The special conference of April 1936 directed the national executive of the Irish Trade Union Congress to "forthwith set up a Commission to inquire into and report on the terms of reference to the unions." And the terms of reference, which show only too clearly the marks of the tortured years which went before, were as follows:

"(1) The amalgamation or grouping of Unions analogous to or associated with one another within specific industries or occupation.

(2) To set up machinery for
   (a) co-ordinating the conduct of trade disputes,
       (i) national or local,
       (ii) single unit or multi-unit;
   (b) to set up machinery of a permanent arbitral character to decide on industrial demarcation and other inter-Union disputes.

(3) To advise on rules to govern applications for affiliation by organisations to
   (a) the Irish Trade Union Congress,
   (b) Trades or Workers Councils.

*The first part of this two-part paper appeared in the previous issue of the REVIEW—Editors.
100. Idem.
(4) To inquire into the legal position of the Trade Unions.

(5) To make recommendations for general organisation."

The establishing of the Commission was seen at the time as a "complete turning point in the life of the Trade Union Movement."\textsuperscript{101} The twelve appointed, with Eamonn Lynch the secretary, included all the major names in the Trade Union Movement at the time, with both Kyle and O'Brien serving. The fact that such a commission was established seemed somehow to fill the members of Congress with hope. "We shall have lightened our burden when we have left behind us those corroding domestic quarrels which vitiate our energies and dissipate our means. . . ."\textsuperscript{102} And when Eamonn Lynch as editor came to write the introduction to the annual report for the year 1936 he could conclude, perhaps rather sententiously: "The Congress has by no means reached its fullest development, and the future must witness further progress in its integrating activities, as the Trade Union units organically solidify themselves into less numerous, more clearly industrially defined, and hence more financially and economically powerful bodies. With these improvements in the growth and scientific departmentalisation of the Movement, the Congress will inevitably become more and more the general nerve centre, giving point, direction and cohesion to the whole Trade Union Movement."\textsuperscript{103} None of this came to pass. Instead, the establishing of the Commission was a further major step towards the cleavage that lay ahead.

The work of the Commission from 1936 to 1939 took place in a climate of growing political separatism. De Valera's programme of constitutional reform which had begun with the Removal of the Oath Act in 1933 now confronted Britain two years later with the Irish Nationality and Citizenship Act and the Aliens Act which declared not only that Irish citizens were not British subjects but that British subjects were aliens in the Free State, although exempt from the consequences of their alien status by executive order. Judicial appeal to the Privy Council was abolished (in which, incidentally, the Privy Council itself later concurred) and then taking advantage of the constitutional crisis in Britain on the abdication of Edward VIII in December 1936, de Valera, in a matter of two days, rushed through legislation, the effect of which was to abolish the functions of the Governor General and to confine the Crown to being an instrument for external relations, thus clearing the way for what was in effect a republican constitution in 1937.\textsuperscript{104} To de Valera and to the Government, Eire was now outside the commonwealth; Britain took a directly contrary view, but decided

\textsuperscript{101.} Ibid., p. 46.
\textsuperscript{102.} Idem.
\textsuperscript{103.} Ibid. Introduction.
\textsuperscript{104.} In this account we cannot trace the echoes in the Constitution both of liberalism and of the corporative state, and in this context how it viewed unions. Its laudable efforts to protect rights of association and other fundamental rights had the curious effect of making the final arbiter, not parliament where democracy has the final word, but the Supreme Court, which had all sorts of interesting consequences in the years that followed.
not to rock the boat. 1938 brought an end to the economic war, but, most significantly, it also brought an agreement that the British Government would evacuate military bases in the twenty-six counties, bases that had been guaranteed by the Treaty, and this in turn made possible an independent foreign policy. Therefore, when war broke out in September 1939, Eire was able to remain neutral in circumstances where the United Kingdom (including Northern Ireland) was a belligerent.

The claim in the Constitution to the national territory did little to help relations with the north; and the position greatly worsened in January 1939 when the IRA, in pursuit of the destruction of partition, opened a bombing campaign in England. De Valera responded, as he had to, with the Treason Act and the Offences Against the State Act, and eventually the Emergency Powers Act from which came the special internment camp in the Curragh. This not only put the north-south trade union connection under considerable strain, but seriously put in question the continuance of British-based unions in the south. The mood of the time was well caught by the Commission on Vocational Organisation which was established in January 1939. “National sovereignty,” it stated (despite the disclaimer of the trade union members) “and national security require that the control of trade unions in this country should be in the hands of Irish nationals. We hold that it is extremely dangerous that persons outside the jurisdiction of the State should have ultimate control in such an important matter as the trade disputes of its citizens.”

William O’Brien’s thinking dominated the Commission. Before the end of the year he had produced a draft reorganisation plan under the first point of the terms of reference. Early in 1937 it was submitted by a divided Commission to the national executive, where it failed to get agreement. It was circulated to the unions for their comments and eventually, virtually unchanged, formed Memorandum 1 in the highly ambiguous report to the special conference of February 9 1939. There is no evidence of a proposal gradually evolving over the period. On the contrary O’Brien, at the outset, confronted the trade union movement with a total plan of reform, and the subsequent three years were spent trying to cope with his challenge.

His proposal—as might be expected—was that all trade union members should be grouped in ten or so industrial unions. This idea, as we have seen, had a vast and impressive pedigree. But in O’Brien’s approach there was none of the softness of gradualism—so much a part, for example, of the 1919 proposals. He was dealing with an immediate situation. The proposal suffered from all the impracticabilities of similar proposals in the past, which O’Brien must have seen as clearly as anyone else; and for that reason it has been suggested that he was motivated more by a desire to see amalgamated unions expelled, and the Irish Transport much augmented, than by a desire for reform. This was no doubt partly true; but at the same time, his dominant motive does appear to have been trade union reform, and this was accepted by his colleagues on the Commission. Indeed, Robert

Morrow of the Belfast Trades Council said at the special conference in February 1939: "I am aware as a member of the Commission—and I only missed one meeting—that the motives behind the minds of those people was not to try to terminate English unions in Ireland. Of that I am firmly convinced. Their sole aim and object, in putting that document forward was that it was in the interest of the Trade Unions and Workers in Ireland. I don't believe one of the individual signatories to Memorandum 1 had anything in the back of his mind in so far as the Amalgamated Unions are concerned."\textsuperscript{107} It is only fair to say that there were many who took quite a different view.

