The UDA is split on the strike and persuades the prisoners to give up after six days. A further 30 Republicans join the hunger strike as it reaches a climax, with Sean McKenna blind and almost dead. On 18 December, one of Atkins' (Secretary of State) aides presents the hunger strikers with a document explaining the prison rules around the five demands and what would happen if the strike is called off. It states that *'the conditions available to them meet in a practical and humane way the kinds of things they have been asking for'.* In spite of the many ambiguities of the document, the first seven strikers called off their protest, followed a few days later by the others. 'Flexibility' turned into an insistence that civilian-type clothing be worn before personal clothing, despite a contrary indication in the government's document. During the year two Republicans, Meehan and Mullan, undertake individual hunger strikes protesting against wrongful conviction.

On November 5th the NIO announces that Bobby Williamson of the UVF, given 20 years minimum for his part in the Gusty Spence gang Malvern Street murders of 1966, will be released next summer on health grounds. McLean, another member of the gang, died in the Kesh in 1974.

1981

The December 18 settlement of the previous year breaks down on 27 January. Bobby Sands, who had been at the centre of negotiations over the de-escalation of the protest, starts hunger strike on March 1st. Francis Hughes joins strike on 14th, followed by Raymond McCreesh and Patsy O'Hara on 21st. The no-wash protest is called

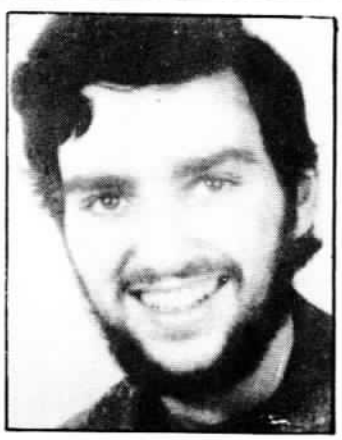
off to focus attention on the hunger strike, but the blanket protest continues. Bobby Sands is elected Westminster MP for Fermanagh and South Tyrone in April in a by-election following the death of Frank Maguire. The European Comm ission visits the Kesh in an attempt to get Sands to call off the strike and file an application to the Commission. They do not see Sands, because the NIO reject his condition of the presence of Gerry Adams, Danny Morrison and Brendan McFarlane (commanding officer of the prisoners). Father John Magee, aide to the Pope, visits the Kesh, as do Sile de Valera, Neil Blaney and Dr. John O'Connell, Euro-MPs and members of the Dail. In the last week of April, many H Blocks activists are arrested in anticipation of Sands' death. Sands dies on 5 May after 66 days without food. Around 90,000 attend the funeral in West Belfast. Francis Hughes dies on 13 May, followed by Raymond McCreesh and Patsy O'Hara on the 21st. Brendan McLaughlin joins the hunger strike on the 4th, but calls it off on 27th due to stomach ulcer. Joe McDonnell joins on the 9th, followed by Kieran Doherty and Kevin Lynch on the 22nd and 23rd respectively.

On 29th May, 9 prisoners and 3 anti-H Block campaigners announce their intention to stand in the General Election in the 26 Counties. Thatcher rejects appeals for a resolut-

● **BOBBY SANDS**
aged 27, Belfast
commenced fast March 1st
died May 5th
after 66 days

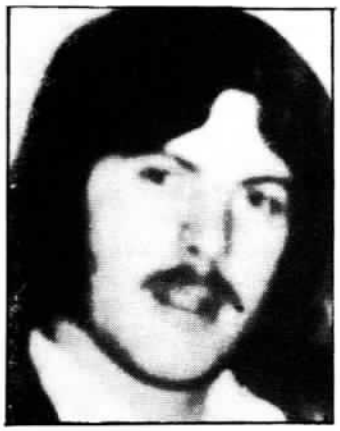
● **FRANCIS HUGHES**
aged 25, South Derry
commenced fast March 15th
died May 12th
after 59 days

● **RAYMOND McCREESH**
aged 24, South Armagh
commenced fast March 22nd
died May 21st
after 61 days

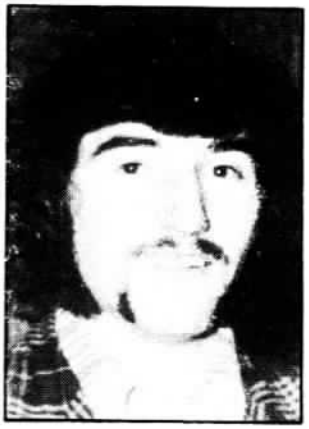


● **PATSY O'HARA**
aged 24, Derry city
commenced fast March 22nd
died May 21st
after 61 days

● **JOE McDONNELL**
aged 30, Belfast
commenced fast May 9th
died July 8th
after 61 days



● **KIERAN DOHERTY**
aged 25, Belfast
commenced fast May 22nd
died August 2nd
after 73 days



● **KEVIN LYNCH**
aged 25, North Derry
commenced fast May 23rd
died August 1st
after 71 days

● **MARTIN HURSON**
aged 24, East Tyrone
commenced fast May 29th
died July 13th
after 46 days

ion of the protest from Cardinal O'Fiaich, John Hume, Haughey, Fitzgerald and the 'four horsemen' in the USA. On June 2nd the IBA refused to broadcast a World in Action film containing a 20-second sequence of Patsy O'Hara in his coffin. Tom McIlwee and Paddy Quinn begin fasting on 4 June, joined by Micky Devine (22nd) and Laurence McKeown (29th). 8 Republicans escape from Crumlin Road on the 10th June. One is later re-captured across the border (in September). Kieran Dohery and Paddy Agnew (not on hunger strike) are elected to the Dail. Fitzgerald forms coalition with narrow majority, and is dependent on a few independents. The British Representation of the People Act is amended to prevent prisoners (North or South) standing in elections. The International Red Cross, which had been trying to visit prisons in the North since 1972, is suddenly given permission to do so in July. A Report is promised in 2 weeks, but doesn't materialise.

Joe McDonnell dies on 8th July. At his funeral, the Army shoot into the crowd while trying to arrest the IRA firing party. Martin Hurson dies on the 13th. Pat McGeown and Matt Devlin join the hunger strike on the 10th and 15th respectively. There is a hurried period of negotiations between the Irish Commission for Justice and Peace, the prisoners and the British government. The 'agreement' breaks down when the government refuses to confirm in public what it has agreed to in private. The ICJP accuses the government of duplicity and it is generally acknowledged that Thatcher personally vetoed the agreement. Paddy Quinn's family ask for medical intervention for their son who is at the point of death. There is a riot in Dublin on 18 July as Gardai prevent demonstrators marching on the British Embassy. On August 1st, Kevin Lynch dies, as does Kieran Doherty, TD the next day. Tom McIlwee dies on the 8th and Mick Devine on the 20th, the same day that Owen Carron, the election agent for the late Bobby Sands, MP, is elected in a re-run of the Fermanagh and South Tyrone by-election. Paddy McGeown's fast is ended when his family ask for medical intervention. 4 more prisoners join the hunger strike in August, Patrick Sheehan (10th), Jackie McMullan (17th), Bernard Fox (23rd) and Gerry Carville (31st). There is increasing debate on the role of the relatives (of protestors) in ending the hunger strike, with priests and bishops calling on relatives to seek medical intervention as soon as prisoners are comatose. The strikes of Matt Devlin and Laurence McKeown are ended in this way on 4th and 6th of September respectively. The same weekend a conference of 70 criminologists and lawyers from 14 European countries, meeting in Derry, call on the British and Irish governments to resolve the hunger strike by granting the five demands.

● **THOMAS McELWEE**
aged 23, South Derry
commenced fast June 8th
died August 8th
after 62 days

● **MICKY DEVINE**
aged 27, Derry city
commenced fast June 22nd
died August 20th
after 60 days

On 17 September, Maura McCrory, Owen Carron and 92 relatives travel to London to lobby Westminster. John Pickering, Gerard Hodgkins and Jim Devine join the hunger strike on 7th, 14th and 21st respectively. Bernard Fox ends his strike because of unforeseen problems with his kidneys on the 25th, followed by Liam McCloskey the next day. Raymond McCreesh's father wins by-election to Newry and Mourne district council.

After several days of talks between Father Faul, hunger strikers' relatives and Lord Gowrie (the new Minister responsible for prisons in Jim Prior's Direct Rule team), the relatives announce their intention to seek medical intervention for all the hunger strikers. Faul told relatives that as many as 120 prisoners would be released following the ending of the protest because of restored remission. On 2nd October, Sinn Fein issue a statement condemning the undermining of the strike by Catholic priests and bishops and saying that the hunger strike is no longer putting effective pressure on the British government. The next day, Saturday 3rd October, the prisoners call off the strike.

Two Loyalist prisoners, awaiting trial in Crumlin Road for murdering Irish Independence Party leader John Turnley, draw guns on warders on 30th September and are eventually disarmed by fellow prisoner, Jim Craig (remanded for UFF membership).

Prior announces a package of reforms on 6th October. Prisoners will be allowed to wear their own clothes at all times, but the NIO will decide what clothes are 'suitable'. Boots, shoes with platform heels and 'outer clothing' in navy blue, black, dark or olive green are all banned. At the Governor's discretion remission lost through the protest will be restored up to a maximum of 50% (of what was lost - the prisoners demand 100%). This is conditional on three months 'conformity'. Association will now be extended so that two wings in each H Block, or 50 men, can mix together. The package is deliberately ambiguous about work and/or education. A 28 day moratorium is announced during which no remission will be lost for the blanket protest. The prisoners strongly condemn the proposal to restore only half their lost remission. Lord Gowrie visits the protesting prisoners on the 14th, fulfilling an undertaking given to relatives just before the strike ended and giving further details on the proposed reforms. 'Useful' prisoners are wearing their own clothes. Just before the moratorium runs out on 2nd November, Brendan McFarlane (the Republican prisoners' O/C) is put in solitary confinement after an argument with a warder. On 2nd itself, prisoners go before the Governor and are quizzed on their willingness to any kind of work as directed by the Governor. 63 refuse and are sentenced to 10 days lost remission for every 28 days refusal to work, loss of association every other night and weekend, and the loss of one visit per month. Women in Armagh are punished in a similar way.

At 5 p.m. on 10 December, a group of Loyalist remand prisoners (UDA, UVF and Red Hand Commandos) begin a 32 hour roof-top protest in Crumlin Road's A wing. The roof is occupied for two of the coldest nights on record, and then wrecked. The prisoners demand segregation from Republicans, 'an uninhibited visit by a Northern Ireland politician with freedom to select and talk to remand prisoners', a new set of rules for those on remand, an inquiry into conditions in Crumlin Road and the 'implementation of privileges withheld from 1976 for no specified reason. The prison is surrounded by army snipers 'to prevent escape bids'. On 14th, Peter Robinson and John McQuade of the DUP and former Mayor of Belfast, Official Unionist John Carson, are admitted to Crumlin Road for discussions with the protestors. Republican remand prisoners in A wing are transferred to Long Kesh. To accommodate them, two H Blocks are emptied, the occupants (200) being sent to Magilligan. Overnight, emergency provisions are once again brought in so that prisoners can be re-remanded with no court appearance. Early in January 1982, a special remand court is set up in a couple of huts at Long Kesh, again allowing the authorities to remand prisoners without transporting them from Long Kesh to Belfast.

1982

Early in January a special remand court is set up in a couple of huts at Long Kesh, again allowing the authorities to remand prisoners without transporting them from Long Kesh to Belfast. A number of solicitors complain not only about the intolerable conditions in the makeshift 'court', but also about their fear that the arrangements would come to be regarded as permanent, thus putting an extra burden on solicitors and relatives wishing to attend.

On 11 January two Loyalist remand prisoners begin a hunger strike, demanding segregation from Republican prisoners. One of the men, Andrew Watson, is awaiting trial for the attempted murder of Bernadette McAliskey and her husband in January 1981. Lord Gowrie, prisons Minister, immediately ruled out segregation as 'neither administratively practical nor morally desirable'. Despite the fact that the strike is to be a 'rolling one', with two more prisoners joining it each week, the Loyalists cease fasting on January 15.

PRISON STRUGGLES: THE SOUTH 1969 –1981

During the 1960s there are continuous low-level disturbances, especially in Portlaoise. The authorities are increasingly annoyed at the 'hard core' of 'bored trouble-makers' trying to pursue grievances through the courts. There is a minor hunger strike and some refusal to work and wear uniform.

1969

3 prisoners who started a small riot in Mountjoy over food and conditions are convicted of 'malicious damage'.

1970

5 attempted escapes from Mountjoy and a small riot in the recreation room at Portlaoise. Prisoners flood the complaints procedure and the Visiting Committee complain of 'harassment'.

1971

4 prisoners in Portlaoise go on hunger strike, 2 demanding special diets and 2 seeking transfer to Dundrum mental hospital.

1972

After growing breaches of temporary release and several roof-top demonstrations by long-termers, Mountjoy erupts on 18 May. Prisoners erect barricades, smash cells and take warders hostage. Initiated by political prisoners, the demonstration is put down by the Army as RTE announces that 'people from all over the country are gathering outside Mountjoy'. Protestors are punished by solitary confinement, loss of privileges and punishment diets. The government responds further by closing the Corrective Training Unit 'for accommodation and security reasons', and passing a new Prisons Act, introducing military detention. Over 40 prisoners are transferred to the Curragh and the military detention barracks at Cork.

1973

Prisoners start their own union, the Prisoners Rights Organisation. The authorities describe it as a 'small group of prisoners who are attempting to disrupt the prison system' and refuse to cooperate with it. Considerable escape activity, as well as frequent roof-top demonstrations in Mountjoy, sit-down strikes and short hunger strikes. In January, National Liberation Front prisoners in Portlaoise begin a series of protests over lack of association, visiting facilities, recreation and 'all-round Victorian conditions'. 3 politicals at the Curragh stop receiving visits and sending out letters as a protest against conditions and military detention in March. On 27 April an Army Sergeant bites the ear off a prisoner in the Curragh for 'insubordination' during a cell search. In July, 30 demonstrators from the North break through the security gate at the Curragh protesting against military detention. In the same month, the Littlejohns, at one time working for British Intelligence, are extradited to the South and convicted of bank robbery (given 20 and 15 years). On 31 August there is a spectacular escape from Mountjoy by Seamus Twomey (Provisional IRA Chief of Staff), J. O'Hagan and Kevin Mallon. A hijacked helicopter lands in the exercise yard and whisks the men away to the cheers of the prisoners. Following this, all political prisoners except Loyalists are transferred to Portlaoise. Curragh prisoners are finally transferred to Portlaoise on 9 November. Four days later there is a mass sit-down strike in Portlaoise's recreation hall and on the cell block landings. The prisoners are punished by loss of remission and privileges.

Shelton Abbey adult open prison is opened for offenders 'who can benefit from an atmosphere of trust' (that is, 'low-risk' prisoners). Therapy is stepped up at Mountjoy in the wake of volatile protest, with evening psychiatric sessions and the appointment of a psychologist, and there is more emphasis on work as a way of restoring order. A Visiting Committee tries to prevent prisoners taking prison officers to court.

1974

Another year of attempted escapes and riots. Keith Littlejohn escapes from Mountjoy and an internal inquiry finds 'no collusion between staff and escapee'. On 19 August, 19 prisoners escape from Portlaoise using 25 pounds of explosives. Food parcels are banned and association heavily restricted. The prisoners respond in December with a major riot (triggered off by the refusal of the authorities to remove certain prisoners from a cell block) in which 27 warders are taken hostage. The Gardai and Army are called, rubber bullets fired and water cannon used to suppress the protest. Prison service recruitment is stepped up and the chapels in Portlaoise converted 'for security reasons'. The remedial education in Mountjoy is supplemented by a new educational programme which is also extended to Limerick.

1975

4 prisoners attempt suicide in Mountjoy and one succeeds in hanging himself. 6 attempted escapes during the year. After complaints by Loyalist prisoners housed in the basement of B Wing in Mountjoy, the authorities make minor improvements. In January Provisionals in Portlaoise launch a hunger strike over new restrictions following the December 1974 riot. This is followed by a major jail break attempt in March for which explosives are used to blow down the outer door of the recreation hall giving access to the rear compound. The rear gate is rammed from outside by a 'heavy steel tank'. In April, Rose Dugdale begins a hunger strike in Limerick over visiting conditions and restrictions on mail. The authorities remove a screen from the visiting area and de facto political status is given to Republican women prisoners. But in November, Gardai are stationed in the cell area housing the women politicals. The women refuse to walk past the Gardai and finally attack them with boiling water. The protest is continued by the women refusing to take exercise. A new training unit (an industrial prison) is opened in October for short-termers considered fit for skilled trades. This is complemented by the re-opening of Arbour Hill prison, completely renovated and with many new buildings, for long-term prisoners. This permits the use of Mountjoy primarily as a committal prison.

1976

A major year of confrontation between politicals and the authorities as a clampdown is imposed following the escapes and protests of the past few years. 7 attempt suicide in Mountjoy and there are two escapes. The Limerick women continue their protest until the Gardai are finally removed on the intervention of the Visiting Committee. On 21 July, 99 prisoners try to burn down the security block in Portlaoise. Association is withdrawn and security strengthened. Strip searches introduced after the smuggling of explosives used to break out of Green Street Court. Visits are restricted and screens erected in the visiting area. Cell searches stepped up and much escape equipment discovered. In spite of developments in work and education elsewhere, no education classes are available in Portlaoise 'for security reasons'.

HUNGER STRIKE

against prison brutality and for these rights

1. **THE RIGHT TO FREE ASSOCIATION**
2. **AN END TO DEGRADING AND HUMILIATING STRIP SEARCHES**
3. **AN END TO SOLITARY CONFINEMENT**
4. **OPEN AND RESPECTABLE VISITS**
5. **THE RIGHT TO ENGAGE IN CRAFT WORK**
6. **THE RIGHT TO EDUCATIONAL FACILITIES**
7. **ADEQUATE RECREATIONAL AND EXERCISE FACILITIES**
8. **THE RIGHT TO COMMUNICATE WITH LEGAL ADVISER OF CHOICE**

These are the simple and reasonable demands of the Republican prisoners in Port Laoise who have been on hunger strike since March 7th, 1977.

WILL YOU SUPPORT THEM IN THEIR JUST, PEACEFUL AND PAINFUL PROTEST ?

Tá siad ag fulaingt ocras na córa. Déan do dhicheall ar a son.

1977

The clampdown on Portlaoise continues, with frequent cell searching and loss of privileges. But some concessions are made following the Provisionals' 46 day hunger strike. Some prisoners are transferred to the Curragh. The Visiting Committees at Limerick and Portlaoise complain of a campaign against them by 'subversives'. Gerry Collins, Minister of Justice, visits Portlaoise in July and allows in 'responsible' journalists. 10 escapes are attempted during the year. On 17 July, 13 prisoners in Mountjoy take to the roof. Their petition demands one third remission (in line with women), an increase in wages to 50 pence a day (10 pence a day at the time), the application of the Factory Acts to Prison workshops, an assortment of games, a colour TV (as in St. Patrick's) and a better range of food at the prison shop (selling only sweets at the time). They also named 5 warders (including an assistant chief officer) as particularly brutal. Prisoners were beaten off the roof and left naked in cells for four days after being batoned in the recreation yard. All were badly bruised and several sustained broken bones and teeth. They were punished further by two months solitary confinement in the basement of B Wing and two weeks loss of remission. Solitary ended just before editors of national newspapers were given a rare visit to the prison. The prisoners' spokesman is told by the chairperson of the Visiting Committee (McDonnell): 'You have a chip on your shoulder. You are nothing but a prisoner and you will be treated as such while you are here'. Two prisoners (Michael Cahill and Hugh Delaney) are re-arrested on release for 'malicious damage' for their part in the protest.

