

during the next decade? Even if an acceptable statutory formula can be worked out for N.L.R.B. jurisdiction, it is certain that the amount of time required for this legislative process—and for the subsequent constitutional adjudications by the Supreme Court—will be lengthy. A workable alternative to N.L.R.B. jurisdiction is the immediate need of the church; and if such an alternative is devised, it could properly put the question of N.L.R.B. jurisdiction on the shelf indefinitely.

What is certain is that the status quo with respect to teachers' unions in parochial schools is unacceptable. The bishops have consistently preached the right of the teachers to form unions. Now that the bishops have succeeded in their claim that the N.L.R.B. does not have jurisdiction over such unions, the bishops must provide a workable alternative. Teachers' unions can be effective without N.L.R.B. jurisdiction; but they cannot be effective without safeguards, administered by an impartial agency, to ensure bargaining in good faith. What form that agency should take for teachers' unions in parochial schools should be one of the prime items on the bishops' current agenda.

The Quality of Justice in Ulster

In January 1976 the European Commission on Human Rights in Strasbourg, in response to charges brought by the Irish Government, concluded that the "interrogation in depth" procedures carried out against members of the Catholic minority community in Ulster by British forces were designed to put severe mental and physical stress on detainees in order to obtain information. In early 1978, the European Court of Human Rights, to which the Irish Government referred the case for a final determination, voted 16 to 1 that the interrogation methods involved inhuman and degrading treatment. Despite British insistence that these practices had been halted, complaints against security forces continued to be lodged.

Last June, Amnesty International issued a detailed report cataloguing incidents of physical and psychological torture inflicted upon a significant sampling of suspects. In response to the outcry which greeted that report, Roy Mason, Secretary of State for Northern Ireland, established a committee led by Judge Harry Bennett to examine police procedures relating to interrogation and to issue a report and recommendations.

The circumstances surrounding the release of the committee's report in mid-March give evidence of the volatile nature of the issue. On March 11, Dr. Robert Irwin, a Protestant medical officer at the notorious Castlereagh detention center in Belfast, claimed on a British national television program that he had exam-

ined some 150 I.R.A. suspects who had been victims of police brutality while being detained for questioning. Critics immediately attempted to discredit his testimony by charging that he was getting back at the police for failing to apprehend the man who raped his wife at gunpoint two years ago. According to the Daily Telegraph, Government officials leaked this unpleasant information, presumably in the interests of justice.

At any rate, in the furor that developed over Dr. Irwin's testimony, the Government released the Bennett committee's report ahead of schedule. While it did not substantiate the widespread extent of brutality announced by Dr. Irwin, the committee nonetheless listed incidents of torture and harassment and made sweeping recommendations for safeguards to protect suspects.

The Bennett Report recognizes the extremely difficult conditions under which security forces operate in Ulster, but concludes that they do not justify ill-treatment. The report states that after the Royal Ulster Constabulary took control of the security situation from the Army in January 1977, police surgeons "noted in some police stations and police offices a large increase of significant bruising, contusions and abrasions of the body and evidence of hyper-extension and hyper-flexion of joints (especially of the wrists), of tenderness associated with hair-pulling and persistent jabbing, of rupture of the ear drums, and increased mental agitation and excessive anxiety states."

Such procedures are useful, of course, for extracting confessions. The fact that an astonishing 80 percent of court convictions for terrorist offences stem from confessions says a great deal about the effectiveness of this form of brutality. Since trials are conducted without juries and since judges can accept confessions unless the accused can prove that torture or inhuman and degrading means were used to elicit them, the whole system of justice in Ulster must be seriously called into question.

The Bennett Report recommends that suspects be allowed unconditional access to a lawyer after 48 hours in custody (currently they can be held for up to seven days without seeing an attorney); that a code of conduct be established for the R.U.C.; and that senior uniformed officers supervise interrogations by using closed circuit television monitors. These recommendations should be implemented immediately. In addition, three judges rather than one should sit in nonjury cases, and rules for the admissibility of confessions ought to be tightened considerably.

British officials have maintained that charges of police brutality were part of the I.R.A.'s propaganda war. Now the release of the Bennett Report has raised grave suspicions about the quality of justice meted out in Ulster. Could it be that British propaganda about Northern Ireland is the biggest lie of all?

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