The memorandum\textsuperscript{108} which O'Brien submitted to the Commission in November 1936 first analysed the fragmented nature of the trade union movement, with its 49 unions, and 134,000 members; only two unions had a membership exceeding 10,000 and as many as 17 had a membership less than 500. He visualised ten groupings which in his early 1936 memorandum were as follows:

<table>
<thead>
<tr>
<th>Grouping</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building and Furnishing</td>
<td>23,000</td>
</tr>
<tr>
<td>Engineering, Shipbuilding and Vehicle Building</td>
<td>6,000</td>
</tr>
<tr>
<td>Seamen and Port Workers</td>
<td>18,000</td>
</tr>
<tr>
<td>Rail and Road Workers</td>
<td>17,000</td>
</tr>
<tr>
<td>Printing and Paper Workers</td>
<td>6,000</td>
</tr>
<tr>
<td>Bakery Workers</td>
<td>2,000</td>
</tr>
<tr>
<td>Distributive, Clerical and Supervisory</td>
<td>9,000</td>
</tr>
<tr>
<td>Teachers</td>
<td>9,500</td>
</tr>
<tr>
<td>Civil Service</td>
<td>5,500</td>
</tr>
<tr>
<td>General Workers</td>
<td>38,000</td>
</tr>
</tbody>
</table>

In the final report of the Commission, the order and titles remain much the same. The membership numbers are dropped and after each grouping there is inserted a list of unions which make up the group.\textsuperscript{109} It is important to recognise that the proposed list of unions showed no duplication. Each remained exclusively within its appropriate category; and the implication therefore was that each union would shed any members it had in other categories. This is what caused much of the complaint on grounds of impracticality, particularly where a union such as a building union had members scattered throughout industry.

But O'Brien had no very strong views on how these groups might work out their salvation. He was quite flexible in the matter. His interest lay in the transport group, and in particular, in the area of the general workers. In his memorandum to the Commission in 1936 there is a highly significant paragraph which we do not meet again in the report:\textsuperscript{110} "There are three unions catering for transport and general workers with 59,000 members; three unions catering for rail and road workers with almost 12,000 members; and one union catering for seamen with

\textsuperscript{107} Op. cit., p. 32.
\textsuperscript{108} O'Brien papers 13971.
\textsuperscript{109} See appendix.
\textsuperscript{110} O'Brien papers 13971.
1,000, a total of approximately 72,000, or almost 55 per cent of the total affiliated membership. In addition, there are a number of other unions having about 11,000 members, the membership of which is catered for by one or other of the three general workers’ unions, making a total of approximately 83,000, or more than 60 per cent of the entire affiliated membership.” He thought that a suggestion that they would be all organised in one transport and general workers union “would probably not be regarded as an acceptable solution in present circumstances” and he therefore suggested “three fairly compact separate unions of (a) seamen and port workers, (b) rail and road workers and (c) general workers. . . .” The other seven categories fell around this central stem. He may well have had in mind therefore the development of one union in this area. For a start, however, he was satisfied to fix his base among the general workers, shedding members in the other industrial groupings. It is illuminating to consider, in full, category 10, that of general workers, in Memorandum 1 of the Commission’s report, and also the comment that follows it:

10. General Workers:

Irish Municipal Employees’ Trade Union; Limerick Corporation Employees’ Society; Irish Transport and General Workers’ Union; Amalgamated Transport and General Workers’ Union; National Union of Boot and Shoe Operatives; National Union of Tailors and Garment Workers; National Society of Brushmakers; National Union of Packing Case Makers; Irish Women Workers’ Union; Cork Operative Butchers’ Society.

To complete the above plan of industrial re-organisation, it will be necessary to take from the Unions of General Workers those sections of their membership where they are associated within the Industrial Union Group outlined above. This allocation of such general workers as, for instance, the Bread Van Drivers to the Bakery Group, the Drapery Porters to the Distributive Group, the Builders’ Labourers to the Building Group, the Road Transport Workers to the Rail and Road Transport Group etc. will necessarily deplete the existing General Workers’ Unions. The necessity for the separate existence of these General Workers’ Unions will have disappeared; they will be merged in a new single General Workers’ Union. This new Union will, however, receive a large accretion of strength from the general re-organisation of all workers throughout industry, which must follow from the adoption of the above plan in its entirety.\textsuperscript{111}

The italics in the above passage are mine, but they indicate the central point. The general workers group was expected to increase greatly in size, as the more specialised groups shed members; and within that group there was a place for one union only. This was the grand design. This was also quite different from the

earlier categorisations, although there was a superficial similarity. In 1919\textsuperscript{112} the rather idealistic proposal of one big union with industrial sections sprang from the chiliasm of the time which enlarged and excited Connolly's syndicalist theories. Mortished's classification\textsuperscript{113} in 1926 was more an exercise in taxonomy than in restructuring, and there was no suggestion that multi-industry unions should shed members and concentrate on one industry alone. But O'Brien was concerned with restructuring not with taxonomy; he was concerned with one-industry unions and therefore with the shedding of members, and while there was not the thrust of idealism behind his proposals such as existed in 1919, nonetheless the impulse was a powerful one, springing, as he saw it, from the general workers group, perhaps moving into the transport group as well, but one way or the other bidding fair to dominate the whole trade union movement. It is interesting to note that the general workers group was not in fact specific to any industry (unlike all the others) indicating quite clearly its flexibility and its potential for growth.

There were two major problems in this approach; the first concerned the north and the second concerned the other unions which organised general workers, both problems being fundamental and extensive. Let us consider the north first. The proposal on the face of it purported to be concerned with the reorganisation of the whole trade union movement, north and south, but the notion of one general union would make no sense in these circumstances; the Irish Transport had little influence in the north, while in the south, on the other hand, a bid for hegemony was perfectly practicable. Furthermore, the call for a recognition of the growth of national feeling was of significance when it was seen in the context of a Free State organisation, but made little more than aspirational sense when applied to the island as a whole.\textsuperscript{114} But if we recognise that O'Brien, despite the all-Ireland character of the proposal, was in fact thinking of a nationalist trade union movement for the Free State, then everything is much more explicable; because, in such circumstances, the objective of one general union would be realised by the giving of dominance to the Irish Transport in the south, and to the Amalgamated Transport in the north. Such a plan would of course confirm still more explicitly the partition of the country, which the trade union movement as a whole had deplored, but it is one of the ironic difficulties of the nationalist position that the more intense its nationalist and anti-partition feeling the more explicitly does it partition the country north and south in social and economic matters.