1978

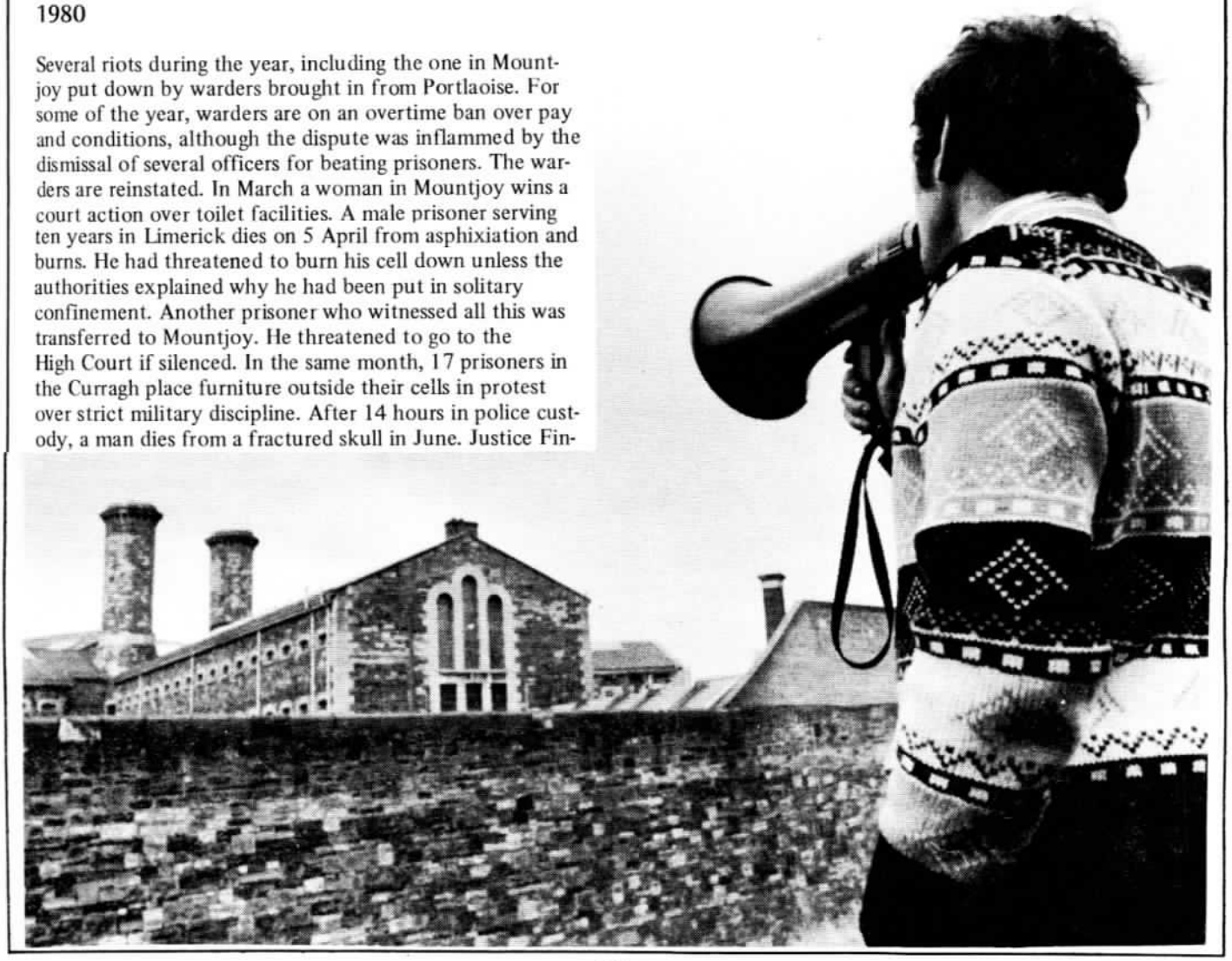
A prisoner escapes from Portlaoise, but is recaptured. 6 others escape from Mountjoy. The Prisoners Rights Organisation gets considerable press support for its campaign against Visiting Committees, which are little more than mouthpieces of the Department of Justice. The authorities continue to develop education and work programmes, while keeping a tight grip on Portlaoise.

1979

27 prisoners involved in escapes or attempted escapes, 15 from Mountjoy. Politicals in Portlaoise stage a major protest at the removal of the recreation room door and over the lack of space in the workshop. This eventually turns into a 'dirt' protest. The issue is finally resolved by the Visiting Committee, although the prisoners had cut off negotiations. A lawyer from the LSE files an application to the European Commission concerning the treatment of Crawley, a prisoner in Mountjoy. Two psychiatrists had certified that Crawley was in need of psychiatric treatment, but this was refused. Meanwhile, Crawley is held in solitary confinement in the basement of B Wing, his cell already known as 'the Crawley cell'. Handcuffed and heavily tranquillised, Crawley is confined for 23 hours a day. The army is again called in to squash a riot in Mountjoy in November. 23 prisoners and 3 warders receive medical treatment.

1980

Several riots during the year, including the one in Mountjoy put down by warders brought in from Portlaoise. For some of the year, warders are on an overtime ban over pay and conditions, although the dispute was inflammed by the dismissal of several officers for beating prisoners. The warders are reinstated. In March a woman in Mountjoy wins a court action over toilet facilities. A male prisoner serving ten years in Limerick dies on 5 April from asphixiation and burns. He had threatened to burn his cell down unless the authorities explained why he had been put in solitary confinement. Another prisoner who witnessed all this was transferred to Mountjoy. He threatened to go to the High Court if silenced. In the same month, 17 prisoners in the Curragh place furniture outside their cells in protest over strict military discipline. After 14 hours in police custody, a man dies from a fractured skull in June. Justice Finlay conducts a three-day inquiry in August into the protests at the Curragh. Anthony Cahill had been locked in his cell 22 hours a day as punishment for dirt protest. Cahill was complaining about lack of medical facilities and the failure of the authorities to post notices of the prison rules in cells (contrary to prison rules). The Prisoners Rights Organisation convenes an ad hoc public inquiry into prisons, publishing the results. The appendix consists of an exchange of letters between Sean McBride (the inquiry chairperson) and the Department of Justice who refused to have anything to do with the inquiry.



1981

The PRO continues its fight against Loughan House, a children's prison at Blacklion, County Cavan. UDA prisoners in Mountjoy step up their complaints over conditions. They are housed with the Littlejohns in Mountjoy's infamous B Wing basement. The Littlejohns are given 'compassionate release' in September. Mountjoy is being 'modernised' or made riot-proof. Wiring and plumbing is being moved behind walls and breakable porcelain sinks replaced by stainless stell. There is now a major drive to increase the volume of 'secure' accommodation. A new high security prison is being built at Portlaoise and special secure units 'for drug offenders and violent prisoners' are being developed in Mountjoy. The juvenile unit here (St. Patrick's Institution) is getting another segregation unit, even though the Governor has said,'if it is finished at the moment, I wouldn't have anyone to put down there'. But he added, 'we might need it in the future'. There is also discussion over the building of a new women's prison even though on average the number of women inside is only 10. In September, true to form, the Department of Justice refused to sponsor delegates (academics, policemen, probation officers, prison officers and lawyers) to a Trinity College international conference on Law and Society. The conference is cancelled as a result. A civil servant comments to the Irish Times: 'Well, if you are going to invite subversives like Alderson (the dovish Chief Constable of Devon and Cornwall!)'

DE LOREAN TEETERS

We hate to remind you, but we told you so. A few years ago when we published **Belfast Bulletin** *number 5 on Women in Northern Ireland, we also gave you all the facts behind the bullshit on De Lorean. We had two main points. Firstly, we pointed out that there were major problems involved in successfully bonding the stainless steel exterior to the plastic chasis of the car. Motoring correspondents the world over now acknowledge that this is only one of the problems of the De Lorean car. But our main point was not about production, but about distribution. We pointed out that an unknown, relatively upmarket car priced as dear as the De Lorean was to be would prove difficult to sell in an American economy in recession, given the competition from tried and tested sports cars such as Lotus, etc. Given that, we were critical of De Lorean's super-optimism. We didn't go as far as calling him a conman, but we did emphasise that the De Lorean venture was a massive gamble. In the euphoria of the time few were arguing what we were. Most were falling for the sales talk of De Lorean himself and the bombast of his Barnsley friend, Roy Mason.*

We'll not rub everyone's noses in it; instead, we'll leave the last words to an American glossy magazine. Our intrepid international reporter discovered the advertisement alongside while in a plane somewhere a few miles above the Grand Canyon. All we can add is : did somebody in Las Vegas know something last summer the rest of us did not?

LOYALIST PRISONERS

There are 100 UDA prisoners in the H-Blocks and around 60 still in the special category compounds in the Maze prison at Long Kesh. The UVF and the Red Hand Commandos between them have around 220 in the H-Blocks and 85 in the compounds. The comparable figures for all republican prisoners are around 700 and 150 respectively.

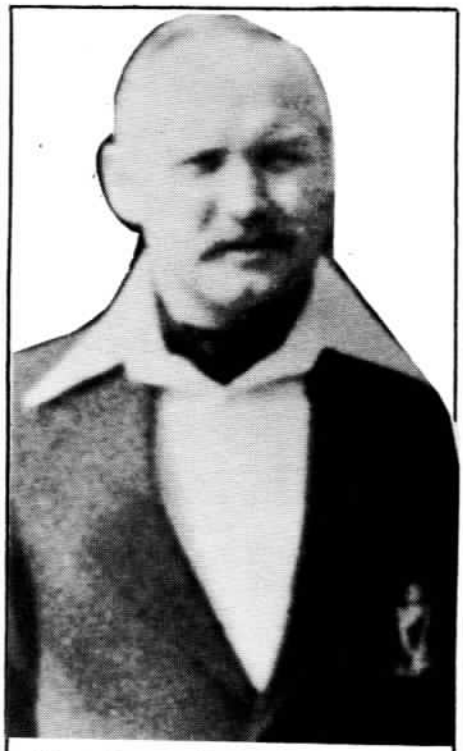
The loyalist prisoners have traditionally been almost as vociferous as republicans in their demand for political status, though they have never been prepared to resort to the final weapon of a hunger strike to the death to further that demand. Their position was summed up by UDA leader Tommy Lyttle in an interview last summer when he said that UDA prisoners, who were in jail for their actions in defence of the Northern Irish state, should benefit from a more liberal regime that republican prisoners who were out to destroy it.

As long ago as May 1972 35 UVF prisoners at Crumlin Road jail in Belfast issued a statement demanding the rights and privileges of political prisoners. That spring a newsheet called *Orange Cross* appeared for the first time aimed at helping loyalist prisoners and largely written by the prisoners themselves. It contained a strange mixture of sectarian abuse, crude political analysis and advice on what loyalists should do in case of arrest.

Only a few loyalists had been interned or convicted up to that point. But the sharp rise in sectarian murders in 1972 and 1973 meant that by the time of the protests by both loyalists and republicans in Long Kesh against bad food and conditions in the summer of 1974 there were more than 400 of the latter in the 'special category status' compounds. It was the UDA's prisoners' action in throwing their prison meals over the compound boundary fences that started the chain of events which eventually led to the prison being burnt down by republican prisoners in October 1974.

When that happened the UDA and UVF commanders in the jail, Jim Craig and Gusty Spence were informed by the commanders of the republican compounds that no loyalist prisoner would be harmed. The UDA and UVF were able to organise an orderly move into the two loyalist compounds left untouched by the fire. As Craig pointed out on his release in 1976, this was a significant example of the workings of the compound system. He said:

Sectarianism never raised its head in the Kesh. When the camp was burned the prison staff ran from the place leaving the Loyalists defenceless if the Provos had decided to attack us - at that time we were greatly outnumbered by Republicans. But there was no attempt to do us any harm. There is no religious problem in the Kesh.



Gusty Spence, UVF Commander, on parade in Long Kesh.

But with the removal of special category status in March 1976 all that started to change. Later that year, a few weeks after Kieran Nugent had become the first republican prisoner to go 'on the blanket', Gusty Spence warned what would happen in the H-Blocks in words which have an uncanny and prophetic ring in the wake of this year's hunger strike and the proposals put forward for ending it:

UVF/Red Hand Commando prisoners must not be imprisoned in the same cells or cell blocks as republicans. If the present plans for integration at the H-Block are not changed we feel it will become a hell-hole of strife, dsicontent and open violence.

He went on:

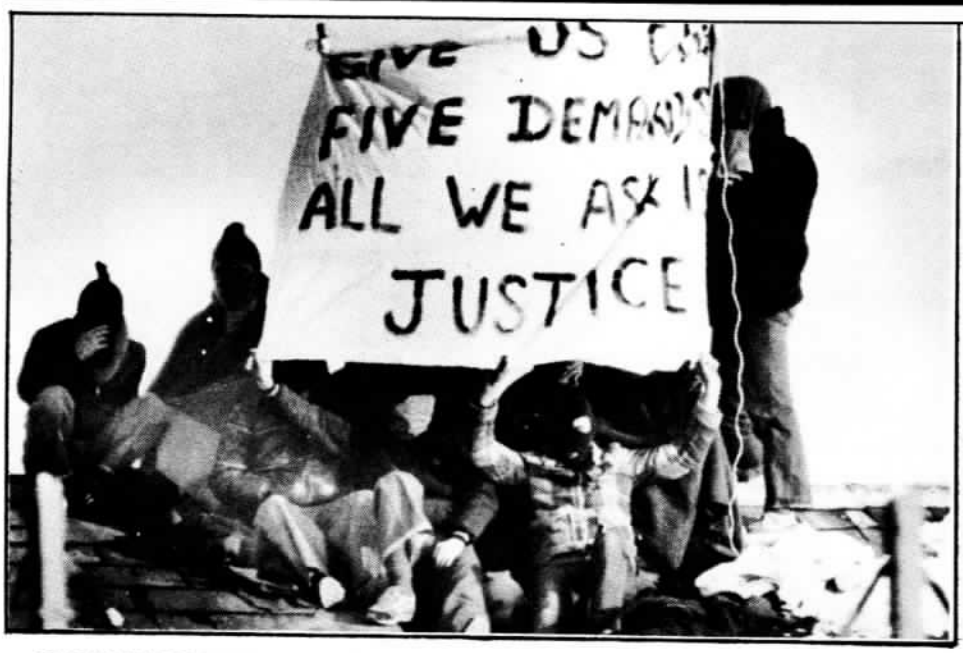
Loyalists and republicans must be segregated into separate wings or blocks. The UVF/RHC prisoners sent to H-Block must retain their own internal command structure. The cells must stay open from reveille to 9 p.m. so that prisoners can have free access to the rest of the block at all times. They must be allowed to do meaningful handicraft work under their own supervision within their own cell blocks.

Spence's military-style discipline inside the UVF compounds was considered superior even to that of the Provisional compounds by 1976. It was so tight that on one occasion in the mid-seventies a group of UVF prisoners transferred from Magilligan opted for the laxer routine of the UDA 'cages'.

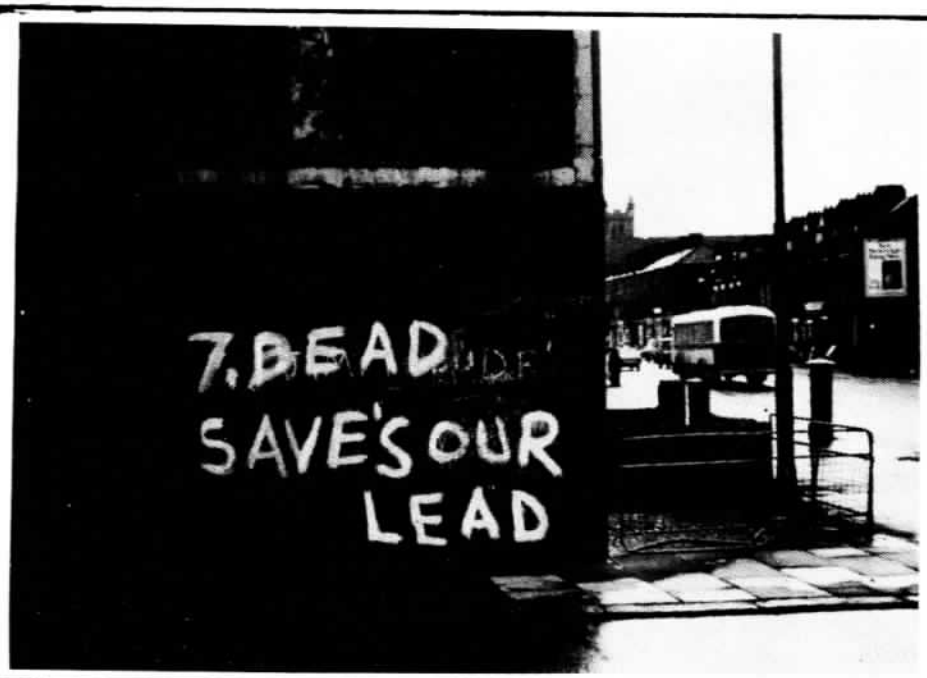
The UDA cages are modelled on those of the republicans: at the top there is a commanding officer - at present Johnny White, who was convicted of murdering SDLP senator Paddy Wilson and his companion Irene Andrews in 1973. Underneath there is an OC for each compound, who has a deputy; and underneath them is an OC responsible for each hut. In addition each compound has a provost marshal responsible for disciplinary matters, a 'regimental sergeant-major' (!) to take charge of drilling and parades, and a three man escape committee to plan breakouts, which have to be approved by the overall commanding officer.

Significantly the relationship between the UDA and the illegal Ulster Freedon Freedom Fighters, the cover name used by members of the organisation when carrying out sectarian assassinations, becomes much clearer inside Long Kesh. For example Johnny White's killing of Paddy Wilson and Irene Andrews was claimed by the UFF, while Jim Craig, since released from jail, is currently on trial for UFF membership in a Belfast court.

The most recent picture of loyalist prisoners with special status was contained in a document smuggled out by



THE PARADOX OF LOYALIST PRISON STRUGGLE: Loyalist prisoners take to the roof of Crumlin Road prison in December 1981 in support of the struggle for their five demands, while in a Loyalist area one year before local people give their clear response to the first hunger strike by Republican prisoners in support of their five demands.



the prisoners themselves in 1979, which showed that of the 100 UDA prisoners in compounds 37 had served in the British Army, the Territorial Army, the UDR and the RUC reserve. The percentage among the 141 UVF and Red Hand Commando prisoners was 26%. The document claimed that 76% of all loyalist prisoners had no previous criminal record.

But the phasing out of special status has meant that for loyalists, like republicans, the compound system is enjoyed by fewer and fewer prisoners. The sending of the first loyalists convicted by the Diplock courts to the H-Blocks initially provoked an even more violent response on the streets of Belfast's loyalist areas that Kieran Nugent's action did in republican areas. In a week of clashes with the RUC and the British Army in September 1976 hundreds of thousands of pounds of damages were caused by loyalist rioters and Belfast was brought to a halt dozens of times by UDA and UVF hoax bombs.

The UVF ordered its prisoners, not for the first time, to adopt the same tactics as those employed by the Provisional IRA prisoners. And the demand for segregation, heard intermittently in Crumlin Road jail since the early seventies, was extended to Long Kesh.

In January 1977 a letter smuggled out from loyalist prisoners in Crumlin Road claimed that four prison officers had been hurt after fighting had broken out when the authorities tried to 'mix' 25 loyalists and 25 republicans in the prison's 'A' wing. It added: "The chief screw informed us that their instructions were to let both sides fight it out and that this this had come from the Northern Ireland Office."

Despite their organisation's orders, any 'blanket protest' by UVF prisoners was intermittent and ineffective, perhaps because the order came from outside and on the H-Blocks there was no-one of the stature of Gusty Spence to see that it was enforced. It was not until the summer of 1978 that nine loyalist prisoners, all from the UDA, and led by their OC in the H-Blocks Norman Earle, went 'on the blanket'. They were demanding both political status and segregation from republican prisoners.

For the following two and a half years the numbers of UDA men on the blanket varied between nine and twelve, compared to between 340 and 500 republicans. On 12th December 1980, as the first republican hunger strike was ending its seventh week, six UDA prisoners led by Earle went on hunger strike for the same five demands as the republicans plus segregation.

The UDA leadership outside admits that it was caught by surprise by the prisoners action. Tommy Lyttle said the organisation's leadership had advised them against it because it would look as if they were supporting the republican hunger strike and because it detracted from the main loyalist demand for segregation. But he also said there had been a policy decision by the leadership in the early seventies not to interfere with the organisation's prisoners, and to allow them to "sort out their own conditions so they could serve their time in the easiest way possible."

In the event the UDA hunger strike lasted only five days and was called off when the British government agreed to have talks on prison reforms with the Ulster Loyalist Coordinating Committee, a hastily reconvened body which groups paramilitary leaders like John McMicheal and John McKeague with loyalist politicians

There are now no protesting loyalist prisoners in the H-Blocks. In fact

their demands have been reduced to two: segregation and consultation on prison reform. The plight of jailed loyalists has never excited the same sympathy in the Protestant community as that of republicans has done among Catholics. This is partly because of lack of organisation and of any Protestant tradition of protest against the British prison system, but also because many religious Protestants find it difficult to identify with the actions of men like the Shankill butchers, many of whom are UVF prisoners claiming political status.

UDA leaders like Andy Tyrie and Tommy Lyttle are bitter about the lack of support their prisoners have received from loyalist politicians. A recent issue of the UDA magazine *Ulster* said:

Young men from the beleagured Protestant community, fearful of a British sell-out, took up arms to defend the Ulster state from the forces of republicanism. Their acts of violence often came in the wake of rousing speeches by loyalist politicians, advocating a backlash with cries of "This we will maintain". Now many of these young Protestants find themselves imprisoned by the very state they felt duty bound to defend.

The leaders of the UDA now believe in prison reform because, as Andy Tyrie wrote in an article in the October issue of *Fortnight* magazine "it would effectively destroy the IRA's propaganda and credibility, remove the prison issue as a political weapon, leave the Provisionals and the INLA with no credible excuse for murdering people, and allow us to resume the search for a political solution to the constitutional problem."

IRISH PRISONERS IN ENGLISH JAILS

The conditions and treatment experienced by Irish prisoners in English jails is much worse than that experienced by their comrades in Irish prisons, H Blocks included. Victims of the British state intent on revenge, they are virtually in the proverbial position of being locked up and the key thrown away. Once inside, the apathy and downright hostility of most people in Britain towards them guarantees that few people outside will raise a voice of protest.

It is that atmosphere of apathy and hostility which is the general backdrop to all that they experience in court and in prison. Faced with a war in Ireland that they cannot or will not understand, most people in Britain have been content to ignore that war as long as it ignores them. When it has forced itself into their lives, mainly through IRA bombing campaings, their mood has been transformed suddenly from apathy to revenge. That latter mood has pervaded the media after bombings such as Birmingham in 1974, when 21 people died, Guildford in October 1974, when 5 people died, and Woolwich in November 1974, when 2 people died. It has also pervaded the courts. In such an atmosphere any Irish person is open to becoming the scapegoat upon whom the hostility of a whole society is heaped.

What Britain fears most about Irish prisoners in English jails is that the political awareness of the Irish prisoners will 'infect' other prisoners.

In the case of the Birmingham, Guildford and Woolwich bombings, and of the supposed Harlesden bomb factory, it is patently obvious to anyone not obsessed by revenge that a number of innocent people were put away. (They are not the only ones; for example, Judith Ward, jailed for 36 years for the M62 coach bombing, was working with a circus hundreds of miles away from the bombing.) These cases are therefore worth examining in some detail.

After two bombs went off in pubs in Birmingham, five men were arrested at Heysham on the way to Belfast, and a sixth man was later arrested in Birmingham. The six were: Gerard Hunter, Billy Power, Hugh Callaghan, John Walker, Paddy Hill and Richard McIlkenny. The total evidence against them consisted of the fact that the five at Heysham were on their way to the funeral of IRA man James McDade, recently killed in England by his own bomb, and were therefore obviously 'involved'; that one forensic test on the five (the Griess test) had given two positive, two negative and one inconclusive result (a further spectographic test resulted in five negatives); and that all had signed confessions (which they later repudiated). Despite that, all six were found guilty.

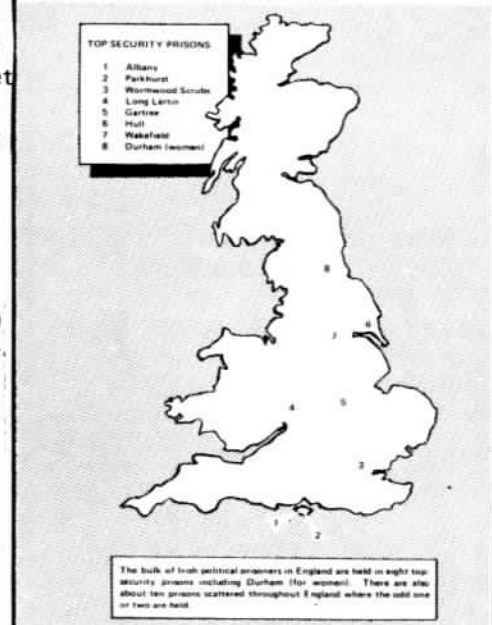
In the case of the Woolwich and Guildford bombings four people were finally convicted - Gerry Conlon, Paul Hill, Patrick Armstrong and Armstrong's English friend Carole Richardson. The sole evidence against them was their

confessions, which they claimed in court were beaten out of them. In these confessions not only did each person contradict the others at crucial points, but frequently one person made a number of confessions (Hill made six in all), each of which contradicted the other. In addition, Armstrong and Richardson took drugs, lived in a squat and were thus well known to the police - hardly the sort of 'cover' one would expect of members of an active service unit in the heart of the beast! Richardson had a cast-iron alibi, having been seen at a dance 48 minutes drive (in a police car at full speed!) from Guildford 45 minutes before the bomb. The four were found guilty, and not even the admission later in court by those IRA personnel captured at the Balcombe Street seige that they had carried out the Guildford and Woolwich bombings was enough to bring the ones now in prison to a retrial.

We have already examined the horrific story of the 'Harlesden bomb factory' in **Belfast Bulletin 4** ('A Savage Injustice') Annie McGuire, her husband Paddy, their sons Vincent, aged 16 and Sean, aged 13, Annie's brother Sean Smyth, a neighbour who had come in to ask Annie to baby sit (just before the police raided) and Giuseppe Conlon, father of Gerry, who had travelled to England despite pulmonary tuberculosis on hearing that his son had been arrested for the Woolwich and Guildford bombings, were all found guilty. The evidence in their cases came from forensic tests administered by an 18 year old laboratory assistant wno destroyed the samples when finished - he should not have done so - and did not photograph the results - he should have done so. In addition, the person who devised the tests is himself on record as arguing that the tests alone are insufficient proof that someone had handled explosives, as a positive result got be obtained by handling many household products. And that was the entire substance of what the British media delighted in calling 'Auntie Annie's bomb factory'.

In a situation where a highly visible security presence surrounds the trial of any Irish political prisoner, it is easy to believe that the dictum 'innocent until proven guilty' does not apply in such cases. Hence the ludicrous ease with which British juries can convict innocent Irish people. This is paralleled by the incredible severity of the sentences handed out by British judges. For example, in sentencing Gerry Conlon to *'not less than 35 years'* the judge stressed that he meant just that, adding that Conlon should not expect that he would necessarily be released when that time expired. In Hill's case the judge was even more severe. *'In my view your crime is such that it must mean 'life'. If as an act of mercy you are ever to be released, it could only be on account of great age or great infirmity'.*

Hill thus has the unfortunate distinction of serving the longest sentence of any Irish prisoner in England. (For the sentences of all Irish prisoners in English jails, see the adjoining box.)



In prison all Irish prisoners are automatically classed as Category A, that is, very dangerous prisoners. In fact, even the prison authorities will privately accept that they are Special Category A. As such they are subject to even more severe treatment than that meted out to ordinary Category A prisoners. They are dispersed throughout the British prison system on the grounds that if they were kept in one place together, they would resist more emphatically than they do at present. For the most part male Irish prisoners are in seven top security prisons — Albany, Parkhurst, Wormwood Scrubs, Gartree, Long Lairtin, Wakefield and Hull — and the women are in the top security wing of Durham. They are further isolated from each other by other ploys. One is that they are constantly moved around not only these prisons, but also other smaller local prisons at whim, often 'ghosted' away in the middle of the night without anyone being inform-

SENTENCES OF IRISH PRISONERS

(Right)

Billy Armstrong	Life & 20 years
Paddy Armstrong	35 years
Jimmy Ashe	12 years
Liam Baker	20 years
James Bennett	20 years
Stevie Blake	15 years
Martin Brady	Life & 20 years
Eddie Butler	12 Lifes, recommended 30 years & 159 years
Eddie Byrne	14 years
Hugh Callaghan	Life
Bobby Campbell	10 years
Sean Campbell	10 years
Sean Canavan	10 years
Pat Christie	10 years
Tony Clarke	14 years
Gerry Conlon	30 years
Martin Coughlan	14 years
Busty Cunningham	20 years
Gerry Cunningham	20 years
Tony Cunningham	10 years
Hugh Doherty	11 Lifes, recommended 30 years & 159 years
Vincent Donnelly	Life
Brendan Dowd	Life & 129 years
Joe Duffy	12 years
Harry Duggan	12 Lifes, recommended 30 years & 159 years
Kevin Dunphy	12 years
Patrick Fell	12 years
Noel Gibson	Life & 111 years
Ann Gillespie	14 years
Eileen Gillespie	14 years
Richard Glenholmes	10 years
Pat Guilfoyle	14 years
Patrick Hackett	20 years
Sean Hayes	20 years
Paddy Hill	Life
Paul Hill	Recommended natural life
Paul Holmes	Life, recom. 20 yrs.
Gerry Hunter	Life
Brian Keenan	21 years
Sean Kinsella	Life & 129 years
Ronnie MacCartney	Life
Liam MacLarnon	15 years
Brian McLaughlin	10 years
Ray McLaughlin	12 years
Bernard McCafferty	16 years
Con McFadden	20 years
Richard McIlkenny	Life
John McCluskey	10 years
Tony Madigan	10 years
Ann McGuire	14 years
Paddy McGuire	14 years
Gerry Mealey	10 years
Andy Mulryan	20 years
Paddy Mulryan	20 years
Jimmy Murphy	10 years
Michael Murray	12 years
Stevie Nordonne	Life & 129 years
Paul Norney	Life & 66 years
Joe O'Connell	12 Lifes, recommended 30 years & 159 years
Shane O'Doherty	Life
Eddie O'Neill	20 years
David Owen	10 years
Billy Power	Life
Michael Reilly	10 years
Carole Richardson	Indefinite detention
Peter Short	10 years
Gerry Small	12 years
Sean Smyth	12 years
Bobby Storey	Awaiting retrial
Peter Toal	10 years
John Walker	Life
Roy Walsh	Life & 20 years
Judith Ward	Life (recom.30 yrs.
Gerry Young	14 years.

ed. For example, between 1975 and 1977 Paul Hill was held in ten separate prisons. Another ploy is that they are held in long periods of solitary confinement in the hope of weakening them individually and breaking their collective solidarity. Hill has spent 800 days in solitary - that is 2½ years - since he was imprisoned. A third tactic is to put them on the 'E' list, classifying them as 'likely to escape'. They are then required to wear special clothing immediately distinguishable by its yellow stripes, and are isolated from other prisoners for the most of every day.

These tactics also serve to disorient relatives. It is often difficult enough for relatives to make their way to visit prisoners in England, not least because of the meticulous screening that is carried out on them before they are given a pass. Add to this the scrimping and saving to get the money to go, the knowledge that the prisoner will be strip searched and that relatives have been similarly treated, the frustration of not being allowed (up until very recently) to touch the prisoner because of screens, and the ever-present note-taking screw — and it is obvious that visiting a prisoner can be a harrowing experience. Imagine the consternation then to arrive at the prison only to discover that the prisoner has been 'ghosted' away. Ray McLaughlin was moved the day before his brother arrived all the way from Australia for a visit. John Higgins was moved two hours before his wife came for the monthly visit.

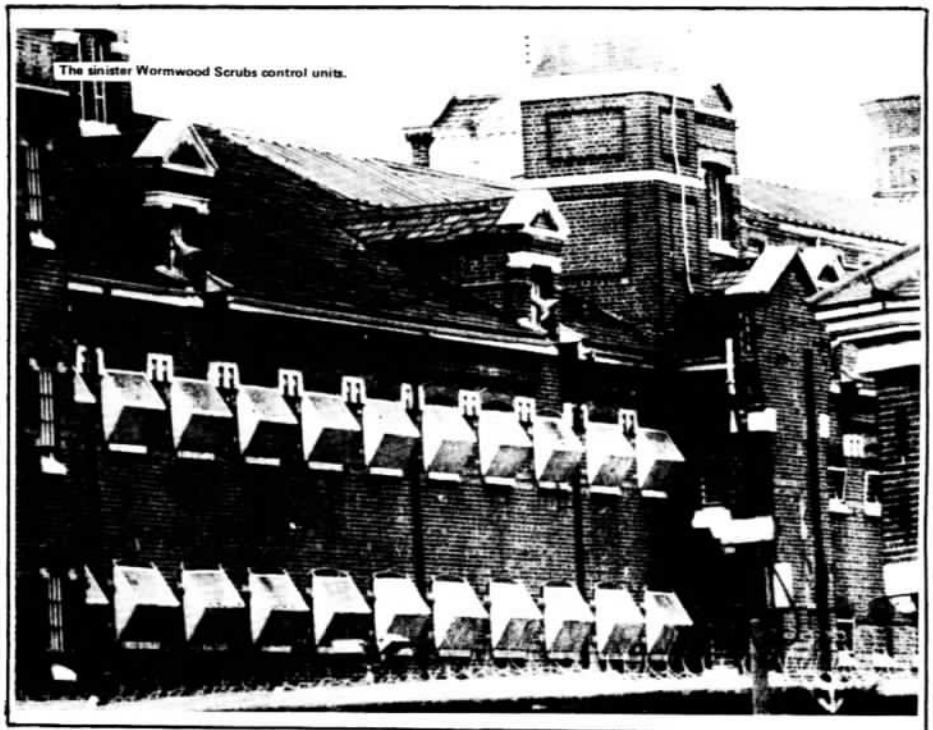
Needless to say, there is next to no hope of Irish prisoners being transferred to six county jails to be closer to relatives. Only four have been transferred - Gerry Kelly, Hugh Feeny, and Dolours and Marian Price - but it took a hunger strike, force feeding and the death of Michael Gaughan before that occurred. (Feeny and Kelly are now in Long Kesh where thay have political status, and the Price sisters have been released on licence because they were close to death with anorexia nervosa, a condition obviously related to their earlier experience of the brutality of force feeding.)

Compare this to the treatment of UDA prisoners in England and of soldiers convicted in the six counties. Statistics available as long ago as 1976 showed that already 12 UDA men had been transferred to serve their sentences in six county jails, and that transfer to English jails for Brits convicted here was almost automatic: 30 out of the 32 Brits jailed for 'terrorist-type' offences up to 1975 were transferred.

Despite the many ways in which the authorities attempt to isolate, demoralise and depoliticise Irish prisoners in English jails, the amazing fact is that they continue to resist. For example, Patrick Hackett and Michael Healy have been on the blanket for almost two years, and there have been numerous hunger strikes. Irish prisoners were to the fore not only in the Hull riot of 1976 and the Gartree riot of 1978, but in every major act of prison resistance in English jails during recent years. This is the most ironic point about the British 'solution' when the 'Irish problem' strikes close to home. In ancient times the scapegoat was sent off into the desert never to be heard of again, and the population rested easy. The Irish scapegoat is not so easily removed.