But such a proposal for reorganisation—theoretically for the whole country but in practice for the Free State—would not have been possible if there had been

\textsuperscript{112} Annual Report, op. cit.


\textsuperscript{114} In the railways and in the boot and shoe industry, an attempt by certain amalgamated unions to create exclusively all-Ireland unions, representing workers both north and south, ended in failure.
a substantial northern presence in Congress. In fact there was not. We have remarked already on the weakness of the northern movement, and its disinterest in Congress, only too clearly evidenced in Memorandum 1 of the report of the Commission; and we noted a passage from O'Brien's 1936 submission\textsuperscript{115} pointing out that Northern Ireland presented considerable difficulty and indicating some of the prominent unions not affiliated to Congress. The passage continued: "If the great body of trade unionists in Northern Ireland are to be associated with us it would be necessary to allow the fullest measure of autonomy in that area. Otherwise it is more than doubtful that they would consent to link up with us." This seems to convey clearly enough the notion of separate but co-operative development. We gain the same impression from the place of origin of the delegates. In 1937, 74 per cent came from Dublin and the south generally while only 17 per cent came from the north; in 1938, when both the Irish Transport and the Amalgamated Transport were very sensitive to voting strength, the number of delegates from Dublin and the south represented 77 per cent of the total, and those from the north still only 17 per cent.\textsuperscript{116} This contrasts with the early character of Congress, much more evenly balanced north and south; in 1901, for example, 68 per cent of the delegates came from Dublin and the south, and 32 per cent from the north. At that time the total number, however, was only 71, as against 210 both in 1937 and in 1938. Let us contrast this with a current date, 1972, where the number of delegates is dramatically larger, over 470, in fact, and where the percentages lie at 75 per cent with addresses in Dublin or the south, and 25 per cent in the north. This under-represents the north at present, where there are over 40 per cent of all trade unionists (263,000 out of 650,000\textsuperscript{117}) but it also underlines the very substantial under-representation of northern trade unionists in the critical period of the mid-thirties.

What was of considerable significance in the mid-thirties, however, was the presence of cross-channel delegates, as they were described, delegates with addresses in England, Wales or Scotland. There were no such delegates in 1901 nor in 1972, but in 1937 they accounted for 9 per cent of the delegates, and in 1938, 6 per cent. When one remembers that such delegates were necessarily senior officials and very influential, their impact must have been far greater even than the percentage indicates. The amalgamated-Irish dispute, therefore, which took place essentially within the Free State caused the anxious involvement of British officials, concerned—in fairness—not only with the welfare of their unions but with the express desire of many Irish members to continue a traditional loyalty to amalgamated unions that had existed for many, many years. As for the north, it became shadowy and of lesser account as tension mounted between the amalgamated and the Irish unions within the Free State.

The focus of the debate therefore was in the second problem area, the response of the other general unions to O'Brien's proposals, and the response of the

\textsuperscript{115} Op. cit.

\textsuperscript{116} Source: various annual reports of the Congress.

\textsuperscript{117} Trade Union Information, Irish Congress of Trade Unions, February 1972.
amalgamated unions as a whole. This is what polarised the discussion at the special conference which considered the Commission's report. It is important to recognise, however, that the proposal threatened the continuance not only of the amalgamated unions but of Irish-based general unions as well. There were two which require particular mention. The Workers' Union of Ireland was not represented in Congress and since trades councils were not admitted to the special conference in 1939, Larkin could not use such a device to make his voice heard. Secondly, there was the Women Workers' Union. They were obviously much torn by the recommendation. Helena Molony supported O'Brien's Memorandum 1; indeed without her it would have been a minority view on the Commission. Her union had been a vigorous supporter of industry-based unions and separatism in national development, but when the theory was given practical effect it spelled apparently the elimination of a union consisting only of women. This was the dilemma. In these circumstances she entered a reservation to her acceptance of Memorandum 1, a reservation which held that while organising women on sex lines was theoretically wrong, nevertheless there still was temporary necessity for a women's union "owing to the fact that women are a separate economic class". But her union in the debate in 1939 went further, and rejected Memorandum 1 altogether in favour of the alternative offered by Sam Kyle.

This then was O'Brien's strategy. He availed of the traditional and compelling idea of industrial organisation of unions in order to dominate, if not expel, the amalgamated unions in the Free State, to diminish further his ancient enemy Larkin, and the Workers' Union of Ireland, and to establish a commanding position for his own union, the Irish Transport, throughout the trade union movement of the south. All this was abundantly clear from the outset, from his initial memorandum of November 1936.

By the end of 1936 the Commission had prepared, under its second term of reference, a proposal to deal with inter-union disputes, which contemplated the establishing of an industrial court with a president and a registrar. Its suggested powers were considerable. Where there was a demarcation dispute, where there was a dispute concerning the terms of a joint claim and even in the area of poaching of members, its decision was to be final. It was also given the power to identify the union which should have sole organising rights of new members in a particular industry, although in this matter there was an appeal to the annual conference of Congress whose decision would be final. This proposal too, prepared at the end

118. Larkin gained considerable personal prestige about this time, being elected in 1936 as an independent to the Dublin Municipal Council and to Dáil Éireann the following year. (See Emmet Larkin: James Larkin, Irish Labour Leader 1876-1947, London, 1965, p. 298.)