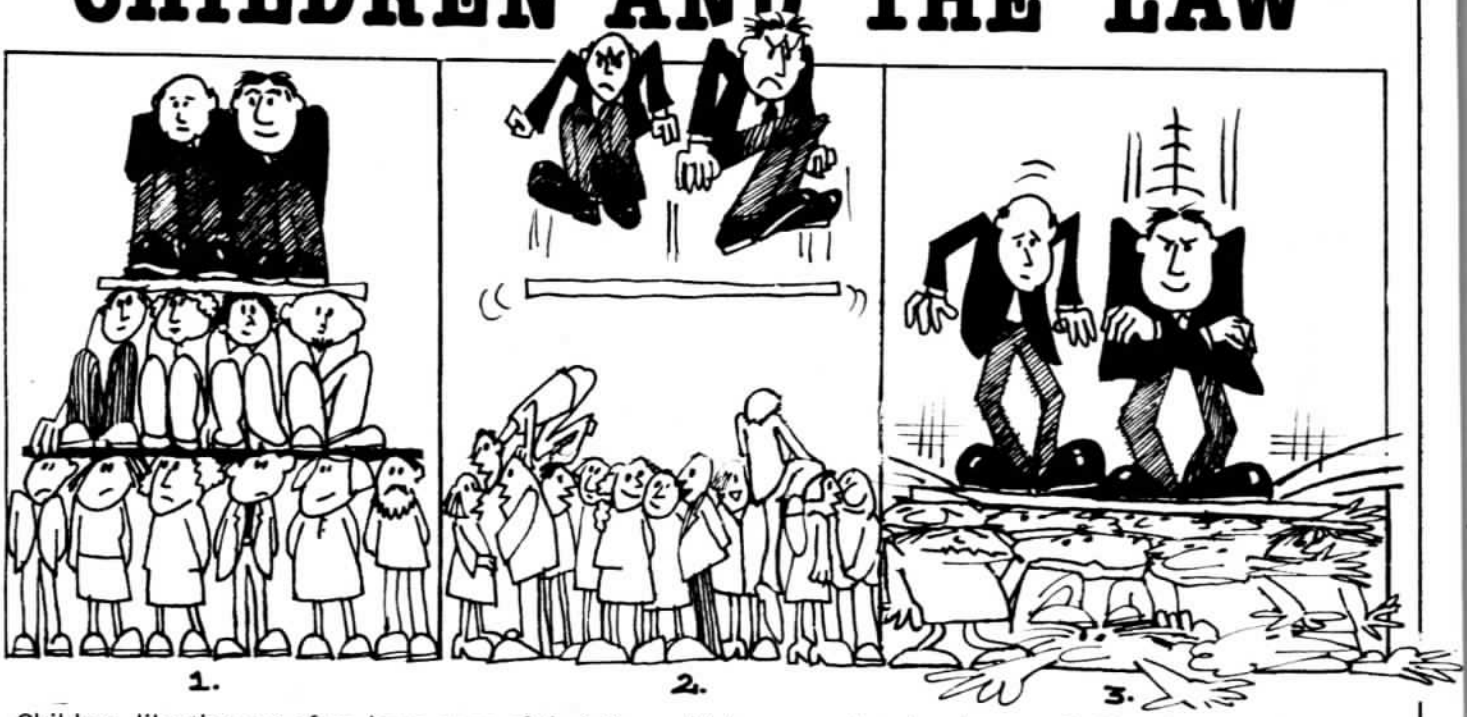
Five Irish prisoners in English jails have died. They are:

Michael Gaughan, who died after being force fed while on hunger strike on June 3, 1974;
Frank Stagg, who died on hunger strike on February 12, 1976;
Noel Jenkinson, 'found dead in his cell' in Leicester on October 9, 1976; his wife was refused an independent autopsy 'for security reasons';
Sean O'Connell, who died on October 1, 1977 of cancer a few hours after having been 'released on licence' from Parkhurst; an independent autopsy confirmed that the presence of the cancer should have been obvious for at least one year before his death; prison records show he had been given only aspirin and rubbing alcohol to ease the pain;
Guiseppe Conlon, who died in hospital on January 11, 1980 as a result of the tuberculosis which had kept him out of work and confined to his own home (except for the visit to England to see why his son had been arrested, a visit that led to his own arrest) for twelve years.


The sinister Wormwood Scrubs control units.

We acknowledge the help of the Prisoners' Aid Committee in the compilation of this article. PAC can be contacted at: Box 9, 2A St. Paul's Road, London N1.

CHILDREN AND THE LAW



Children, like the rest of us, have areas of their lives which are regulated and controlled by the state through the law and its enforcers. There are several pieces of legislation which refer specifically to children, the chief law being the Children and Young Persons Act 1969. These laws are enforced by the normal agencies, the courts, the police and army; but there are a range of enforcement agencies, such as the social services, the educational welfare service, the schools and the juvenile court, which are specific to children. These are backed up by the training schools, children's homes, attendance centres, etc., which are also specifically designed for children. Since the age of criminal responsibility in the six counties is ten years of age, children over ten are also liable to prosecution under the criminal law, like an adult; the only difference is that they cannot be sent to prison, but rather to one of these institutions. They are in name concerned to rehabilitate the 'problem child' or the 'juvenile delinquent', rather than to punish them.

In the second part of this article we will take a closer look at the so-called 'control' of children who fall foul of the law; we will examine how children get into these institutions, and what the institutions are like. But in the first section of the article we will look more closely at the 'care' of children, and how children come to be 'admitted to care'.

CARE OR INCARCERATION?

The notion that the state has a role to play in ensuring that children are cared for adequately is part and parcel of the idea of the welfare state itself. The potential benefit to working class children of the medical services, the free school milk and vitamins, the education and the dental and optical services that were made available as part of the welfare state must be seen alongside those other aspects of state provision, such as social work, whose benefit is by no means so clear.

This other aspect of the welfare state's intervention into the lives of children is the reality that children, for various reasons other than that the child has committed on offence, may be removed from the community it lives in and be placed in an institution, and that the state removes the rights of the parents over the child, assuming those rights itself. In certain circumstances 'admission to care', that is, the assuming of parental rights by the state, may be a straightforward matter. In the event of the death or absence of parents or relatives to care for a child, either in the short term or in the long term, the state, through the social services, assumes parental rights over the child and places it in a children's home or with foster parents. But, in other circumstances the notion of 'admission to care' is not so straightforward.

If we examine the trends in the six counties, we can see that the percentage of children received into care for these 'straightforward' reasons has fallen dramatically from 70.9% of admissions in 1974 to 36.9% in 1977. There is a massive increase in the admission to care of children whose parents are judged to have failed in their duty to 'care' adequately for their children. These judgments are made by various professional people, for example, the educational welfare officer (better known, perhaps, as the 'attendance man/woman'), an officer of the National Society for the Prevention of Cruelty to Children (better known as the 'cruelty man/woman'), or more commonly by the social worker (known commonly as 'the welfare'). These people have in law the discretion to decide that the child's best interests would be better served by removing the parental rights of parents and/or removing the child from its home. Of course, their decision must be ratified by a court. The idea here is that the magistrate is an objective and neutral person who can judge whether the social worker's decision to remove a child from home is valid or not. Nice theory, but in fact magistrates tend to defer to the judgment of the social worker, thus rubber-stamping the social worker's decision.

There are three main legal provisions which can be used in removing children from the custody of their parents. The first of these is the **Place of Safety** Order, which is a short-term order granted to social services which allows them to remove a child from its parents and take it to a 'place of safety', which is usually

a children's home, but can be any place considered 'safe' by whoever removes the child/ren. Children have been known to be placed in old people's homes, or other surprising places, particularly in the Belfast area because children's homes are usually full to capacity.

The Place of Safety Order is granted on application to the court, but the children are usually in the 'place of safety' by the time the court gets to hear of it, because the social worker has the power to remove children on discretion under Section 93 of the Children and Young Person's Act 1968 and apply for an order retrospectively.

In theory the court could challenge the discretion of the social worker or whoever brings the case; in practice this rarely happens, because increasingly, like medical evidence, or forensic evidence, it is regarded as a matter of professional judgment of the social worker and therefore virtually unchallengeable. Parents wishing to challenge such judgments are severely handicapped by a number of factors. Firstly, they have no right to see the written report by the social worker on which the case against them is largely based. Their solicitor may on occasions see it, but is usually told that it is 'confidential', that is, he/she must not divulge the contents to his/her client. Secondly, childcare cases are not ones in which lawyers make a lot of money; they are usually messy, time-consuming and they are up against the legal representatives of the Social Services who spend a lot of their time on childcare cases and so know the law much better than most lawyers. So parents are usually badly represented legally; childcare cases, like divorce cases, are not popular with lawyers.

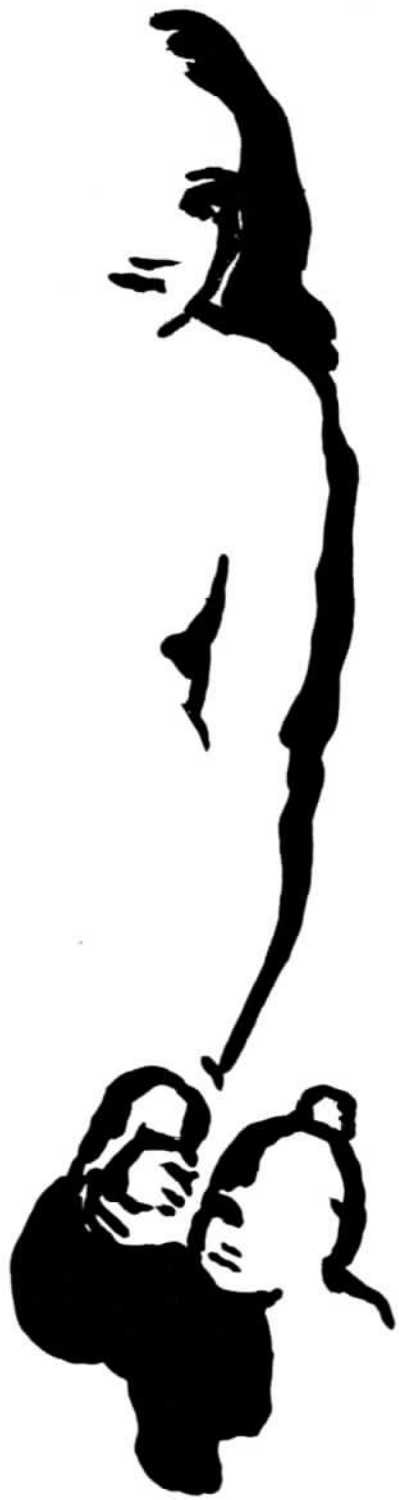
So the system is geared to accepting that the parent is guilty of whatever the social worker puts in his/her report. The system is such that the parent may not even know why the child is being taken from them.

The Place of Safety Order lasts six weeks. However, at the end of this period the Social Services can decide that they want the child to remain in care and apply for either a **Fit Person Order** or a **Parental Rights Order.** In essence both of these are long-term (that is, they remain in effect until the child reaches the age of 18) and remove the rights of the parents over the child. During its period in care the child may be returned home ('Home on Trial') but can be removed again at any time at the discretion of social services or any of the other agencies.

The legal grounds for the granting of any of these orders could be summarised roughly by saying that in the view of the social worker the child must be exposed to some physical, psychological or moral danger, or must be beyond the control of his/her parents. (Parents may also ask to have the child taken into care on the grounds that they can no longer control them; this is known as a voluntary admission, but such admissions account for only a small percentage of children admitted to care in the six counties). Parents whose children are 'persistent non-attenders' at school (to use the current jargon) or whose children fall into 'bad association' may have these children taken from them.Other grounds for admission include being exposed to moral danger, that is, incest or a parent engaging in prostitution, or a parent or a member of the household having committed a 'scheduled' offence, such as ill-treatment, assault, incest, etc. against the child.

This last area is particularly important in that a substantial number of admissions to care are on the grounds that the child is battered. However, the social worker can remove a child on suspicion, without having to press charges against the parents. This enables pressure to be put on social workers to remove children from their homes if there is any possibility that they are subjected to 'non-accidental injury' (to use the jargon again). The atmosphere of moral panic among the profession on this issue in recent years is overwhelming. Well-publicised cases of children being killed by their parents, virtually under social workers noses has resulted in the press pointing the finger at the individual social worker for not having removed the child before the disaster occured. In a very real sense this willingness to blame the social worker is related to the power that the social worker has with regard to taking children into care. The power is vested in the individual social worker and is not challenged by magistrates or indeed by anyone else in authority. The other side of the coin is that these same magistrates and other authorities are perfectly happy to let the individual social workers take the rap for the death of a child through battering. Such allocation of blame misses(dare we say deliberately) the reasons why battering occurs.

In order to understand child battering one has to relate it to the poverty, poor housing, unemployment and poor health of the vast majority of parents who abuse their children Social work as a 'profession' is not geared to making this connection. Child battering is seen as a kind of moral degeneracy which mysteriously afflicts only parents from a particular class background. The reaction to it therefore tends to be in terms of the easy option, namely, removing the child.



Yet social workers have in theory,under Section 164 of the Children and Young Persons Act, the authority to do just about anything, including the provision of cash, to prevent a child coming into care. However the administration and the powers that be within the Social Services regulate very tightly the use of this section. During the early days of the Payment for Debt Act which was used against people dependant on state benefits to deduct large amounts out of their weekly benefit.(See WRU Bulletin no. 1) some social workers used Section 164 on a regular weekly basis to supplement family income and bring families back up to Supplementary Benefit level. But very quickly the authorities put a stop to this practice. The section can now only be used sparingly in exceptional cases, the assumption being that financial hardship and poverty is the fault of the poor themselves. Given that it is not unknown for children to be received into care because the electricity in their home has been cut off for non-payment, Section 164 falls into proper perspective. Social work as a whole is not seriously concerned with preventing children coming into care.

The growing numbers of admissions to care of children for reasons other than straightforward ones mentioned earlier, must also be seen in the context of the growth of social work as a 'profession.' Over the past ten years there has been an expansion in the numbers of people engaged in social work, and a resultant development of the 'professional ethos' along the lines described above. This means that increasing numbers of families, particularly working class families can look forward to the attentions of social workers. Seen in the light of the class interests and/or background of social workers there is a new and frightening trend emerging in the 'regulation of the poor'. The middle class standards of childcare, housekeeping, dress and hygiene are imposed on working class families, who are ill equipped financially to achieve them. Social workers reports and coffee break chat abound with comments about dirty houses, Mrs X's inability to budget etc; these are real influences on the social worker's decisions to scoop or not to scoop the children, since these, in their view, are basic elements to 'proper' child care.

In order to appreciate the use of these measures and the significance of the changing trends in the admission of children to 'care' it must be appreciated that the overwhelming majority of children received into care are working class children. The removal of children from working class parents is often because these parents are judged to have failed to come up to an idealised and middle class vision of a 'proper' home environment.

In short, whereas the 'custodial' end of children's legislation is seen to be punishing children, in a large number of instances the 'care' end of the children's legislation can be seen as a way of punishing parents by removing their parental rights over their children. It is compounded by the undoubted punitive effect on children. For most children, even those for whom the experience of home and family are terrifying or confusing, the experience of going into care is a traumatic one.

The position of children in all of this is one of almost total powerlessness. It is our view that the rights of children are non-existent, yet all too often the liberal concern for 'children's rights' is little more than an exercise in piety. For a start, children's rights are inextricably tied up with the class position of their parents, which means that their 'rights' cannot be discussed in the abstract, but must be seen in the context of class society. Equally, liberal calls for bills of rights for children and a children's ombudsman solve nothing in themselves. Children have a right not to be abused at home; they ought not to be abused by social workers who can take them into care on the basis solely of a judgement about their parent's ability to 'cope'; they ought not to be abused by those into whose 'care' they are placed in institutions. But how these rights become realities is a problem much more difficult to solve than liberals would have us believe.

Social workers and managers, among others, like to put a lot of emphasis on the distinction between, on the one hand, children who are removed from the custody of inadequate parents and taken into 'care' institutions, and, on the other hand, those who end up in institutions because they have committed some offence. That distinction is in effect marginal. For a start, as we saw, there is much that is punitive about 'care'. But more alarming is the fact that, in the case of Training Schools, those in 'care' are institutionalised in exactly the same place as those in custody because of some offence. Therefore, it is to the question of children in custody that we now turn.

PROFILE: St. Patrick's

St Patrick's on the Glen Road in Andersonstown is the training school for Catholic boys. Staffed by De La Salle brothers and by civilians, it has, nonetheless, a reputation for being more liberal and less severe than Rathgael, the training school for Protestant boys. Certainly, that reputation is at least part of the reason the institution has survived unscathed in the middle of troubled West Belfast. To first appearances the reputation is deserved. Unlike Rathgael, St Patrick's has no secure unit and has a much less obvious appearance of security. Boys can abscond simply by walking down the long avenue to the Glen Road, something they do with optimistice regularity at the moment, at the rate of one or two a week.

But punishment is not absent from St Patrick's. If a boy is causing trouble, he can be sent for up to five weeks to the Young Offenders Centre (YOC) at Hydebank to 'cool off'. More importantly, given the nature of the confinement of offenders (as opposed to those in training schools as a result of a care order), release for many inmates is dependent on good behaviour. The boy is in for one to three years and his release depends on him persuading social workers that he has behaved himself, a fact the social workers undoubtedly do not let the inmates forget in their daily contact.

On the other hand, it must be stressed that St Patrick's good reputation is partly deserved. The boys are on first name terms with the staff, and the best behaved ('grade one') boys are allowed home every weekend. Furthermore, there are never enough staff to ensure an ostentatiously punishment-orientated regime. The 120 boys are divided into two groups, the junior unit, (10-15 years) and the senior unit (15 plus). Each unit has a shift of 6 care staff - but frequently (because of holidays, illness etc) there are less than that. In fact, at weekends each unit has only 3 staff.

The 15 Brothers and 14 DHSS care staff along with a number of teachers provide supervision, a minimum of remedial education and vocational training. Previously they attempted to ensure that a boy was released into a specific job, but with the unemployment level in West Belfast now, there would be a long wait if such a policy was still in force.

In short, the emphasis in St. Patrick's is on neither rehabilitation or punishment, but on containment. Provided every one takes it easy and the boys defer to staff, then everything goes smoothly. As one member of staff told us: *'A successful shift is one where you have the same number of boys at the end as at the beginning, and nobody has wrecked anything'*. Things were at their smoothest in the place when most of the offenders were political. The government move of sending politicals to Hydebank and the influx of a whole new breed, the hoods, has changed things. There is more aggro between inmates, and more friction between staff and inmates. Also, the number of boys absconding has increased. Some shock waves have rocked the normally quiet sea on which St. Patrick's has contentedly floated for so many years. The biggest turbulence, however, has yet to come, when the Black Report is implemented and Training Schools as such will be abandoned. Meanwhile, St. Patrick's will continue as the paradox it is — the striking building on the hill drawing both its staff and its clientele from the nationalist ghetto which it overlooks.

PROFILE: Rathgael

If you were to visit Rathgael, the train ing school for Protestant boys, after having visited St Patrick's, you would immediately be struck by three main differences. The first is that it is situated differently , not in the area from which it draws its clientele, but separate from residential areas. The second is the absence of De La Salle brothers. The third is the obviously greater concentration on discipline. In Rathgael the boys wear a uniform and address staff as 'Sir' rather than by first names. There is more security fencing than in St Patrick's , and there is a 'secure unit' (oddly called the 'intensive care unit') for those boys causing the most trouble.

Finally, the inmates are broken up into separate units of approximately 10 boys each. Although there is no progression through these units dependent on behaviour (as at Hydebank) the overall system ensures more emphasis on control than at St. Patrick's, where larger units seem at times to have led to a greater sense of camaraderie (even if not community) among the boys.

Beyond that, Rathgael has many of the same tasks, problems and solutions as any other Training School. There is remedial education, and the same problems of trying to find jobs for those released. There may be no Brother about, but the presence of a number of church elders and born-again types among the staff ensures a religious element in the attempt to control the boys.

Why Rathgael and St. Patrick's should have gone about the task of containment differently is hard to say. It is tempting to see the Protestant morality as a major element in the greater authoritarianism of Rathgael. Whatever, there is no denying that Rathgael's discipline-oriented approach is as unsuccessful as the more liberal approach of St. Patrick's. With a recidivism rate of 70%, it is for the most part the same boys — and their brothers and close friends — who keep coming back time after time to refer to their keepers in one case by their first names and in the other case as 'sir'.

PROFILE: St. Joseph's, Middletown

The most noticeable aspect of St. Joseph's Training School for Catholic girls is that it has, relative to the other schools in the six counties, a relaxed atmosphere. It is difficult to pinpoint the exact source of the liberal spirit that prevails. Part of the reason may be that there are very few inmates compared with St. Patrick's or Rathgael — that is, only about 20 girls at any one time — and that very few of them are in for offences. But both of these factors apply also to Whiteabbey, the Training School for Protestant girls north of Belfast, yet it has perhaps the worst reputation of all the Training Schools, being authoritarian, cold and antiseptic, overlaid with a veneer of Christian morality.

Most of the inmates in St. Joseph's are teenagers, although younger girls have been known to end up there for short periods of time. Most of them are in as a result of care proceedings, although there

are a few truants. As was said above, very few of the girls are in for criminal offences. They are divided up into four 'houses', each with a few girls. There is also a pre-release hostel on the grounds where girls about to be released are given more responsibility and freedom than the others.

Not that things are particularly rough for the others. True, there is the stigma and punishment of being in care in the first place, but, despite that constraint, staff seem to provide a human enough lifestyle within. The girls wear no uniforms, and are often on first name terms with the staff. In fact, it is not unknown for ex-inmates to return in later years to visit the place bringing their own young children with them. The older girls are allowed to smoke three times a day, and all the inmates can get home on weekend visits. Discipline is not very obvious. Severe offences would involve perhaps the loss of a weekend visit, but there is little in the way of more petty discipline; for example, smokers are rarely deprived of cigarettes as a punishment.

The Training School is run by nuns. But, although the three top people in the school are nuns, the majority of the staff are not. The nuns do not appear to live up to the traditional image that nuns have of being conservative and authoritarian. They dress in civvies and are on first name terms with the other staff.

All in all the word that best describes St. Joseph's in comparison to Whiteabbey or Rathgael is 'openness'. That openness exists not just within the school, but outside. Girls can go into the nearby village of Middletown (admittedly only when accompanied by staff) and the school's facilities (which include a swimming pool) are frequently open for use by the villagers.

If there is one blot on this otherwise happy – relatively speaking – picture, it is this. In St. Patrick's and Rathgael kitchen staff cook meals for the boys. In St. Joseph's the girls cook for themselves with the help of staff. In other words, collectively the Training Schools make no active attempt to break down traditional gender roles.

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In a rare moment of insight and lenience Judge Basil Kelly recently suggested that a Belfast joyrider should be found a job in a garage 'because of his interest in cars'. Compare this to the view of Belfast Coroner James Elliot. During an inquest in February 1982 into the execution of a joyrider, Patrick McNally, by the UDR a year before, Elliot had no qualms justifying the policy of summary execution. 'When is it going to be brought home to people who steal cars that they are putting themselves at great risk?' he asked.

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St. Patrick's Training School for Catholic boys in West Belfast (see our article on 'Children and the Law') is now taking in day boys. They seem very chuffed with this innovation, and are inviting any willing social worker to come up and get the guided tour so they can go away after and sing the praises of the place. Could this be an attempt on the part of St. Patrick's to drum up some business for themselves in advance of the devasting changes that will come about when the Black Report is finally implemented?

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The legal advice scheme to which we refer in the article on 'The Oldest Profession' has become a reality. In March 1982 the scheme went into operation for a one-year period. While it is in operation, a rota of 43 solicitors will be 'on call' for anyone who is about to appear in court without legal representation. A similar scheme has existed in England for close to 20 years, and the experimental scheme here only comes about in the face of long-standing opposition from the Law Society of Northern Ireland. It remains to be seen if their opposition will wane in the year ahead, thus allowing the scheme to become a more permanent feature.

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In pursuit of ever-more efficient technology of repression, the Young Unionists have recently called for a helicopter division to be set up within the RUC. Incidentally, they also advocate that the law be amended to remove the supposed right to silence that someone being interrogated has. And just for good measure, they want the courts to hand out much stiffer sentences than at present for 'terrorist crimes'. It has been said that the young are more liberal than the old. What more will these people want when they are Old Unionists?

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March 1982 saw some slight rumblings in the bipartisan ranks in the British House of Commons. The renewal of the Prevention of Terrorism Act is usually a rubber-stamping affair, attended by very few MPs and passed without opposition in boring and predictable regularity. However, approximately 50 left-wing Labour MPs this time questioned the renewal, for a myriad of reasons. Some argued that it was actually ineffective in getting 'terrorists', others that it only drove people into 'the hands of terrorists', others still that it was offensive to civil liberties. Few, however, would have opposed the renewal from a position of self-determination for the Irish people. The bulk of the dissidents were back-benchers, but at least four junior opposition spokespeople were among their ranks, including Kevin McNamara and Clive Soley. Soley resigned from his position a few days after the Act was in fact renewed, despite the opposition.

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LOCKING UP THE YOUNG

A recent unpublished report in Britain by Giller and Rutter points out a number of facts which tend to get lost in the midst of right-wing 'moral panics' about crime, especially youth crime. They argue that the so-called 'crime explosion' among the young is largely an illusion. There has been a real increase in crimes of violence committed by the young, but such crimes still only represent about 6% of all juvenile crime. Yet, despite these provable facts, moral panics continue. And because of this, as many as 40% of young people brought before the courts in Britain could have been dealt with in less extreme and punitive ways.

Nor are such conclusions confined to Britain. Burke, Carney and Cook have recently examined the question of young offenders in the South in a book called *Youth and Justice.* They stress that, although there has been a large increase in crime in the South, and the actual number of young offenders has increased, there has in fact been a decrease in the percentage of all offences committed by juveniles. Yet popular wisdom has it that the young have reverted to the animal state. In such a climate, no one in authority is seriously considering raising the age of criminal responsibility from its present level of 7 years of age. Specific children's courts continue to exist where the most bizarre sentences are handed out for the most menial 'offences'.

It was this climate of reaction which allowed a new secure children and young persons' prison to be opened in Loughan House, Blacklion, Co. Cavan, as late as 1978.

Similar worries about unnecessary harshness in the treatment of young offenders and about the effectiveness of locking up the young were part of the reason behind the establishment of the Black Committee in N.I. in 1976. Another element in its establishment was the more technocratic one of rationalising and streamlining the present arrangements for the treatment of children, especially concentrating on clearly separating the 'care' and 'justice' elements. We have pointed out above just how intertwined and inseparable these two aspects of law as regards young people are. The belief that 'care' and 'justice' are distinct and separable is a major flaw in the Black logic. An added incentive for Black was that both the 'care' and 'justice' procedures in the 6 counties were different from what prevailed in Britain. There is no legislation in N.I. comparable with the Children and Young Person's Act implemented in England and Wales in 1969. Our 1968 Children and Young Person's Act does not have the same emphasis on being concerned about the welfare of the young person rather than on punishment or retribution. Furthermore, there is no equivalent in NI (nor in England or Wales for that matter) of the Scottish Children's Hearings procedure. Dating from 1968, these Hearings replace children's or juvenile courts. The emphasis in them is on lay rather than legal participation in deciding the future of the child/young person, on the absence of legal jargon, and again on welfare rather than punishment.

A word of caution is needed: in fact the English/Welsh and Scottish systems are not nearly as 'caring' and welfare-oriented in reality as they are in theory. In addition, the British system is under Tory attack at the moment. They have suspended key clauses of the 1969 Act in England and Wales - dropping the measures to raise the age of criminal responsibilty from 10 to 14, to abolish penal sentences for those under 17 and to require wider consultation before the police could prosecute juveniles.

In addition, the law and order lobby in Britain is moving in for the kill. Non-custodial sentences for the young are being dropped in favour of the 'short sharp shock', with 3 week detention sentences and a new residential care order being incorporated into a new Criminal Justice Bill. The residential care order means that magistrates have won a 10 year battle to get back their powers to insist on custody for certain offenders.

It is perhaps ironic that while the Right was regrouping in Britain at least one element in the establishment of the Black Committee in the 6 counties (above and beyond the already-mentioned need to rationalise the system) was concern to liberalise policies for the treatment of young people by the law. But before looking at what Black concluded, it is necessary to look carefully at the treatment of young offenders in NI as it exists at the moment.

It is impossible to quantify the amount of harrassment of young people by the law in the 6 counties. But what is beyond doubt is that the surveillance and badgering of the young by the many different arms of the law is a persistent and constant daily practice. Of course, not all the young are equally legitimate targets; some are better than others. Young unemployed working class youths may gather on a street corner where their very presence, not to mention the public visibility of any horseplay between them, invites the passing bored attention from any passing police patrol. Young Catholic people from West Belfast entering the steel-ringed centre of Belfast are constantly picked on by the army, held for long periods of time while they are 'P-checked' on army computers (as our picture this page shows). Punks and skin-heads are other easy targets; they are refused entry to the same city centre by uniformed civilian searchers, and if they end up in court they get subjected to the prejudiced rantings of magistrates such as Albert Walmsley. Joy riders are subject to summary execution by UDR soldiers, police or Brits.

In spite of the increased activity against the young by all the arms of the 6 counties' bloated security industry, despite the 'troubles' and despite our own moral panics about the youth crime explosion in this part of the world, there has not been a great increase in the number of young people found guilty of offences by the courts: 2101 in 1969, and 2646 ten years after. And even these general figures are misleading, for they mask the fact that many of the 'offences' are remarkably minor. For example, a large number of young people pass through the courts on burglary or robbery charges - 693 in 1979. But in some cases 'burglary' means breaking into a derelict house and taking odds and ends lying about. The constant pressure on police to ensure a high level of prosecutions and thereby demonstrate the crime-fighting ability of the force also leads to constant pressure on the young - the 'soft targets'. It is for that reason that the British experience demonstrates that 40% of cases of young offenders should never have been brought to court at all. For example, the 1980 British criminal statistics reveal such gems as 32 boys between the ages of 10 and 17 who were convicted under local by-laws of 'playing in the street' and another 54 convicted of 'allowing a chimney to be set on fire'. And added to this in NI can be a sectarian twist to police vendettas against the young. Young people we spoke to have told of police lifting them out of their own safe local area, and dumping them 'on the other side', leaving them to walk home through a hostile area, often barefoot.

WALMSLEY STRIKES AGAIN!

When a seventeen year old skinhead appeared in front of Magistrate Albert Walmsley charged with fighting, Walmsley told him:

'These people who come into the city dressed in this manner can only expect to go to prison'.

The lucky victim of these liberal sentiments received a three-month jail sentence, suspended for two years.

For those young people actually charged with some offence an appearance at juvenile court becomes necessary. There the young person is in for a most disorienting experience. We have spoken to solicitors and barristers who have told us of bizarre happenings. The court is run like an assembly line, with each case being processed faster than a De Lorean car. Add to that the fact that everyone is talking in weird legal jargon, and often too softly to be heard, and it is no surprise that some young people's cases are over before they realise that they have begun. We have been told of one case recently where someone was tried, sentenced and was being marched away to the cells, before anyone in the court realised that the charge related to another young person still left sitting in the court! In another case, no one asked the young person how he was pleading, presuming his plea was 'guilty'; it was only when the hearing was almost complete that it was discovered that he was in fact pleading 'not guilty'. These may be exceptional cases, but they prove the rule. It is not at all uncommon for a solicitor to know nothing about the young person s/he is 'defending' until actually handed the charge sheet in the court at exactly the same time as it is handed to the magistrate. Things happen to young people in court every day that would keep the European Commission on Human Rights employed full-time.

We need now to consider what options are open to the court when the magistrate finds the young person guilty of the offence. But a word of caution is necessary first. What follows is laid out very clearly and logically. To the young person charged in a juvenile court, none of what happens comes across as clearly or logically as this.

YOUNG OFFENDERS: options open to the court:

NON- CUSTODIAL

1. Absolute discharge; a person found guilty can still be let off for example, because it is a first offence. In 1969 130 people were treated this way by the courts; in 1979 109.
2. Conditional discharge; that is, the person is discharged on condition that s/he watches her/his behaviour in future. 329 people received conditional discharges in 1969, and 887 ten years later.

Instant Compassion: creating a 'caring atmosphere' in court with a spray can

3. Binding over; more formal than the previous option, this specifies the length of time in the future that the young person has to stay out of trouble.
4. Fine; 905 young people were fined by the courts in 1969, 539 in 1979.
5. Compensation; the young person must pay the victim of the offence, rather than in the case of a fine, merely pay an amount of money to the court.
6. Probation Order; the Probation Service began in NI in 1946. In 1965 there were 20 Probation Officers and by 1978 131. Yet despite this increase in staffing, the courts seem to have been unwilling to consider using Probation Orders more widely in the case of young offenders. 314 young people were put on probation in 1969, 389 in 1979. Probation Officers work with both juveniles and adults, but, they will not work with political offenders.
7. Fit Person Order; the court puts the young person in the care of a 'fit person', usually a social worker, or in a care residence. This is the one option where the 'care' and 'justice' elements of the law as regards young people can be seen to intertwine most closely, as we have emphasised strongly earlier.
8. Supervision Order; the young person is put under the supervision of a Probation Officer or some other responsible person, such as a social worker.
9. Attendance Centre Order; the young person is required to attend for between 12 and 24 hours, in sessions of 2 hours each, on saturday afternoons at an attendance centre. In Belfast the venue is at Millfield Technical College, which has places for 30 juniors and 30 seniors. Each session begins with a roll call, and inspection of cleanliness and general appearance. This is followed by one hour of physical training and then one hour of craftwork (ie. woodwork or metalwork).
10. Intermediate Treatment; despite the fact that this is a totally woolly concept which covers any activities loosely defined as group work with offenders or potential offenders, it is a policy which it has become trendy to advocate recently. The idea is that the young person will be able to have a full relationship with a mature adult (ie. a social worker) and will consequently end up a better person as a result. IT, as it is known in the profession is being tried out at Whitefield House, on the outskirts of West Belfast.
11. Community Service; this scheme has only been in operation in NI for less than 3 years. The idea is that an offender is required to give up time to help others in society, for example, working in a youth club, decorating an old person's home, etc. In their first

(and only, to date) Annual Report the Committee running the scheme argues that community service can only be used with adults as it requires 'adult decisions'. The Committee is therefore opposed to extending the scheme to the juvenile courts and involving children and young persons. However, older teenagers are included in the scheme and between April 1979 and December 1980 64% of the Community Service Orders handed down by the courts were to people between the ages of 17 and 20 (266 people).

12. Suspended Sentence.

CUSTODIAL

13. Remand Home; there is no remand home as such in the 6 counties. Young people on remand are sent either to a Training School for assessment, or to the remand section of the Young Offenders' Centre at Hydebank. There were 40 remand home orders handed out by magistrates in NI in 1979, 63 less than 10 years earlier.

14. Borstal; this was a place where the emphasis was on punitive containment for young offenders (mostly male)over the age of 16. The maximum period of their detention was laid down, but the date of their actual release depended on their behaviour. Borstal inmates were usually not first offenders. The male borstal was in Millisle, Co. Down; there was no female borstal as such. But the borstal system has since 1980 been discontinued with the coming into operation of the Young Offenders Centre at Hydebank. In 1975 there were 105 people sentenced to borstal, all male; in 1979, 145, again all male. Between 1975 and 1979 there was only one female sentenced to borstal.

15. Prison; young people can be sent to prison. Those found guilty of murder or 'other serious crime' and who are under the age of 18 are not given a specific sentence, but are held 'at the Secretary of State's pleasure'. The numbers of such young people sentenced each year between 1974 and 1979 as Table 1 shows.

16. Young Offenders' Centre; persons under 31 who would previously have been sent to prison are no longer sent there unless their sentence is of three years or more. Instead they are sent to a Young Offenders' Centre. For males the YOC is at Hydebank Wood; a long profile of that institution is given in a separate article following this one; there is no special YOC for females, but they are sent to a special young offenders section of the Women's Prison in Armagh.

17. Training Schools; we have left these to the last because unusually they contain both offenders and non-offenders, and in some cases mostly the latter. In 1972 there were 207 boys and 39 girls in NI's four training schools; in 1979 there were 284 boys and 61 girls. (The four training schools are: Rathgael for Protestant boys , St Patrick's for Catholic boys, St Joseph's for Catholic girls and Whiteabbey for Protestant girls. In addition there is Lisnevin, which is a maximum security unit; it is for boys who act up in the other Training schools; no one can be sent directly from court to Lisnevin. But this increase in numbers in Training Schools is not evidence of a youth crime wave. Many young people in training schools are not young offenders at all, as Table 2 shows.

A number of important points can be made on the basis of these figures. Firstly, there are very few girls in training schools, and secondly, while most boys are in for offences, most girls are non-offenders, that is, they are there for 'care' reasons rather than 'justice' ones. Yet, non-offenders in a training school experience the same regime as offenders. There are wide differences in regime in different training schools, as our profiles of Rathgael, St Joseph's and St Patrick's show. But in the case of some

	1974	1975	1976	1977	1978	1979
Males	24	36	17	37	11	11
Females	0	2	0	3	1	0
Total	24	38	17	40	12	11

Table 1: Young people sentenced to prison each year, 1974 - 1979

of the schools, especially Rathgael, all the inmates are put through a daily routine which is in very many ways punitive. It is a barbaric and inhuman way to treat anyone, but it is especially objectionable in the case of those who have been guilty of nothing except to come from a family environment which cannot, for whatever reason, allow the child to remain in it. And the final twist is that those young people in training schools for 'care' reasons are often in for longer periods than those for offences, as Table 3 shows.

Lastly, the evidence reveals that these young people, even by the time they reach training schools, have been locked into a vicious circle of state institutionalisation. 64% of all inmates of training schools in NI have previously been in residential care, and 54% have been in training schools before. Will they later 'graduate' to the Young Offenders Centre and then to prison? And if they do, we can lay most of the blame at the feet of the state which institutionalised them in the first place. For, as the Black Report itself says, 'most children and young people contravene the law in some way as they grow up'; that they do reveals more about the stupidity of much of the law than about the supposed inherent viciousness of young people.

BLACK AND AFTER

All these facts we have laid out above were to some extent or other known to Black and his committee. Out of this welter of facts they drew a number of conclusions which they used as the basis for their suggestions for changes in policy. Their most major conclusion was that too many young people were ending up being processed by the 'justice' side of the law, and not enough was being done to coordinate the 'care' side of the law's management of the young. From this liberal starting point Black set out to separate the two 'models' - 'care' and 'justice'.

While not accepting the liberal myth of the possibility of complete separation of the two aspects of bourgeois law - welfare and repression - it is to Black's credit that their concern was at least the enlightened bourgeois one of preventing young people being shunted into a life

	Young People in Care: %	Truants %	Young Offenders	Total
	Young People in Care (%)	Truants (%)	Young Offenders (%)	Total Number
Rathgael	14	21	65	157
St. Patrick's	8	4	88	98
St. Joseph's	76	14	10	21
Lisnevin	15	5	80	20
Whiteabbey	52	26	22	23
All	19	14	67	319

Table 2: Young People in Training Schools

Young people in care	23.5 months
Truants	18.0 months
Young Offenders	19.2 months

Table 3: Average Length of Stay in Training School, by reason for admission

of crime by those forces in society supposed to be fighting crime, when, if left to themselves, these young people would pass through their technically criminal phase and become ordinary law-abiding citizens. It made more sense to Black and company - even in bourgeois terms - to put a lot more emphasis on prevention of crime. This would mean the coordination of social services agencies and the police to effectively look after the 'care' of young people 'at risk' before they become young offenders. But, if all the prevention failed, then there was need for a totally separate and distinct justice system. Black proposed a secure unit for the worst of young offenders, with a maximum of 120 beds. Sending young people to this unit would work on a 'revolving door' principle, that is, a magistrate could only send someone to the unit if there was a place; but if the unit was full, either the unit's staff would have to release someone to allow the new inmate in, or the magistrate would have to come up with another sentence.