119. Op. cit., p. 16. The Irish Women Workers' Union was established by James Larkin in 1911, as a separate union, since he believed that "person" in the rules of the Irish Transport meant "male person". (The union amended its rules to overcome the difficulty in 1918.) Larkin appointed his sister Delia as general secretary and himself as president. When Delia followed him to the US in 1915, James Connolly appointed Helena Molony as secretary. (O'Brien papers: 13970.)


of 1936, continued virtually unchanged into Memorandum 1 of the Commission’s report, with, however, the added point that “the successful operation of the above machinery depends on the acceptance of some such principles as those put forward under Item 1 of the terms of reference.” 122 This notion of the mutual dependence of the two sets of proposals was later challenged at the 1939 special conference; but there is no doubt that they hung together as part of the same plan. The industrial court, with its power to identify a union with sole organising rights in a particular industry (even though it concerned only new members), was the instrument by which the objectives under the first term of reference could be secured. These ideas were of the first importance and were later developed and legislated for in the 1941 act. 123

All this material had been circulated to the unions in 1937 and a long period of gestation followed. 124 It was not until early 1938 that a draft proposal under the third term of reference was considered by the Commission; it had been prepared by J. T. O’Farrell of the Railway Clerks’ Association and dealt with the “facility with which unnecessary, undesirable and superfluous Unions can secure official recognition, through affiliation to the Trade Union Congress, and still more so, to the local Trades’ and Workers’ Councils”. 125 The introductory material was recast in the final report of the Commission 126 but the recommendation again remained virtually unchanged: no trades council, under the penalty of itself being expelled, would be permitted to accept an unaffiliated union into membership without the consent of the national executive. This helped amalgamated unions such as O’Farrell’s which were under pressure from nationalist breakaways or the possibility of them; but of course it also helped O’Brien who wished to see, as an alternative to the amalgamated unions, not a fragmented trade union movement but an OBU. 127

The recommendations under terms of reference four and five need not delay us. Reference four merely summarised the legal position of trade unions, particularly in regard to registration, and reference five, under general organisation, recommended, in quite a draconian way, that after a date to be stated “all within the industry must be either in their respective union or out of the job”, 128 and emphasised once again the interdependent character of all that was recommended. The proposals as a whole then, covering terms of reference 1 to 5, were presented in August to the national executive as the draft report of the Commission. The

123. Trade Union Act 1941 (No. 22 of 1941).
124. But a radical division clearly existed by now. In December 1937 the national executive noted that agreement could not be reached under Item 1 of the terms of reference. (See introduction to Memorandum II, op. cit.)
125. O’Brien papers 13971.
127. OBU, One Big Union, was a slogan deriving directly from Connolly’s syndicalism, and continues to be the legend on the badges of the Irish Transport.
128. O’Brien’s papers 13971.
object apparently was to submit it to a special conference in October. At this point the balloon went up.

On September 6, C. D. Watters\textsuperscript{129} of the National Union of Railwaymen, a member of the Commission, submitted a memorandum which declared that he could not subscribe to the recommendations under Item 1. He recognised the unsatisfactory nature of trade union organisation, which he believed came from the haphazard growth of the movement, but he considered the proposal for reform quite impractical. It was a confused memorandum, but it was followed by a far clearer statement along the same lines by Sam Kyle later in the month; and indeed it seems that Watters was much influenced by Kyle, and, as a consequence, apparently suffered a change of heart. In any event, in a letter to O'Brien on September 20, Eamonn Lynch, the secretary, remarked:\textsuperscript{130} "It is hard to understand Watters' paragraphs considering he sat with us on the last occasion and, apparently, was in agreement with the Report, provided it was signed by myself." This remark is also an important reminder that the proposals as a whole were apparently regarded in quite a low-key way by many of the amalgamated unions for much of the time.

Kyle's memorandum\textsuperscript{131} of September 19, 1938 formed the substance later of the alternative memorandum, Memorandum II, in the Commission's report. It made the same point that Watters did, but more trenchantly. Kyle considered the proposals under Item 1 of the terms of reference much too grandiose. "The suggestion that the entire Trade Union movement in Ireland should be scrapped and that there should be substituted ten industrial groups is quite unworkable...." He considered that practical schemes should be drawn up for merging the small unions, not breaking up the larger ones; and the suggestion he made himself to that end was that the unions should agree to respect and recognise each other's union cards. He resisted the draconian recommendation under Item 5, fearing that it invited state intervention. Thus were the battle lines drawn in one report; it now contained Memorandum I, largely of O'Brien's devising and supported by five members (one, Helena Molony, with a substantial reservation); Memorandum II, of Kyle's devising, supported by five members all from amalgamated unions; and to this was added a third memorandum from William Norton, the leader of the Labour Party, and also a member of the Commission. His memorandum was in substance the same as Kyle's but probably for reasons of political prudence he did not wish to align himself with either group. One member signified no view. I believe that Miss Molony's reservation was so substantial that it is difficult not to regard it as a contrary view; indeed Kyle himself was of such an opinion at the 1939 special conference. If this is so, then O'Brien relied on four members of the twelve for substantive support. Yet in the report which was placed before the unions, Memorandum I appeared to be the substantive report, and Memo-

\textsuperscript{129} Idem. \textsuperscript{130} Idem. \textsuperscript{131} Idem.
But despite all this, it was clear from an early stage that O'Brien's proposals were headed for disaster. In Eamonn Lynch's letter to O'Brien on September 20, 1938, to which we have already referred, he confessed that any further work on the proposals would be a sheer waste of time. "I have no hope that the principles set forth under Item 1 of our terms of reference will find the least endorsement anywhere. Then, as you agree, the rest of the Report depends on the acceptance of Item 1. Items 2, etc. will fall to the ground." He recommended that they should inform the national executive that unanimity was impossible and that the whole thing should be abandoned. Then in a very perceptive passage he argued that if the report were to be sent to the unions with the support of only some members of the Commission, there should be no question of calling a special conference to discuss the matter unless a substantial number of unions desired it. "On no account should the National Executive fix the conference arbitrarily... The onus for calling the special conference should be put on the Unions. If they desire a conference let them express their desire; that would at least indicate that they desired the subject carried further. If they do not, then we should not go further."

Clearly Lynch feared for the unity and stability of the trade union movement if the matter was pressed further without some general consensus; but his fears ran even deeper, and, in the event, were prophetic: "Again, if the Government are now about to introduce legislation, and as far as can be learned, they will not delay long, would it not be undesirable to have a Conference which the Unions did not desire and which could only be abortive? We might easily leave ourselves open to a most unfair and unwarrantable accusation of having inspired the Government by our Report." Desirable or not, the conference was held. It opened in the Teachers' Hall, 36 Parnell Square, Dublin, on Thursday, February 9, 1939 under the chairmanship of the president of Congress, P. T. Daly.

It has since been suggested that the manner in which Daly chaired the conference greatly influenced the result. The Report of the Commission on Vocational Organisation described what occurred as follows: "Owing to the form of procedure followed, the proposal for regrouping was not put directly to the meeting on its merits. A resolution approving of the memorandum of the five other members was carried. This was taken as a rejection of the proposal for regrouping. The chairman refused to accept an amendment to adopt this proposal on the ground that it was a direct negative. Many of the delegates protested against his ruling and withdrew from the hall." And yet it is difficult to see what alternative Daly had. At that time he was an elderly man, nearing the end of a stormy trade union and political career in which O'Brien had prominently figured. Apparently when Larkin decided to go to the US in 1914 he wanted to leave P. T. Daly in charge of the union, but Connolly objected so vigorously...

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132. Idem.
134. O'Brien papers 15675.
that Daly was given responsibility for the insurance activities of the union instead. He allied himself to Delia Larkin in the disputations that followed, he was removed from the insurance post, but in a direct conflict with O'Brien, he succeeded in becoming secretary of the Dublin United Trades Council in 1919. Uniquely, a slander issue in which he was involved (it concerned IRB funds) was arbitrated on by Dáil Éireann; but O'Brien, bent on having the matter determined, was deliberately vituperative about him in public, causing Daly to take an action for slander in the courts which was heard during 1924 and 1925. He failed; and more than that, had been unable to meet the costs of the action. Yet now at this point he was president of the Irish Trade Union Congress, having defeated Sam Kyle the year before for the position of vice-president and thereby succeeding to the presidency; more than that, he appears to have been supported in the vote by the Irish Transport. Whatever else might be said, his trade union experience was considerable.

It is important too to bear in mind, before discussing this difficult conference of February, 1939 that there were still many things that the unions had in common. A lengthy dispute in the building industry in the spring of 1937, which lasted seventeen weeks in all, brought the Dublin building unions together under the chairmanship of Somerville of the ASW. Apparently morale was very high despite the length of the strike, and Michael Keyes of the NUR at the August 1937 conference said that the Dublin fight had marked the upsurge of the labour movement in the metropolis.135 Furthermore, Dawson Gordon of the Belfast Trades Council offered “not only moral but material assistance; if help was sought he was sure that the Northern workers would be prepared readily to give it”.136 On a more general political note, there was the growing anxiety concerning the centralisation of government and the influence of what was described as the managerial system. Early in 1937 Congress had written to the Department of Local Government in very strong terms concerning “the very dictatorial powers vested in managers appointed to the several local authorities”.137 “My National Executive,” wrote Eamonn Lynch, “consider that it is highly detrimental to the development of national political responsibility and civic consciousness to deprive the people of their popular functions. This incapacity must inevitably lead to civic indolence, political morbidity and decay.”138 As might be expected, the Minister was unimpressed. The system operated as yet in only three county boroughs and one borough, and far from receiving complaints, there were requests for its extension. But trade union anxieties were in no way diminished: “... the workers fought,” said John McCabe of the Irish Transport in 1938,139 “against the occupation of the country by a foreign power and claimed that they had the brains and ability to manage their own affairs, they should now, that they

136. Idem.
137. Ibid., p. 59.
had some measure of freedom, show that they were competent to do these things. A man was put over us in the Dublin Corporation, to keep us in order, as if we were unruly children. There we have a manager, who consults us, but that is all. We are merely rubber stamps, our only duty being to strike the rate.” However, as we have already seen, the managerial system by general public consent spread throughout the country, with indeed much of the effect on local democracy which the trade unions feared. It is, of course, a common occurrence that when local societies feel threatened (as indeed they did during these difficult times) they consent to, and perhaps urge, more power at the centre, distrusting their own ability to keep the peace, and trading as a result the quality of their local democracy for the hope of a greater security which the centre would assure.

But apart from all these matters there was the symbol of unity in the fact that the Congress met in August 1938 in Bangor, Northern Ireland, and among the platform party were H. H. Elvin, President of the British TUC and Baillie William Elger, secretary of the Scottish TUC. The President, Jerry Hurley of Cork, said that the location of the Congress that year in a town in Northern Ireland was a “striking indication of the unity of the Trade Union movement in Ireland, and is, in my opinion, a good augury for the future unity of our country”. It was in fact an augury neither for the unity of the country nor of the trade union movement.

The meeting of February 9, 1939 was a “conference of trade union representatives” who, it was hoped, would be armed “with plenary powers so that the Conference may give directions to (the) National Executive to take definitive action.” This was a confusing matter to begin with. As the chairman P. T. Daly pointed out, in an early disagreement with William O’Brien: “Whatever is done here cannot be final; it will have to be discussed by the Trade Union Congress. This is not a Congress: it is a Conference There are Unions affiliated with Congress not here today, because they did not think it wise . . . .” This O’Brien was not prepared to accept. “I don’t see what authority Congress would have,” he said, “if this Conference came to a decision.” This confusion probably reflected the uncertainty and unhappiness of a number of prominent officials, including Eamonn Lynch. Usually special congresses and special consultative conferences are quite distinct; the latter are never decisive, while, on the other hand, special congresses usually are. A special congress, however, would include trades council representatives (and in this case would probably have enabled Larkin to attend) and this may have been a consideration. One way or the other, the conference of 1930 which was not a congress but which had decision-making powers, was at best an ambivalent and unprecedented organ. However, there was little substance in the chairman’s point about certain affiliated unions not being represented. True, there were present representatives from only 39 unions as against 49 at the annual congress in August 1938, but the absent unions

142. Ibid., p. 25.
were small and specialised, and in my opinion would not have affected the issue.

As a result of its somewhat uncertain character, the conference was quite unstructured. There was no lead speaker from the national executive; in the circumstances it is difficult to see how there could have been. The various memoranda were placed before the delegates as the national executive report, with some neutral introductory remarks from Eamonn Lynch. O’Brien had already achieved a great deal by having Memorandum I (which as we have seen was supported by a minority only) presented as the main report, to which the second and more acceptable memorandum had the character of a minority report. In such circumstances O’Brien himself was probably slow to take a further initiative, and wished to feel out the meeting. There was some deliberateness about this since a conference of the Irish-based unions had taken place the day before to discuss a joint approach.