Almost three years after Black reported, the whole system of law as regards the young is in a state of flux. None of Black's recommendations have as yet been implemented, although it looks as if some of them will be, eventually. In addition, some changes have occurred independently of Black's recommendations. We need to take a bit of time to wend a way through the maze.of present policy.

Perhaps the most noticeable innovation has been the building of Hydebank Young Offenders Centre while the Black deliberations were actually in progress. Hydebank at present has young offenders from 14 to 21 years old. If Black's proposals are implemented, 14 to 17 year old young offenders will not be in Hydebank, but in the new secure unit. (It is probable that the number of 17 to 21 year old offenders will then suddenly expand to fill the space in Hydebank left by taking out the 14 to 17 year olds.) Where is the new secure unit to be? Well, the Borstal at Millisle has been closed, all the inmates having been transferred to Hydebank. The buildings at Millisle are now being used by the Lisnevin staff to house the worst of males from the Training Schools. This unit had to be moved from its previous site in Newtownards after the good local citizens objected successfully to the presence of 'riff-raff' in their semi-detached midst. But Lisnevin/Millisle is being run at a ridiculous cost at present. With over 60 staff for about 15 kids, it is reckoned that it costs £1000 per kid per week! The Lisnevin unit, it is expected, will be incorporated into the new Black-recommended secure unit, again to be housed at Millisle. The point is that Millisle has only 54 beds on the ratio of one person one room. Is there going to be a policy of doubling up so as to get up to Black's figure of a 120-bed unit?

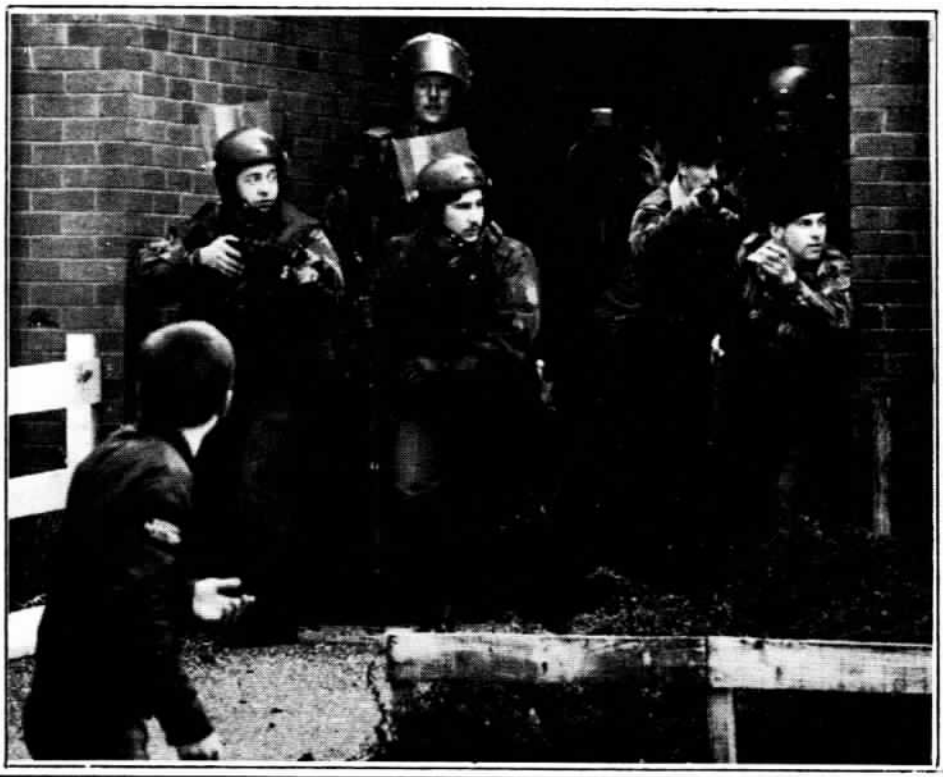
Once this unit is operational, the Training Schools as such will cease to function.

The whole system of law as regards young offenders will thus focus on Millisle. This will certainly streamline matters and rationalise the whole system. As a system it will have its 'benign' side with a maximum of 120 young offenders at any one time (54 if the Probation Officers' union has its way and convinces the government to stick to one person one room) in a unit working on a 'revolving door' principle. But it will also have its less benign side. In effect, Millisle will be a young persons' prison, something that has not existed as such in the 6 counties. Borstal worked on a Victorian principle of indeterminate sentences and kids licking staff boots in order to get out. In Millisle 14 to 17 year olds will have determinate sentences with half remission, just like their older counterparts in Hydebank, Crumlin Road, Armagh Magilligan, the Kesh, and Maghaberry.

What of the other side, the 'care' element, after Black? The implementation of this whole side of the strategy depends on having money available. Black is a product of the liberalism of the early 70s. By the time the Report emerged that liberalism was in retreat. In short, given Tory cuts and Tory ideology there may not be the money available for a major programme of prevention. The Training School buildings will continue to be used by social services as 'community resources' of some sort. But much more imaginative projects - such as day schools (as opposed to residential units) for truants, where experimental teaching can be explored that would genuinely interest truants - are unlikely to be tried in these buildings in the absence of funds.

Given that, the only people left to do anything in the way of 'prevention', according to Black, will be the police. But police exist to enforce the law, and cannot possibly be part of 'prevention' except as a PR exercise on their own behalf. This is shown by one example. Black put a lot of emphasis on urging the police to be more willing to caution young people rather than dragging them more deeply into the criminal justice system. But that is a policy which can easily backfire. Cautioning is in fact a formal police procedure, not just a friendly passing rap on the knuckles. For example, the police must inform probation officers of the people they have cautioned, and these same probation officers have told us of young people being formally cautioned for such 'offences' as 'hanging around the street corner' or 'not being respectable enough to a police officer'. It is on the bases of such 'offences' that the young become 'known to the police' and may be pushed down the road that leads inexorably to Millisle.

The final irony is that the product of Black, for all the committee's liberal intentions, may be more repression - namely, a 'care' system which, because of cuts, involves nothing more than increased police harrassment of young people, and a 'justice' model which gives us a young person's prison.



HYDEBANK: YOUTH PRISON

If you visit Hydebank Wood, the purpose-built prison for young men on the southern outskirts of Belfast, a paradox quickly becomes apparent. You'll be met by a well-dressed, clean shaven, short haired man who might easily be your assistant bank manager. But he'll let you through a set of locked steel gates such as would make your bank's vault look like a plastic piggy bank. When you're into the inner sanctum, you'll see through the windows less security fencing around the site than would surround any self-respecting drinking club in Belfast. But the windows through you'll look are encased, not in bars, but in aesthetically designed thick steel netting. And everywhere, every few yards along each corridor and between different wings of each building, is enough steel to have postponed the closure of the steel works at Corby by at least a few months. If you are a relative visiting an inmate, you won't be searched. But you'll discover that he will be stripped and searched before and after your visit. If you're lucky enough to get the guided tour of the whole prison, you'll be shown spacious grounds, playing fields, blocks euphemistically called 'houses', with few external signs that they are in fact prison blocks, rooms that don't look like cells, modern kitchens, a quiet meditative multi-denominational chapel; it could be a boys' boarding school, except for the ubiquitous bars (two rings of steel around the chapel alone), the clean but incredibly bare and lonely punishment cells, the padded cell for those who blow a mental fuse, and all the other reminders that the young men at the receiving end of this experiment in supposedly liberal incarceration are in fact captive participants.

If you're a V.I.P. a chief prison officer will serve you coffee and biscuits and bring you around. In the course of your visit all the civilian-clothed prison officers will be charming towards you, and willing to talk about their work. But then you'll begin to suspect that they are only talking to you because you're with a Chief . You will see that they jump to attention when he appears, immediately spitting out a staccatto report on how many inmates are under their charge and what each is doing. And you'll see the inmates themselves being herded and marched by these same charming civilians, suddenly behaving like drill sergeants. And you'll realise again that the paradox exists: the liberal veneer and the coercive reality. It's then that you will conclude that it's all a thinly-veiled front. This is a prison no less than any other traditional prison, despite the civilian clothes, the aesthetic steel grids, the coffee, etc.

If the veil is so transparent, who then believes in it? Certainly not the inmates. Having your own room, access to a TV, etc. is certainly better than being locked in a dark dungeon. But they must jump when the prison officers command, answering 'Sir' and being ever subservient. The fact that the man doing the ordering wears no uniform is no less dehumanising. Moreover, there is an unhealthy emphasis on fastidious cleanliness, especially in the inmates' own rooms; the fact that that room is not called a cell and has its (cell-like) door open during the day - that is, from 7 a.m. to 8 p.m. - doesn't detract from the fact that it is not a home. There are no signs of individuality such as one would expect in a room of an adolescent: no posters, no books, no dirty socks. In that environment the eleven hours of lock-up each night become in fact solitary confinement.

HYDEBANK WOOD YOUNG OFFENDERS' CENTRE

A CATEGORY 'C' PRISON

OPENED	June 1st, 1971 at a cost of £7 million.
FACILITIES	Five 'houses' (blocks), each divided into four wings, each with its own dining area. Four football pitches, two of international standard. Physical education facilities; physical education is compulsory. Vocational training facilities for brickwork, car maintenance, engineering, interior decorating. Medical unit, but no psychological unit; inmates requiring psychological help are transferred to unit at Long Kesh; any necessary operations are carried out at Royal Victoria Hospital, with recuperation in the military wing of Musgrave Park Hospital. Social skills unit. Classrooms: education is for under sixteen year olds, and is mostly remedial. Multi-denominational chapel. (One further house, Alder, is planned as a pre-release unit.)
INMATES	250 to 300 at any one time, comprised of: a. 17 to 20 year old males, sentenced to under three years; b. 16 year old males sent directly from the courts on a certificate of unruliness; c. 14 to 17 year old males who have acted up in Training Schools
OFFENCES	Vast majority are in for burglary and theft. Car thieves (including joyriders) and political offenders are also well represented.
STAFF	Governor, Deputy Governor, three Assistant Governors (one for each house other than Elm), three Chief Prison Officers, 124 discipline staff (12 of whom are Principal Prison Officers), medical officers, physical education, social skills, vocational training and library staff, all of whom are prison officers. Some civilians also are employed: a doctor, nursing sister, teachers and vocational instructors.
REGIME	Fixed sentence with up to 50% remission possible. No inmates are put in any position of supervision over other inmates, as was the case in the now-defunct Borstal at Millisle. 'Progress' is from Elm House (assessment unit) to Ash on basis of reports, sometimes daily, not points. One parcel per week can be received. Access to three daily newspapers and books, depending on content. Letters are censored.

In such circumstances the inmates could not be fooled. The liberal veneer is not for them, however, It is for the public, often satisfied that things are as they appear. It is for the government so that it can point to 'one of the most modern and enlightened prison systems in Europe'. And it is not least for the screws. Hydebank is not Crumlin Road or Long Kesh. It is not the front line, so that those screws who crack up in the Crum or the Kesh are demoted to Hydebank. Hydebank is a cushy number, which is why the hardened traditional-thinking screw sees it as a demotion and may find it hard to adjust. One screw told us he had not yet (after two years) come to terms with the fact that he had no uniform as a barrier between him and the inmates; the absence of a uniform still unnerved him much more than the relative lack of perimeter security, even though he had been in charge of perimeter security previously at the Crum. The sadness with which he told us that he had been assigned to Hydebank betrayed the fact that it's next to impossible to teach a traditional screw 'liberal' tricks.

But not all the screws are old-time hardliners. At present about 80% of them have been reassigned to Hydebank from other prisons. The other 20% have come straight from the prison officer training college in England. These younger, more educated screws seem actually to believe that because there is a liberal veneer on the place then the system is radically different. They explain the regime in terms of a carrot and stick, a well-used liberal image. But it is a false image. It insinuates that for the new inmate there is an element of randomness in whether stick or carrot is presented to them. In fact, there is no such randomness. Each inmate is presented with the stick only; if they learn to survive despite that, then a few licks of the carrot become available. To put it another way: there is not an equal likelihood of experiencing coercion or cajolery. Hydebank is found unequivocably on coercion, with a few minimal rewards for those who toe the line.

The coercion begins on day one. The new inmate is sent first to an assessment unit (Elm House) where a number of psychogical and educational tests are conducted. The regime in the assessment unit is deliberately very strict. The recruit quickly realises that he is no longer in charge of any aspect of his own life; each activity is planned for him, and all the while his mind is being changed. After two weeks he moves on to the first of the custodial 'houses'; they are all called after trees - Willow, Beech, Cedar, Ash - and are arranged in an order of supposed descending strictness (with Willow the most strict and Ash the least). In Willow the regime is still officially referred to as 'vigorous'. If the inmate learns to play the system, he is then allowed to progress through the other houses and eventually he is out. Two points should be emphasised about the 'progress', however. Firstly, Hydebank is a prison for young men (17 - 21) with less than three years of a sentence. If the sentence is short (in some cases it can be as short as seven days) the youth doesn't get beyond the stricter end of the system. Furthermore, there is also a Junior Remand Unit with inmates as young as 14. These inmates are kept separate from the convicted young offenders in a very strict regime; they are regarded as problem boys from training schools or outside who need a short sharp shock. Thus, for these inmates and for the convicted prisoners there for a short time only, Hydebank is straightforward, unmitigated coercion. That it is so is no accident, but is government intention, agreed to by the prison staff. Secondly, it is necessary to examine critically just what liberalisation does occur as the youth progresses through the system. In Ash a boy wears an orange armband (could there by some Freudian slip involved in the choice of colour?) and is allowed 'freedom within the perimeters'; that means little more than that he is allowed to work in the garden without a screw hovering over him, or to be a sort of trustee, running errands for screws. Certainly, there is no intention of allowing Ash inmates to congregate in some quiet corner of the grounds for a smoke and a talk. Collectivity is actively discouraged. Part of the power of the staff is in maintaining that sense of individual isolation experienced by the inmate in the first few days in the assessment unit. But over and above the need to individualise is the urgency to de-collectivise political offenders. 'They're all individuals and that's that. We've got no spokesmen or bully boys here,' the Deputy Governor told us. He revealed his prejudices by the use of such a neat equation. Furthermore, the political offenders don't mind being depoliticised. 'They're glad to get away from their O.C.s (Officers Commanding)', he told us.

Some orange band — sic! — inmates are allowed to play soccer outside of Hydebank or go on the Mourne walk once a year. That is the extent of freedom outside Ash. Inside, the individual 'rooms' don't have toilets, so there is the privilege of being allowed to go down the corridor to the toilet, provided nobody else has the same urge at the same time. Finally, Ash inmates are allowed to keep their light on all night, a dubious privilege for the eleven hours of solitary.

And that's about as far as liberalisation has gone at Hydebank. The few other things officially offered as proof of liberalism (screws with no uniforms, individual cells, etc.) are not experienced as such by the inmates. And, as if in recognition of this, screws will privately agree that even 'liberal' innovations have coercive bases. For example, each room in Elm and Willow has its own toilet, not for comfort, but so that, as the Deputy Governor put it, the youth won't want to go back to the regime where he's alone eleven hours at night without being able to break the monotony by leaving his room to go to the toilet.

WHO'D BE A HOOD IN BELFAST?

Both Catholic and Protestant youth have expressed themselves through various 'sub-cultures' in different areas and at different times over the last twelve or so years. The tartan gangs were one of the earliest manifestations, today it is the hoods. But the hoods are only one of several current identities, and even in themselves they are neither a homogeneous or unchanging group. We are not attempting to present a full picture of the hoods, although an implicit distinction is drawn between the alienated behaviour of many young people, and the more organised activities of those involved in protection rackets, robberies, etc. Here we have a narrower focus, which is based upon conversations with young people from Divis Flats. The article outlines their position in relation to the RUC, to the local community, and to the Republican movement, and gives some of their views on crime and punishment.

One teenage joyrider was killed and another injured when the car they were joyriding in hit a lamp-post on the Whiterock Road on March 3, 1981

The hoods range in age from about 14 to 25. Those of school age mitch, the older ones are mostly unemployed. There are few, if any, job opportunities and youth training courses are rejected, *'Its only a course, its not a job. Thatcher loves all that there, people thinking that they're working...A years course, a certificate and away you go, you're forgot about, next, anybody else.'* But they do not use unemployment as an excuse, *'I don't think the real thing to talk about is jobs. Do you see this 'oul crap that we riot 'cos there's no work, that's a load of shit - if you want a job you go out and look for it; and if you want to riot you go out and riot.'* The Dole is supplemented by petty thieving from houses and shops, though some of the older ones may try armed robbery. Cars are not stolen for profit, but to relieve boredom by joy-riding. The only social amenity for young people in the area is a youth club but, because they destroyed some of the equipment, its use is limited and has to be heavily supervised.

Contrary to their image, hoods are not simply a law unto themselves. Most hooding is carried out in the local area and incurs the disapproval of the community. The youths are also caught between the 'security forces' and the Republican movement in a struggle for legitimacy. The RUC have tried to use the community's ambivalence towards 'ordinary' crime as part of an attempt to gain credibility in nationalist areas.

Most of the youths accepted that joy riding and mugging should be punished, one said *'I think you should be punished 'cos I mean they're not your own cars, I mean its other peoples' property.'* But another argued that *'It all depends what you get done for. If he's giving 'oul dolls harrassment or stealing 'oul dolls' hand bags or something, he deserves to get done.'*

Most of the young people were aware of the politics of policing, *'They (the provos) are trying to prove to the cops that they're sort of cops to us, that they're the law on our side, so that we don't class the cops as law but the provies as law.'* But their attitudes to the type of punishment meted out seemed to be totally calculated, *'it all depends on what you get lifted for or what you're shot for. Cars, I mean , if you get lifted by the cops you're going to get about one to three years, if you're done by the provies you're in hospital for about three weeks and you're out again.'* Some hoods even regarded knee capping as something to be proud of, as they gain the respect of the other hoods. But one argued *I'd rather the cops get me 'cos I mean they don't shoot you, once they arrest you that is.'* A girl who had been in court several times but had never been imprisoned agreed, *'sure when you're brought to court you get a whole lot of things before you get put away. I mean, you've got community service orders, Probation officers, conditional discharge, all before you're put away.'*

Thus, many of the kids have been caught and dealt with through the courts. These efforts received a set-back after several joy riders were shot by the security forces (in the past two years about 10 people have been killed after driving through check-points, some from bullet wounds, others in collisions), and foundered on the anger generated by the hunger strikers' deaths.