Kyle therefore moved first, his substantive point being that his memorandum, Memorandum II, had in fact majority support on the Commission of inquiry and majority support as well on the basis of the trade union membership represented by the commission members who upheld it. There followed some uncertain general discussion both on the merits of the various proposals and the kind of procedure that the conference might follow, and then John Marchbank of the NUR, who eventually came to dominate the conference, proposed that the conference approve the conclusions of Memorandum II “to the extent that they refer to Item (1) of the Terms of Reference”. This was the key proposal. It reversed the whole thrust and direction of the discussion, discounting the advantage which O’Brien had gained in the manner in which the report had been presented, and making the adoption of Kyle’s Memorandum II the major topic of the Conference Almost at once O’Brien began to express concern; but while there had been an earlier decision to discuss the terms of reference one by one, no one had moved the adoption of any part of Memorandum I; consequently, the chairman, P. T. Daly, held crisply to due procedure: “If the motion is proposed I must either accept it or reject it. The motion is in order, and can be discussed with the first Term of Reference.” Discussion continued on the merits of the various proposals, and also on the merits of British-based and Irish-based unions; and then John Swift of the Irish Bakers tried to reverse the thrust of the debate by proposing, as an amendment to Marchbank’s motion, that the Conference adhere to “Memorandum I, Item (1) of the Terms of Reference”. The chairman ruled the amendment out of order on the grounds that it was a direct negative, which brought O’Brien, in a confused way, into the discussion to claim that the conference was entitled to adopt either memorandum. Later in the debate Lawlor.

143. In any event it was very much shorter—almost a note when compared to Memorandum.
144. See below p. 488.
146. Ibid., p. 31.
147. Irish Bakers’ Confectioners’ and Allied Workers’ Amalgamated Union.
of the Irish Municipal Employees Trade Union tried again: “I understand if the motion is carried on Memorandum No. II it will nullify the first portion of the report. Should it not be the other way round?” “That,” said the chairman, “is a hypothetical question.”

We have noted that the debate on the general issues had been continuing all this time, the tone being open, frank and responsible, so much so that Gould of the National Boot and Shoe Operatives declared: “I think the tone of the debate this morning was excellent. There were no backers of sectional separation, and I shall hold the memory of the morning’s debate in very high appreciation, whatever the future may determine,” a sentiment which the delegates applauded. Within a short time, however, the atmosphere began to sour. Now Whelan of the DTPS pushed forward with a motion that Memorandum I, be adopted, which the chairman again dismissed as a direct negative. O’Brien came back a number of times, but failed to move him. In those circumstances he eventually suggested that if a vote was not permitted on Memorandum I, there should be no vote taken at all. But the chairman was adamant: “Let there be no misapprehension about this. The vote will be on the report of certain members of the Commission, namely Messrs. Sam Kyle, J. T. O’Farrell, Michael Somerville, R. Morrow and C. D. Watters.”

A little later Drumgoole the chairman of the Commission was called upon to reply to the debate. He made quite a compelling case for Memorandum I on general organisational grounds. Nor did he see it as an issue between amalgamated and Irish unions: “As Chairman of the Commission, I never thought that even if the conditions contained in Memorandum I were adopted, it would necessarily mean that any of the groups would be a wholly Irish group. What we wanted to get at was that the existing membership should be grouped in ten Trade Unions, each Union having its own autonomous section, with its own benefits and scale of contributions, and one Executive responsible to each.” It is extremely difficult to determine what precisely he meant by this; he may have had some picture of the various unions retaining their individuality within the industrial groupings; but it is likely enough that the general obscurity of the speech was a tribute more to his heart than his head. He concluded: “We cannot present a united front as things are today. I have listened with great sorrow to the leaders of the movement telling the difficulty and the trouble they have had with other leaders owing to differences between them. No one denies that these things exist. The Commission, with the great experience and intimate knowledge of the movement in Ireland, put before you what we believed to be the only solution of the problem. You may say we are going too fast, and that what we propose could not be imple-

149. Ibid., p. 34.
150. Ibid., p. 36.
151. Dublin Typographical Provident Society.
152. Report, op. cit., p. 44.
153. Ibid., p. 46.
mented at the present moment. That may be, but I assure you, no matter what your position, that the time will come when the suggestions contained in Memorandum I will be the actual position of Trade Unions in Ireland, whether it be ten, twenty or thirty unions. I oppose the motion put forward by Mr Marchbank. Some of this may ring strange at first sight, particularly the indication of Memorandum I with the Commission as a whole, and the emphasis on their intimate knowledge of Ireland; it helps to clarify matters however if we remember how conscious the delegates were that the signatories of Sam Kyle's Memorandum II were uniformly from the British-based unions.

Now came the final contest between William O'Brien and the chair. The chairman declared he was putting the vote, O'Brien still protesting that both documents should be voted on. The card vote resulted in 85,211 voting for the motion, and 70,836 against, 21 unions being for the motion and 18 against. The chairman declared the motion carried. Whelan of the DTPS immediately moved that the principle of amalgamation or grouping as set out in Memorandum I should be approved by the conference. The chairman refused to accept the motion. O'Brien was infuriated: "You gave me an undertaking that such a motion would be taken." "The vote," said the chairman, "was between Document No. 1 and 2." "No," said O'Brien. The chairman was insistent: "I gave the assurance that the vote would be between Memorandum I and II. The vote we took was the substitution of one document for another. The proposal was that we should approve of the proposals set out in Memorandum II to the extent that they referred to Item (1) of the terms of reference. My interpretation is that Document No. 2 is substituted for No. 1 to the extent set out in the resolution."

"I want to state definitely," said O'Brien, "that I only took part in the vote on the distinct understanding that there would be a second vote on Memorandum I." At this point the break came. "As a protest against your ruling," said O'Brien, "I withdraw from this meeting." O'Brien then left, accompanied by some of the delegates. The chairman was badly shaken, and protested that if he had said or done anything to hurt anyone he was very sorry. What he had done had been done out of a sense of duty. He suggested that there was little purpose in continuing; but Marchbank would have none of it: "I should say there is every reason why we should go on and dispose of our business in a business-like manner." And this in fact was done, Marchbank proposing the adoption of the rest of Memorandum I subject to a prudent number of savers, which removed anything radical from their character. He was also the one who proposed the vote of thanks to the chairman for his "tact, discretion and wisdom, and the greatest patience in dealing

154. Ibid., p. 46.
155. Ibid., p. 47.
156. Ibid., p. 47.
157. Ibid., p. 48.
with the many problems that came up for discussion”. Thus the special 1939 Conference ended\(^{158}\) and the split in the trade union movement began.