The hoods are also censored by the Republican movement through a series of warnings which, if ignored, culminate in a knee-capping. The Provos do not like any activity which brings the RUC nosing about West Belfast, but seem particularly concerned to punish hooding which harms local people and erodes community solidarity.

The actions of the RUC and the Republicans has not deterred the hoods. In the Divis flats the kids even seem to have been collectively strong enough to gain some space for their activities. They said that joy riders from all over West Belfast had used the Divis complex because it was harder for the RUC to catch them.

All of the young people hated the RUC and recognised its sectarian composition. Attitudes to the Republican movement seem to be mixed. They were aware of a distinction between political and criminal activities, but some disliked the provos and resented being punished for stealing cars and theft by an organisation that defended its rights to do similar things. Others, including one who had been knee capped, supported the Republican movement.

Despite this ambivalence to Republicanism, a lot of hoods got involved in the H-Block/Armagh campaign. Some rioted, hijacked cars and erected barricades after the death of a hunger striker; others joined youth action groups and went on marches. One explained his involvement in this way, *'I done it for myself, done it for kicks and something worthwhile as well. Sort of half and half.'* Another commented on the decline in joy riding during the period of the hunger strike, *'The kids had something better to do, and they were allowed to bring in cars and the police weren't coming in at that time. They were getting their own back on the cops, throwing stones...'*

Some members of the Republican movement recognise that they have failed to come to terms with the hoods and are considering alternatives to the traditional punishment. They are also attempting to harness the support generated for the hunger strikers into an organised political movement for youth. What emerges remains to be seen.

LABOUR LAW: THE GAME WITH STACKED CARDS

Labour law is perhaps the fastest growing section of legislation at present, the most recent addition to this area of law in the Six Counties being the draft Industrial Relations Order, 1981, which is the equivalent of the regressive 1980 British Employment Act. Not only is it the fastest expanding area , but it is perhaps the most confusing. On the face of it, it might appear that almost every conceivable circumstance which a worker or indeed an employer might find him/herself in is covered by legislation. A cursory glance at the legislation might lead one to believe that employers are extremely restricted in the action that they can take against their employees, and that workers are legally well protected. Unfortunately, neither is true.

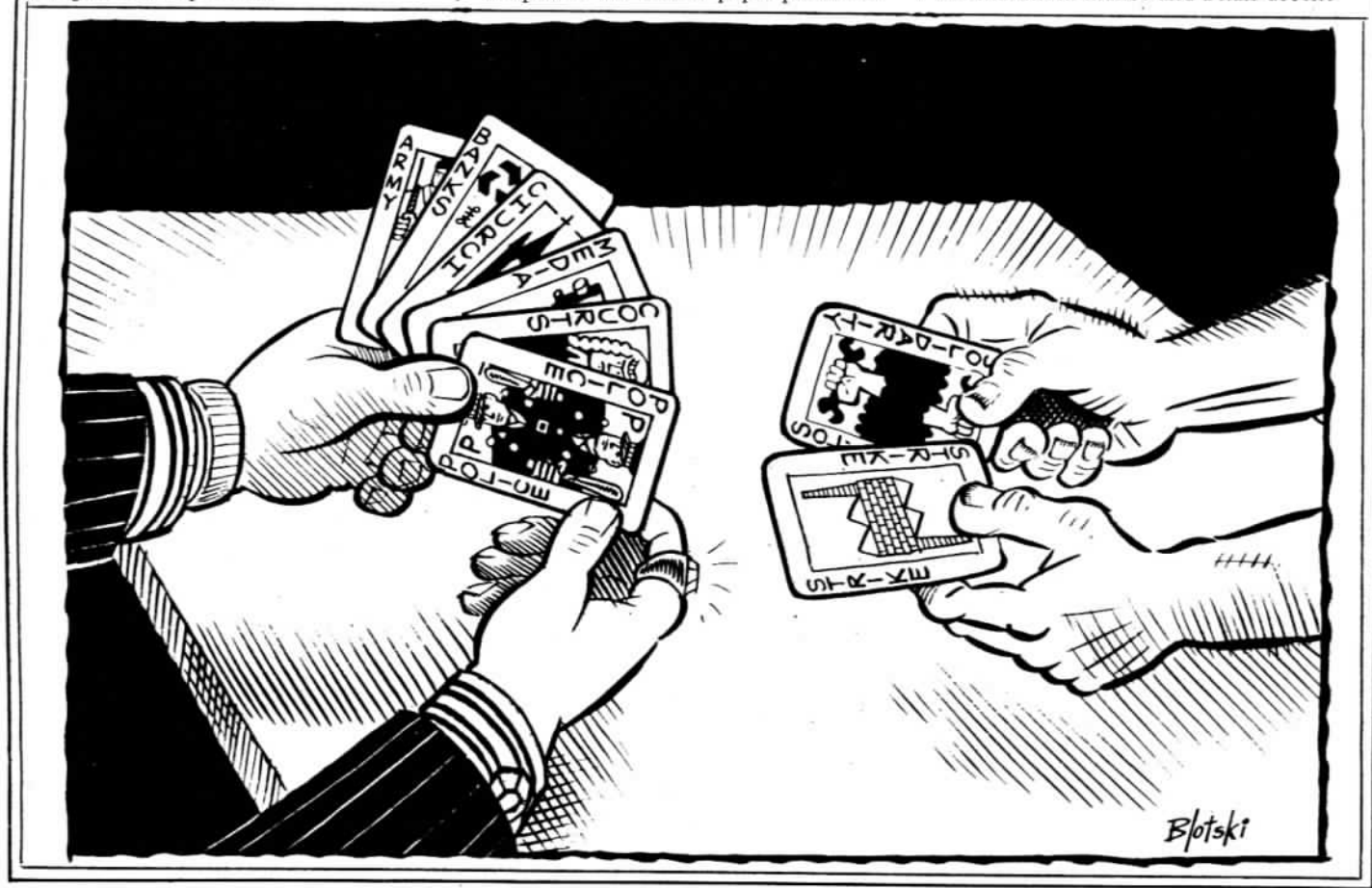
Labour law is not a coherent body of law with a corresponding coherent philosophy. It is riven with contradictions, and in some cases simply does not make sense. Certain minimal legal protections are available for workers. But the impression which certain employers and employers' organisations like to present of labour law – namely, that it forms some kind of safety net of universal applicability which hampers them badly in the business of maximizing profit – is a long way from a true impression. The more accurate picture is that employers can do anything they wish (the old laissez faire ideal) unless the law specifically tells them not to. And to get the law to tell an employer not to do something means using some of the agencies discussed below, or taking the employer to court, which, as we will explain, is not an easy or straightforward process.

That is not to deny, however, that certain legal protections may be available to individual workers, such as the right not to be unfairly dismissed, the right to equal pay and maternity rights. The general intention is that the law should establish a minimum standard for all workers which can then be improved by collective bargaining. While such laws have chipped away at managerial prerogative, their overall effectiveness is limited. This is because many rights apply only to full-time workers (leaving some groups of workers not covered at all) and periods of continuous employment are required before a worker can even complain of a breach, for example, 52 weeks in the case of unfair dismissal. In cases where workers are eligible to bring their case to an industrial tribunal, the success rate is about 25%.

In spite of the tons of paper published by the HMSO in the form of this kind of labour legislation, there are certain very significant gaps in the law, even on paper. These gaps are most noticeable in collective labour law. For example, there is no legal right to join a trade union. If a worker is sacked for joining a union, the most s/he can do is claim unfair dismissal, under which there is no right to reinstatement.

Furthermore, there is no legal right to strike or picket. Rather, the law gives trade unionists an immunity against legal action if their activities fall within certain boundaries (that is, in contemplation or furtherance of a trade dispute) – a much more restrictive approach.

So, on paper there are significant gaps in the law which any employer with even the minimum malice and a half-decent



solicitor could drive a blackleg horse and cart through. It is frequently argued that what is required in order to increase protection of workers from exploitation by employers is simply to extend and improve the law, and fill in the gaps that have been discussed above. Certainly, legal reforms are urgently required and should be fought for, but it is important to bear in mind what the law is and who makes and enforces it. Legal weapons for workers are important, but only insofar as they are found to be useful and used.

There is much evidence to support the assertion that aggrieved workers do not rely on legal redress. (See **Belfast Bulletin** number 5, Women in Northern Ireland for an analysis of the numbers of cases taken by the Equal Opportunities Commission). There is a steady trickle of legal proceedings under the existing protective (sic) laws, but it represents only a tiny fraction of the workforce who have genuine grievances, and yet do not use the law. There are a number of reasons why the law is not and, we would argue, cannot be the main weapon in workers' armouries.

THERE ARE SIGNIFICANT GAPS IN THE LAW WHICH ANY EMPLOYER WITH EVEN THE MINIMUM MALICE AND A HALF DECENT SOLICITOR COULD DRIVE A BLACKLEG HORSE AND CART THROUGH.

Firstly, there is ignorance of the law itself. A person who has been unfairly dismissed may not realise that there is a piece of legislation covering their situation. Indeed, ignorance of the law is not limited to workers. Employers too often fail to realise that they are behaving outside the law; and indeed many trade unionists also operate in blissful ignorance of the rights of their members. There are good reasons why people should be ignorant of the law. In spite of less than enthusiastic publicity campaigns on the part of the government and various attempts by trade unions and advice centres to inform people of their rights, most people remain ill informed on the subject. The law is not designed to be accessible to the average person. It is not written in everyday language. In a sense it is like the Bible, which requires a whole hierarchy of priests and churches in the form of solicitors and barristers and courts who do very well out of spreading the word as they have been ordained to do. In theory there is no reason not to take a non-conformist approach to the law, and interpret and use it yourself without the ministrations of the legal profession. But in practice it is time-consuming and difficult; legal non-conformists attack the professional boundaries of the legal progression and suffer accordingly; more opportune perhaps to search for a solicitor who either knows the law, is willing to learn, or who will do as s/he is told.

Secondly, there is the problem of unorganised workers. Many workers do not belong to trades unions, and therefore do not have easy access to advice and representation. Many of the sections of workers who are least organised are not coincidentally the sections most exploited by their employers, for example, home-workers in the textile trades and home helps in the social services (see **Belfast Bulletins** number 5 (Women in Northern Ireland) and 7 (Trade Unions in Northern Ireland).) The difficulty which some unions are now beginning to face in organising these workers, many of them women, is the reverse image of the ease which their employers have in exploiting them. Low pay, isolated workplaces, and the resultant sense of isolation all form serious obstacles in the path of an effective challenge to appalling working conditions and employers' attitudes.

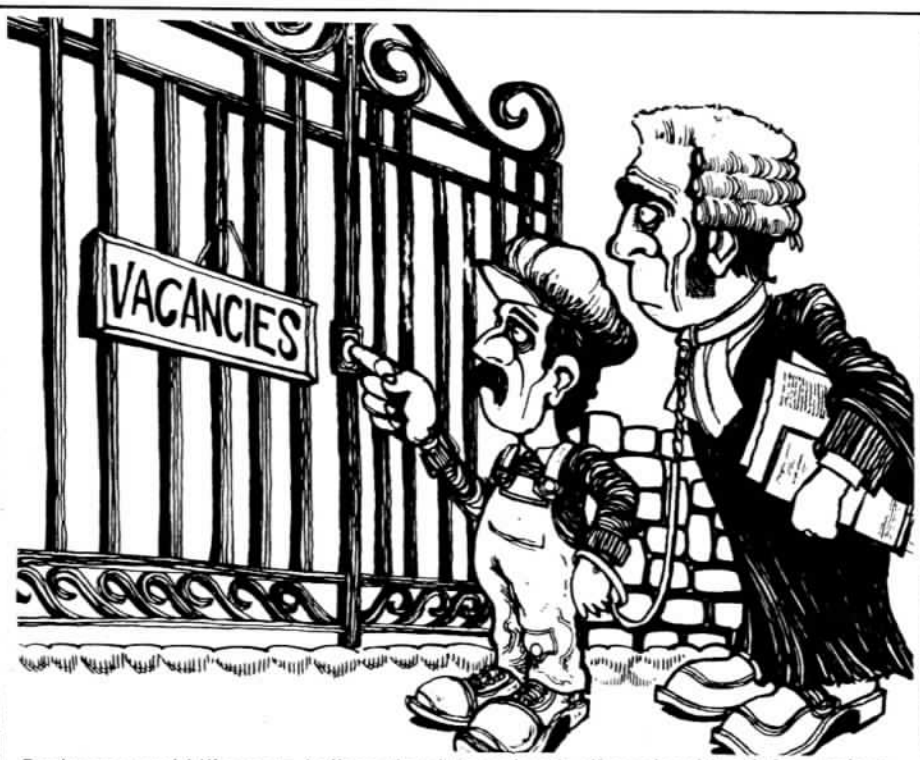
Which brings us to the third aspect of why the law is not all that it might appear to be, namely, the role played by the trades unions themselves. The problems faced by unorganised workers in providing an effective legal challenge to bad employment practices are by no means unique to unorganised workers. Many union members experience difficulties in persuading their union to take legal action or provide them with good legal advice. There are a number of facets to the coy attitude of many unions and trade unionists towards litigation.

On the positive side, much of what passes as protective legislation for workers is based on the principle of individual workers' rights. This means that the onus is ultimately on the individual worker to 'have a good case' and fight the good fight alone on the merits of his/her individual case. Victimisation of the litigant, blacklisting and a great deal of personal pressure can result. Trades unions are collective organisations by their very nature; their strength lies in collective action on collective

LABOUR LAW IN THE SIX COUNTIES

The main pieces of industrial legislation in the Six Counties and the rights they protect are:

LEGISLATION	RIGHTS
Contracts of Employment and Redundancy Payment Act (N.I.) 1965	Redundancy compensation Rights to minimum notice Rights to written statement
Industrial Relations (N.I.) Order 1976	Establishment of Labour Relations Agency Recognition of a trade union Unfair dismissal Redundancy consultation.
Industrial Relations (No. 2) (N.I.) Order 1976	Guaranteed payments Maternity rights Protection relating to trade union membership and activities Rights to time off Extension of terms and conditions
Health and Safety at Work (N.I.) Order 1978	Establishes Health and Safety Agency Proscribes procedures to ensure health and safety in the work place
Equal Pay Act (N.I.) 1970	Right to equal pay for like work between the sexes
Sex Discrimination (N.I.) Order 1976	Right to equal treatment between the sexes in employment, training, education and the provision of goods, facilities and services, that is, equality in recruitment, promotion, training, and redundancy Establishes Equal Opportunities Commission
Fair Employment (N.I.) Act 1976	Makes discrimination in employment on religious or political grounds illegal. Establishes Fair Employment Agency



Employers would like us to believe that labour law is all on the side of the workers, but the imminent changes in the law show just how much of a con that belief is.

CHANGES IN LABOUR LAW

The present Thatcher/Tebbit strategy towards industrial relations is to introduce step-by-step measures which will eventually lead to a total erosion of the legal position of trades unions. The first step was the 1980 Employment Act which has already been introduced in the Six Counties. Added to the present Tebbit package (which will also apply here) the combined effect will be probably the most concerted challenge to the legal position of unions since 1902. Changes are proposed in five main areas.

There will be:

1. a reduction in the right to strike, with judges pronouncing on whether industrial action is legitimate. The government is introducing the qualification that industrial action must be 'wholly or mainly' connected to 'terms and conditions of employment, etc'. The inclusion of the words 'wholly or mainly' gives judges discretion to outlaw strikes against incomes policies, cash limits and so on. Furthermore, the government is tightening up the definition of lawful trades disputes to exclude disputes between workers and workers, exclude disputes relating solely to matters occurring outside Great Britain, and to restrict them to matters between an employer and his (sic) own employees.

2. Unions found guilty of 'unlawful' industrial action will be liable for damages up to £250,000 a time. Unlawful industrial action will include demarcation disputes, solidarity action with workers in Northern Ireland and elsewhere outside Britain, strikes by local authority workers for a wage increase, strikes against the effects of cuts on government employees and so on. For thousands of workers this clause effectively removes the right to strike. For all workers it reduces that right.

3. It will be obligatory to test a closed shop with periodic ballots requiring the approval of 85% of those voting or 80% of those covered by the agreement. There are to be huge increases in the levels of compensation which unions will be liable for – the new minimum will be £2,000 for those not seeking reinstatement, and between £14,000 and £17,000 for those seeking reinstatement even if the dismissed person had only been employed one day!

4. Selective sackings after an industrial dispute will become lawful, thus placing trade union activists in a very vulnerable position.

5. It will be unlawful for those issuing contracts, for example, local councils, to insist that those employed by sub-contractors are trade union members.

grievances or demands. Cases of individual workers with grievances are very rarely isolated. More often than not, the manner in which one worker has been ill-treated by an employer is symptomatic of the manner in which that employer treats all of his/her workers. The taking of a test case is a kill-or-cure solution, and one which places the burden of proof (and strain) on only one link in the chain. Furthermore, the penalties which an employer faces in the event of successful legal action being taken against him/her are often paltry.

So trades unions sometimes prefer to take action against employers in ways in which the penalties are more directly obvious and painful, namely, by the use of the strike weapon.

For the individual trade union member wishing to pursue his/her case through legal channels the possible lack of support from their union is often a crucial factor. Individuals who get into difficulties with their employers all by themselves are regarded with a certain amount of suspicion in trade union circles; (perhaps they really are trouble-makers/mentally ill/anarchists??). This suspicion and lack of enthusiasm on the part of their union to pursue their case is often enough to defeat the fighting spirit in all but a few, coming as it does on top of a bad work situation and the stress associated with that.

That is not to say that trades unions have at least some good reasons for their reluctance to fight in the labour courts. Even taking into account the analysis of trades unions in the North as fairly milk-and-water organisations (see **Belfast Bulletin** number 7), in the case of labour law there is some method in their militantlessness. The bitter, if limited, experience of trades unions taking seemingly water-tight cases to court and losing on technicalities or policy decisions has left its mark. A classic example of this happening arises when workers are sacked /forced to resign because the employer has imposed unilateral changes in the contract of employment. A straightforward case of unfair dismissal, it would appear. But, no, all too often tribunals, taking into account the problems of businessmen faced with the economic recession, have decided that such sackings are fair because of the necessity of business organisation.

Losing a case in a labour court is remarkably easy. The law as it is writ (sic) is full of 'heretofores' and 'notwithstandings' and even after coming to terms with the antiquated language, the problem of cross- referencing to other pieces of legislation awaits the poor lay person. Even

in the unlikely event of obtaining a sound understanding of the law written down (you are then streets ahead of many of the legal profession) you encounter the problem of precedent. This means that any ruling made on any sod who has taken a case remotely similar to yours in the past may be dug up and used on you - but only if the judges know about it, or remember enough to go and look up past cases.

Having now armed yourself with all the possible book learning that is necessary, the next lesson is a hard one. The law is not just words on sheets of paper, but involves people, like judges and police who constantly redefine the law, usually to suit themselves and the people who put them in that position. So, when the poor litigant gets to the court, there is a fair-to-middling chance that his/her employer and the judge belong to the same golf club, or use the same massage parlour.