The Trade Union Bill of 1941 sprang directly from all this. More than that, the government now claimed that because of the national importance of good trade union organisation, they had prompted the establishing of the trade union Commission of inquiry in the first place. What was hinted at during the various Congress debates was now made explicit: the public interest required that if the trade union movement could not provide good order in its affairs then the government must do so by legislation. Sean MacEntee, Lemass’s successor in Industry and Commerce, when he introduced the second stage of the Bill on June 4, 1941\(^{159}\) spoke of disputes, strikes and general industrial unrest and went on: “So serious had the situation become in this regard that in 1936 the then Minister for Industry and Commerce decided that an effort should be made to deal with the evil by executive action within the trade union movement itself. He made representations to the Irish Trade Union Congress, set the position before them as he saw it, and said that if the Congress was unable to deal with it the Government, in the interests of the community as a whole, would be compelled to act.”\(^{160}\) He, described the establishing of the Commission and then said: “Unfortunately notwithstanding the report of the Commission of Inquiry set up by the Trade Union Congress, notwithstanding subsequent further effort made in 1939 by the Congress to secure a more rational work organisation of the workers, the trade union movement appears of itself to be unable to carry the matter further, and the evils which all admit exist must remain to curse and plague Irish industry unless some other power take action. In these circumstances the Government is bound to intervene by making such changes in trade union law as may reduce the incidence of trade union disputes generally and inter-trade union disputes in particular.”\(^{161}\)

This then was the justification for the legislation; more than that the terms of the legislation were given sanction by reference to the proposals of Memorandum I of the Commission’s report. For that reason the Minister referred to the report again and again, tabled it for the benefit of the deputies\(^{162}\) and quoted long passages from it, including the exchange between the chairman and William O’Brien which led to the walk-out. However, he presented the whole business in a highly partisan manner—whether for political advantage or because he really

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\(^{158}\) We owe the rather comprehensive report of the special conference of 1939 in large part to P. T. Daly. Eamonn Lynch (clearly anxious to play the whole thing down) in the account which he submitted to the 1939 annual congress merely noted the decisions in as brief a way as possible, and gave none of the discussion. Although there were vehement protests from some Congress delegates, he was reluctant to give way, but P. T. Daly gave a swift and brusque assurance that the stenographer’s report would be published. (pp. 100–101, 153–155, Annual Report, ITUC 1939.)

\(^{159}\) Dáil Debates, vol. 85, col. 1535 ff.

\(^{160}\) Dáil Debates, vol. 83, col. 1540.

\(^{161}\) Ibid., 1542.

\(^{162}\) Dáil Debates, vol. 84, col. 117.
saw it that way, it is difficult to say. Memorandum I was seen as a progressive attempt at reform by the “Irish Unions”; it was blocked by the “English Unions” for reasons of self-interest; and Norton, the leader of the Labour Party (who had contributed the third Memorandum) could be dismissed as a wily politician who wanted it both ways. This view, as presented by the Minister in Dáil Éireann in 1941, had a considerable influence in forming the public mind on what had taken place.

Memorandum I, the Minister declared “received the greatest body of support inside the Commission”, although subsequently rejected by Congress. It was a memorandum “which, I think, was signed by five persons who were representatives of trade unions having their headquarters in this country, trade unions which might be concisely and popularly described as Irish trade unions on the Commission of Inquiry. Those gentlemen, all of them with national records of which any of us might be proud, recommended . . .” and he quoted the section from Memorandum I dealing with the industrial court, an idea of course from which the Trade Union Bill had derived its dynamic. These then were the progressive Irish representatives. On the other hand, there were the harbingers of darkness. “But the Congress was jockeyed by the vested interests which are concerned to thwart and defeat any attempt to reorganise the Irish trade union movement into a position where the memorandum was never submitted to a vote of the special conference called to consider the report of the Commission of Inquiry.”

Both Norton and Keyes loudly protested that this was not true; but MacEntee claimed that he was supported by the report of the commission, and he selected John Marchbank as the principal culprit. “At the conference, a resolution was proposed by a certain Mr John Marchbank, who does not live in this country; I think he is general secretary of a union which has its headquarters in Great Britain. He came over specially for the conference. I think Mr John Marchbank is very well known to at least two deputies in the house.” “And respected,” interjected Michael Keyes. “That may be,” replied MacEntee. “He certainly did your work well. Whether he did a good day’s work for the country or not is another matter.” The Minister at this point quoted the final exchange between O’Brien and the chairman, and went on: “Mr Marchbank having asserted the control of the English trade unions over the special conference of the Irish trade union movement, then, Sir, no less than four other resolutions from this conference were adopted.” “With the support,” said Norton, “of the Irish unions in some cases.” “With the support,” replied MacEntee, “of all the vested interests that have been battening on the Irish trade unionists, with the support of all those people who have been concerned in their internecine strife,

163. Ibid., 120.
164. Ibid., 843.
165. Michael Keyes, a Labour deputy, was prominent in the NUR, the union of which Marchbank was general secretary.
167. Ibid., 846.
and who have been the source of the baneful jealousies which, Deputy Norton has admitted, do exist. The English trade unions with, as I have said, the vested interests which have been battening upon the Irish trade union movement, succeeded in defeating this attempt on the part of the Irish trade union movement to cure abuses.”

The views that MacEntee expressed were not only the views of the government but of a great number of others besides. In the nationalist climate of the time they had an immense plausibility. Furthermore, there is no reason to believe that MacEntee was not entirely sincere in his impatience with those who opposed Memorandum I, and since its proposals seemed so practical and sensible, he could only conclude that those who opposed it did so for the worst of reasons. Norton during the Dáil debate on more than one occasion protested that the Minister did not know what he was talking about. Norton’s objection to the memorandum had been the same as Kyle’s—that ultimately the whole thing was impractical and worse, would be divisive if pursued. In evaluating this, it is necessary to recognise that the trade union movement is essentially a political society: in a sense its leadership is more sensitive to the democratic will of its members than a government needs be to its electorate. The system of party democracy, the notion of the political leader and his personally selected team, as well as the matters of great national importance that must be dealt with, all tend to provide the government with a buffer between settled policies and the pressures of the electorate, and consequently provides a greater measure of discretion. In the smaller field of trade union democracy these buffers do not exist. It is unlikely that MacEntee and the government recognised this. Indeed it seems clear that they did not see the political society as an analogue at all. If there was to be an analogy in judging a trade union’s behaviour then it was the business firm or the administrative institution, and there was an unspoken assumption that trade union leaders should be able to act with the same decisiveness as the managers of such undertakings, and if they did not it was because of inadequacy or malice. Indeed this view of the nature of trade unions persisted in the minds of the Fianna Fáil government down to very recent times, long after the amalgamated unions had been accepted as a useful and proper part of the Irish trade union scene.

The Trade Union Bill, its enactment, the conflicts it caused and its eventual fate in the Supreme Court lie outside the scope of this article. Our concern here, is to establish not only what the trade union Commission of inquiry actually did, but what it was understood by many to have done, and in regard to the latter the Dáil debate in the summer of 1941 is most illuminating.

An “Irish Union” group with a separately organised identity now began to emerge in the Congress. Prior to the special conference of February 9, 1939, there was a meeting of “Irish Unions affiliated to the Trade Union Congress”. The
convenors were Whelan of the DTPS, Owen Hynes and, curiously, Michael Drumgoole the chairman of the Commission, but acting in his role as an official of the Irish Union of Distributive Workers and Clerks. We must recognise as well that the amalgamated unions had since 1934 been urged by Congress itself to consult among one another about their special position;171 in this way the drift apart began to be institutionalised. The meeting took place in the offices of the DTPS on February 8, the day before the special conference began; and a further meeting was convened on March 2 to consider the results of the special conference. The result was clear and dramatic.

It was decided to establish an advisory council of “Irish Trade Unions in affiliation to the Irish Trade Union Congress”. It was further decided “that a provisional Committee be appointed to devise a National and Economic policy for Irish Unions and report back to a further meeting within three months”.172 It was decided to seek the support of other Irish-based unions, and while declaring their desire to work in harmony with the Trade Union Congress, nevertheless they considered that “the Congress is in a difficult position in regard to the question of trade union reorganisation as it is composed of both Irish and British unions and is, therefore, precluded from taking any action that might be considered by the British unions to prejudice their position”.173 The work of the special commission had ended in deadlock. “The British unions do not want any change, believing apparently that any scheme of reorganisation would be detrimental to their status in the country, and the Irish Unions hitherto have had no means of expressing an independent point of view. . . .” They concluded that if the problem was left as it now stood, they were inviting the government to interfere. “Surely the unions themselves ought to be able to devise some scheme of reorganisation as a remedy for the existing state of affairs.” The Council of Irish Unions was the beginning of the remedy as they saw it; technically it was advisory in character, but in its printed material the word “advisory” was spelt in tiny lettering as befitted the reality;174 it was formally established on May 23, 1939, and although the final breach did not come until six years later, effectively from that date the division within the Congress had become institutionalised.

Trinity College, Dublin.

171. See above p. 487.
172. O’Brien papers 13974. It is interesting that this committee should have among its members Helena Molony of the Irish Women Workers and M. Leyden of the INTO, representatives of unions which in the split of 1945 remained with the Irish TUC.
APPENDIX

The proposals of the 1939 Commission of Inquiry:

(Extract from Memorandum No. 1 of the Report of the Trade Union Commission of Inquiry 1939, pp. 8, 9.)

The adoption of this plan of re-organisation would mean the re-distribution of the existing Unions into ... ten Industrial Union Groups. The effect of the plan would be to merge the existing Unions affiliated to Congress into Industrial Union Groups as follows:—

1. Building:
   Amalgamated Union of Building Trade Workers; Ancient Guild of Incorporated Brick and Stone-Layers' Trade Union; Cork Operative Society of Masons, Bricklayers and Paviors; National Amalgamated Society of Painters; Irish National Painters' and Decorators’ Trade Union; United House and Ship Painters' and Decorators’ Trade Union of Ireland; Operative Plasterers’ Trades’ Society, Dublin; Plumbers’, Glaziers’ & Domestic Engineers’ Union; Amalgamated Union of Slaters and Tilers; Stonemasons Union of Ireland; Amalgamated Society of Woodworkers; Irish National Union of Woodworkers; National Amalgamated Furnishing Trades' Association.

2. Engineering Ship Building and Vehicle Building:
   Irish Engineering Industrial Union; Association of Engineering and Shipbuilding Draughtsmen; National Union of Sheet Metal Workers and Gas Meter Makers of Ireland; National Union of Vehicle Builders; Electrical Trades Union (Ireland).

3. Seamen and Dockers:
   National Union of Seamen; Irish Seamen’s & Port Workers’ Union.

4. Rail and Road Transport:
   Railway Clerks’ Association; National Union of Railwaymen; Associated Society of Locomotive Engineers and Firemen; Belfast and Dublin Locomotive Engine Drivers’ and Firemen’s Trade Union.

5. Printing:
   Dublin Typographical Provident Society; Typographical Association; Amalgamated Society of Lithographic Printers & Auxiliaries; Irish Bookbinders & Paper Rulers Trade Union; Electrotypers’ and Stereotypers’ Society.
6. **Bakery Workers:**
   Irish Bakers’, Confectioners’ and Allied Workers’ Amalgamated Union.

7. **Distributive, Clerical and Supervisory:**
   Irish Union of Distributive Workers and Clerks; Irish Local Government Officials Union; National Amalgamated Union of Life Assurance Workers; National Federation of Insurance Workers.

8. **Teachers:**
   Irish National Teachers’ Organisation; Vocational Education Officers’ Organisation.

9. **Civil Service:**
   Civil Service Clerical Association; Post Office Workers’ Union.

10. **General Workers:**
    Irish Municipal Employees’ Trade Union; Limerick Corporation Employees’ Society; Irish Transport and General Workers’ Union; Amalgamated Transport & General Workers’ Union; National Union of Boot and Shoe Operatives; National Union Tailors and Garment Workers; National Society of Brushmakers; National Union of Packing Case Makers; Irish Women Workers’ Union; Cork Operative Butchers’ Society.