In addition, there is a better-than-even chance that the court has to hear forty other cases that morning, that your legal representative is representing thirty nine of them and turns up late without his/her breakfast.

Using labour law is a minority past-time, and perhaps rightly so. Like gambling, of those who try their hand at it, few come home with a winner. Even some of the better-intentioned staff in the quangoes such as the Equal Opportunities Commission and the Fair Employment Agency are frustrated with the rates at which erring employers are being taken to legal task. And these agencies have been specifically set up to police the most politically embarrassing areas of employers' malpractice, that is, religious, political and sex discrimination. How much more difficult, then, is the task in the case of the much less politically embarrassing, run-of-the-mill daily practices of employers – dubious sackings, harrassment, victimisation, etc.

NORBROOK LABORATORIES

The dispute at Norbrook Laboratories at Bessbrook began in the late summer of 1981 when the managing director of the Company, Mr. Edward Haughey, sacked seven workers and refused to recognise the Irish Transport and General Workers' Union which had recruited in the factory. The local organiser of the ITGWU, Mr. Martin King, immediately organised an industrial stoppage and placed a picket on the premises. What began as a small localised stoppage rapidly escalated into one of much wider significance for two reasons. Firstly, Mr. Peter Sands, one of the sacked employees, revealed that the Company had been involved in shady dealings, with allegations of LEDU (Local Enterprise Development Unit, a government body) grants being fiddled. Documentary evidence was also produced revealing that Norbrook Laboratories had been illegally dumping highly toxic waste products near local housing estates.

Secondly, Haughey counter-attacked by seeking a High Court injunction preventing Mr. King from picketing the factory and restraining Mr. Sands from releasing the confidential information to which he had access. Both injunctions were granted on a temporary basis in August by Mr. Justice Hutton and confirmed a week later by Lord Justice Jones. The Union, however, insisted on its right to engage in peaceful picketing and the dispute dragged on until the end of January 1982. One week before the resolution of the dispute (the sacked workers were reinstated pending consideration of the dispute by the Labour Relations Agency), Mr. Justice Murray ordered Mr. King to pay £7500 in compensation to Norbrook Laboratories for calling an 'illegal' strike and also ordered him to pay an estimated £20,000 in legal costs. King was accused by the Judge of trespassing on the premises (because the Company had refused to recognise the Union) and of inducing workers to break their terms of contract. The final outcome of this legal decision has yet to be seen, but the Norbrook case gives some indication of what trade unionists can expect from increased judicial involvement in trade disputes.

BACK ISSUES and SUBSCRIPTIONS

If you had subscribed to the **Belfast Bulletin** *from the very beginning, you would now be the proud owner of our nine back issues, covering the following topics:*

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A YEAR OF COLLAPSE

JOB LOSSES IN MANUFACTURING INDUSTRY IN N. IRELAND IN 1981

If the first months of 1982 are any indication of what is to come, then it promises to be a bleak year for the working class. Already we have the collapse of De Lorean, once heralded by the NIO as the spark which would regenerate the waste lands of West Belfast; the laying off of 600 workers at Mackies engineering works; the imminent laying off of hundreds of shipyard workers from Harland and Wolff and, as we go to press, the news of the loss of 800 jobs at British Enkalon. Since the establishment of the Six County state, there has been an unemployment crisis which has proved intractable. For fifty years the Unionist state was able to contain the problem by fostering sectarianism and by heavy financial subsidies from Britain. Although the number of occasions when the common problem of unemployment looked like having the potential of uniting Protestant and Catholic workers in joint political action could be counted on the fingers of one hand, crisis level unemployment does represent an element of instability within the capitalist state. It is widely regarded as undermining the legitimacy of the state and fuels resistance to it. That the economic crisis is inextricably a part of the general political crisis is a point which has received some high level recognition recently in the Anglo-Irish talks. This article doesn't attempt to unravel the complexities of the economic and political forces in the present Six County crisis. Nor do we attempt an in-depth analysis of the origins and development of that economic crisis. Instead, we limit ourselves to an analysis of the job losses in the Six Counties during 1981.

The rate at which jobs are disappearing from N. Ireland shows no sign of slowing down - in fact it is increasing. In the 18 months up to December 1980 just over 20,000 jobs were lost in the manufacturing sector, compared with 20,080 lost in the shorter period of January-December 1981. Of the latter figure, more than half (10,080) were lost as a result of total closure of companies. The shutdown of ICI Fibres in Carrickfergus alone resulted in the loss of 1,160 jobs, the largest number lost in a single closure. A further 1,030 jobs went when Grundig closed their Dunmurry plant and the Courtaulds closures (in Derry 700 jobs were axed and in Belfast 1,000 workers lost their jobs) add final gloomy touches to the already bleak picture.

Many of the jobs lost were as a result of partial closures. A 70% shutdown in British Enkalon's Antrim plant resulted in 1,360 redundancies. This is closely followed by James Mackies' with 790 jobs lost, Du Pont of Derry which sacked 420 and Nestles of Omagh where 240 lost their jobs. Furthermore

JOB LOSSES BY SECTOR

Food Processing	320
Poultry and Eggs	480
Milk Processing	240
Meat processing	80
Fruit Canning	60
Soft Drinks	70
Alcohol	110
Tobacco	400
Animal Foodstuffs	30
Pet Foods	30
Fertilisers	30
Animal Hides	40
Total: Agricultural Products and Packaging, Food, Food Processing, Alcohol, Tobacco, and Animal Foodstuffs and Fertilisers	1,890

Synthetic Fibres	4,710
Linen	490
Cotton	260
Wool	110
Yarn	530
Other Textiles	30
Shirt Manufacturing	1,230
Other Clothing	1,190
Carpet Spinning	170
Hosiery	280
Textile Printing	210
Textile Machinery	790
Footwear	430
Total: Textiles, Clothing and Footwear	10,430
Bookbinding	100
Crystal	60
Mineral Salt	30
Total: Specialist	190

Aircraft	550
Shipbuilding	760
Other Heavy Engineering	1,360
Total: Heavy Engineering	2,670
Total: Light Engineering	3,760
(Of which Grundig was):	1,030
Total: Building and Allied Industrial Production	440
Plastics	240
Tyres	340
Other	120
Total: Other Manufacturing	700

GRAND TOTAL: 20,080

EAST OF THE BANN

Town/ Location	Jobs Lost	No. of Plant Closures	% unemployed 1978	% Catholic	% Growth in Employment: Manufacturing	% Growth in Employment: Service	Miles from Belfast
Belfast	4180	10	9.2	24	−28.5	13.4	—
Carrickfergus	2610	2	9.8	14	−10.1	81.7	10
Antrim	1360	—	10.9	25	−20.4	14.8	17
Dunmurray	1150	2					
Newtownabbey	970	—					
Newtownards	780	—	10.2	14	−14.9	59.7	8
Coleraine	510	1	10.9	21	−8.6	27.4	47
Larne	400	1	11.1	24	−31.5	15.1	19
Craigavon	340	—					
Lisburn	320	4	7.5†	15†	−2.4†	57.0†	6†
Lurgan	310	1	9.9*	34*	−16.5*	58.8*	24*
Ballymoney	300	2	16.3	32	+20.2	17.2	46
Banbridge	280	2	10.9	25	−9.5	20.9	25
Ballymena	170	—	7.9	15	−10.9	47.6	29
Saintfield	120	1					
Millisle	110	1					
Ballyclare	90	1					
Donaghadee	90	—					
Bangor	80	1					
Ballynahinch	60	2	7.5†	15†	−2.4†	57.0†	6
Ahoghill	30	—					
Greenisland	20	1					
22 Locations	14280	32					

WEST OF THE BANN

Town/ Location	Jobs Lost	No. of Plant Closures	% unemployed 1978	% Catholic	% Growth in Employment: Manufacturing	% Growth in Employment: Service	Miles from Belfast
Derry	2650	6	15.7	57	−5.5	39.8	70
Portadown	520	4	9.9*	34*	−16.5*	58.8*	24
Enniskillen	420	1	14.2	47	−0.4	38.1	74
Armagh	410	3	12.8	39	−35.8	47.9	39
Omagh	270	1	12.6	53	−8.7	46.3	60
Newry	260	2	20.8+	63+	8.6+	34.6+	36+
Dungannon	230	1	19.7	42	−8.3	18.2	42
Cookstown	150	—	19.1	41	−7.1	37.5	45
Moygashel	150	2					
Coalisland	110	1					
Castlederg	110	1					
Warrenpoint	90	1					
Gilford	70	1					
Lisnaskea	60	—					
Bessbrook	60	2					
Ballygawley	50	—					
Ballinamallard	50	—					
Kilkeel	50	—	20.8+	63+	8.6+	34.6+	36+
Rathfriland	40	1					
Strabane	30	1	25.3	51	−15.2	20.2	81
Draperstown	20	1					
21 Locations	5800	29					

† These figures refer to Lisburn and Ballynahinch
* These figures refer to Lurgan and Portadown
\+ These figures refer to Newry and Kilkeel

GRAND TOTAL
20,080 jobs lost
61 plants closed

the 'job loss' rate would be much higher were it not for State subsidies to firms threatening to close.

The job loss rate is not evenly distributed throughout the manufacturing sector. Some industires, such as engineering, shipbuilding, textiles, and clothing are particularly badly hit, reflecting the specific difficulties within those areas. (See Table 1) As shown in the Table, textiles, clothing and allied trades account for 10,430 of jobs lost in N. Ireland in 1981. Heavy and light engineering account for 6,430 between them. The other main category of industry affected is food, food processing and tobacco. The greater importance of these industries in N. Ireland compared with Great Britain explains why N. Ireland suffers disproportionately in times of crisis. The world economic crisis is most deep in the very industries on which the N. Ireland economy is balanced.

Nor is the 'job loss' rate evenly distributed throughout N. Ireland. (See Table 2) Not surprisingly Belfast, with the biggest share of employment also experienced the biggest number of job losses. However the dubious accolade of having the highest percentage decline in manufacturing employment went to Armagh, with a score of -35.8%. Job losses equal hardship for working class people, regardless of whether they were born on the East or the West side of the Bann. However in measuring the impact of these job losses, consideration must be given to the levels of unemployment in existence before the latest round of economic crisis. The disproportionately high unemployment rates in the West means that the 5,800 jobs lost there in 1981 are at least as damaging as the 14,280 jobs lost in the Eastern region. This is particularly obvious in the case of Derry, which could ill afford the loss of 2650 scarce jobs in 1981. The result is an unemployment rate of 35.1%, representing 11,770 people on the dole. So although towns such as Carrickfergus, Antrim, Dunmurry and Newtownabbey have experienced job losses which are quantitatively higher than say those of Newry, Strabane and Omagh, the latter towns continue to suffer from considerably higher unemployment. What this means in effect is that more and more Protestants are now experiencing the levels of unemployment which were normal in Catholic areas during Unionist rule, but Catholic areas still suffer from disproportionately higher unemployment.

A final point of interest concerning the job losses in manufacturing in 1981 is the country of origin of the companies involved. Recognising that there are obvious difficulties in assigning multinational companies to specfiic countries Table 3 represents a rough guide to the

Left:

TABLE 2: Job Losses in Manufacturing Industry in the Six Counties by Location, 1981

(Source: Workers' Research Unit)

Country of Origin	Jobs Lost	Number of Companies	Total Closures of Plants
Great Britain			
U.S.A.	10,280	50	25
Germany	3,640	18	7
Switzerland	1,480	4	3
South Africa	240	1	0
26 Counties	30	1	0
Unknown	30	1	0
	3,640	50	26
Total	19,340	125	61

Table 3: Job Losses in Manufacturing in the Six Counties 1981: Redundancies and Closures of Plants by Country of Origin

Source: Workers' Research Unit 1982

countries involved. The Table shows that job losses are occuring in all the major sectors and affect a fairly large number of companies. Not surprisingly given the predominance of British investment in the Six Counties, that country heads the list.

Although we have concentrated in this article on the manufacturing sector, this of course is not the whole story. The long-term decline of the Primary sector continues with a 15% reduction in employment in agriculture and mining between 1970 and 1980. Construction too has undergone retraction with a 17% cut during the same period, compared with the 27% cut in manufacturing. The only success story of the '70s seems to be the services sector, which enjoyed a 30% expansion. Many of these jobs however have been servicing the British war machine (See separate article on the Security Industry), and a number of factors cast doubt on the capacity of this expansion to rescue the Six County economy. One is the policies of the Thatcher administration which have led to a reversal of the principle that N. Ireland was entitled to more favourable treatment in public expenditure because of its chronic problems of poverty and material deprivation. Public expenditure in N. Ireland between 1978 and 1981 rose proportionately less than in the U.K. and the 81-82 proposals show a continuation of this trend. In an economy in which over 60% of employees are in the services sector, many of them dependent on public expenditure, the outlook is by no means secure. That the services bubble could burst, with disastrous consequences for employment here, is hinted at by the latest statistics. The provisional figures for March 1981 show that the total number employed in services stood at 322,300, a drop of 5,250 since June 1980. The fact that this sector has assumed such importance in N. Ireland, and can only exist with heavy subsidies from the British Exchequer underlines the total unviability of the N. Ireland economy. Union with Britain has not led to the stimulation and growth of a healthy economy, but rather to stagnation, increased subsidies, and crisis.

For those workers still in jobs, a sinister warning was given recently by Adam Butler, Minister of State, at a Rotary Club lunch. Government and employers are determined to extract a profit out of the crisis by ensuring that, because of workers' fear of further redundancies, wage levels will remain depressed at their already low levels. In conclusion therefore, we present extracts from Butler's speech:

'But it would be foolish in the extreme to suggest that all the old pressures on wages will not return. Indeed, there is a risk that because of the severity of the tribulation through which they have passed workers will look for even greater compensation. There is a danger that all the good, that vital good, to come out of the last two or three years will be thrown away; that the sacrifice will have been in vain

How can we resist the very human pressure for people to look for immediate personal gain through fatter pay packets? ...The main responsibility lies with managers to preach the message in the reality of their own company situation... Of course, one of the consequences of high unemployment is that the importance of having a job ranks more highly in a man's consideration. Hopefully the prospect of retaining that job, and the need to ensure more jobs for future generations, will weigh heavily with him in contemplating present action.'

STOP PRESS STOP PRESS STO

The long struggle to win homosexual law reform is now coming to an end. The signs are that Prior will introduce a draft order on similar lines to the British 1967 Act. The Labour government in 1978 had also promised male gays that the law would be changed – a package deal of divorce and homosexual reform was to be implemented. But then the churches stepped in . Not only was there the neo-fascist protest of the Paisleyite 'Save Ulster from Sodomy' campaign, but Cardinal O'Fiach was busily working away behind closed doors, exerting strong pressure on the NIO to renege on the government's pledge. And of course, the minority Labour government, dependent on the votes of Ulster Unionists, capitulated.

The NIO, supposedly concerned to extend to citizens here the same 'rights' enjoyed by the rest of the UK, has been careful to avoid any open confrontation with the many reactionary prejudices that abound in the six counties. It backed down in the face of widespread hysteria in 1978 and even the divorce reform was amended so that postal divorces were omitted and divorce cases still have to go through the more expensive High Court procedure. The mere prospect of abortion reform is enough to bring bible thumpers of every denomination out of the woodwork.

It is very telling that Direct Rule governments have traditionally left reform in areas of 'morality' to Private Members' bills at Westminster. Also indicative of the government's unwillingness to take on reactionaries is that fact that it has taken a decision by the European Court of Human Rights (after Geoff Dudgeon, President of NIGRA, in a last ditch attempt to force the government's hand, took the case to Strasbourg) to persuade Prior to introduce homosexual law reform.

But the type of media coverage given to the Kincora affair has seriously damaged the gay cause; the equation of homosexuality with the sexual abuse of children has reinforced prejudices, while at the same time making the necessity for reform of the law even more urgent. With witch-hunts beginning against gays in employment, they more than ever need the minimal protection that such a reform will provide, even though it will only allow homosexual acts between men over the age of 21, and will make penalties against homosexuals below that age even tougher than at present. At least the DUP attempts to whip up opposition in the shape of a renewed 'Save Ulster from Sodomy' campaign, has this time been less than successful in the light of DUP invovlement in the Kincora scandal.

But we wonder how long it will take Prior to actually get around to it. If he were to take the PTA as his example, it could all be done within 24 hours!

???

At the end of February 1982 Magistrate John Adams' humanitarianism blossomed again. He sent a partially crippled seventeen year old girl with spina bifida to prison for two months for shoplifting £37 worth of goods and hiding them in her wheelchair. He added that he could only take a serious view of such crimes.

???

In September 1980 a Lisburn man was arrested for being disorderly. He already had a three month suspended sentence hanging over his head, so got a bit carried away with frustration when he finally arrived in Lisburn police station. But rather than kicking himself, he went on his knees in his cell and ripped a pillow apart with his teeth. Along with a one month prison sentence for being disorderly, he received a concurrent one month sentence of 'maliciously damaging a pillow belonging to the Police Authority to the extent of £1.89'. In addition, his three months suspended sentence was reactivated, and he got four months in all.

???

The nice thing about a lot of laws is that, once they're on the books, they can be used for other purposes than the ones for which they were originally established. This is especially true of 'emergency' laws. Take the Criminal Law Jurisdiction Act, for example. A legacy of Sunningdale and power-sharing, it sought to bring about 'extradition by the back door', allowing people to be tried in the South for 'crimes' committed in the North, and vice versa. (The fact that it hasn't been used more than it has been is due to the fact that the RUC were never able to get enough evidence together on suspects to allow even the jury-less Special Criminal Court in the South to consider most cases.) But in March 1982 the Act's scope was suddenly widened to allow Gerry Tuite to be charged in the South of Ireland for 'crimes' supposedly committed in England. Civil libertarians watch this space!

???

According to Civil Service Commission regulations in the South, candidates for the prison service (sic) who have not passed any exams must do a written examination as part of their interview. The exam consists of three 'papers'. The first is on basic arithmetic, and the third is a test of intelligence and simple clerical skills. But it is the second that is really telling: they must write a 'short passage of about 80 words on a prescribed topic'.

Just to put that into perspective: there are 80 words in the above paragraph!

Incidentally, male prison officers are expected to have 'a good physique, with satisfactory chest development'. I wonder why.

???

Further to our revelations on Norbrook Laboratories in the article on Labour Law: Mr. Haughey's taste for litigation has received a setback. So eager was he to use the law against Martin King and the ITGWU that he sued King for non-payment of a fine, without even giving King time to appeal against the original court decision! This time round Haughey lost and had costs awarded against him. King's appeal should be heard in the near future.

STOP PRESS STOP PRESS STO

This photograph shows a Linfield football fan from the North of Ireland coming into contact with the Southern legal system. Not every injustice has a photograph to go with it. To discover how some injustices operate it is necessary to go through statistics, read government reports, speak to those involved, discover the hidden facts and carefully analyse all the information collected. These are the methods the Belfast Bulletin has used to produce each of the ten reports it has issued to date, and these are the methods used to produce this, the first socialist account of the law in Northern Ireland.

Produced by the Workers Research Unit, c/o 7 Winetavern Street, Belfast 1