The ‘Linchpin for Success’? The Problematic Establishment   
of the 1965 Race Relations Act and its Conciliation Board.

**Abstract**

*The 1965 Race Relations Act was the first legislation directed towards outlawing racial discrimination and racial incitement in Britain; but it has been almost universally criticised as weak, narrow, and ineffectual. This article focusses on an area not adequately discussed in the existing literature – the debate about, and impact of, replacing initial criminal sanctions with American-styled conciliation and civil remedies, and subsequent creation of conciliation machinery. It argues that the protracted process of forming this Board had a greater impact upon the Act’s success than has been previously acknowledged, as it demonstrated the bipartite lack of desire to address the politically unpopular issue of race and immigration, thus creating further disillusionment towards the British state. Rather than being the ‘last step’ in such legislation, as desired by many at the time, its weaknesses and limitations stimulated criticism and increased political action, leading to subsequent broader legislation in future years.*

**Keywords**: Anti-discrimination, Race Relations, Racism, Immigration, Racial Discrimination

**Introduction**

Upon closing the five-hour debate prior to the third reading of the 1965 Race Relations Act (RRA) on 16 July 1965, Home Secretary Frank Soskice declared it to be the first step in legislating against racial discrimination – and hopefully also the last. He concluded: ‘It would be an ugly day in this country if we had to come back to Parliament to extend the scope of this legislation’.[[1]](#endnote-1) Soskice, and many others at the time, hoped that such a statutory measure would reduce racial discrimination and diminish the politically unpopular issue of race relations without requiring further legislative action. This was not the case; in 1968, 1976, and again in 2000, Parliament was to debate and pass broader racial discrimination legislation.

The reasons why subsequent legislation was deemed necessary are well-documented. The 1965 RRA was the first legislation in Britain to address racial discrimination, outlawing ‘discrimination on the ground of colour, race or ethnic or national origins’ in ‘places of public resort’ such as hotels and restaurants, and punishing incitement to racial hatred.[[2]](#endnote-2) However, it was an extremely weak, ineffectual law which did not address the main areas of discrimination within employment and housing, required extensive proof of racist intent, and its limited definition of ‘places of public resort’ omitted many places such as shops and private boarding houses. It has been almost universally criticised for being ineffective or too narrow in scope. For example, Shamit Saggar summarised how the Act received widespread condemnation for its ‘softly, softly’ approach to discrimination, and Erik Bleich branded it ‘truly a whimper of a law’.[[3]](#endnote-3) Gavin Schaffer recently discussed Section Six of the Act, the clause outlawing incitement to racial hatred, detailing examples of attempted prosecutions under the Act and suggesting that these prosecutions were more readily pursued against black activists than white counterparts. Schaffer reasoned that this was more related to the careful and considered language employed by experienced white politicians rather than flagrant racism, but that its effect was to appear to prosecute black Britons rather than protect them and ultimately allowed racist agitation to persist through a ‘new language of racism’.[[4]](#endnote-4)

The 1965 RRA has also been portrayed as part of a ‘package deal’ – a term used by Soskice himself – allowing the government to pass harsher immigration controls with the appearance of rewarding the disadvantaged immigrant population; ‘sops to black interests following racist immigration legislation’ as Robert Miles and Annie Phizacklea characterised it.[[5]](#endnote-5) By appearing to combat racial discrimination and stating that such was unacceptable in modern Britain, it was hoped that increased immigration restrictions would be more broadly accepted. However, Andrew Geddes, amongst others, concluded that the repeated coupling of immigration controls with race relation legislation suggested that the authorities assumed that a numerical limit on immigration would improve race relations. Thus, such a connection characterised immigration as a problem and, by extension, also the immigrants themselves.[[6]](#endnote-6) Geddes also argued that there was bipartisan agreement that immigration had to be controlled, initiated by Labour in order to diminish its electoral significance and ‘depoliticise race issues’. Ira Katznelson similarly declared that the successful enactment of the 1965 RRA marked the highest level of this two-party consensus on race, and Douglas Ashford further claimed it represented a bipartisan agreement ‘to do little or nothing’ regarding racial discrimination.[[7]](#endnote-7)

Despite this justified criticism, some have noted that the 1965 RRA’s true value came in its symbolic first foray into anti-discrimination legislation, establishing an institutional framework for future developments. For example, Michael Banton argued that the shift in public and governmental opinion and underlying debate about discrimination was of greater significance than the Act itself, and Stephen Fielding added that, despite significant limitations, ‘it did constitute the first legal challenge to white prejudice’.[[8]](#endnote-8)

An important issue that these studies do not address sufficiently, however, is the debate regarding whether the RRA should be regulated by criminal or civil sanctions and subsequent establishment of conciliation machinery. This article begins by examining the debate which saw a replacement of planed criminal sanctions with civil measures. Whilst punishment under criminal law would initially appear to make for stronger legislation, and was originally favoured by Soskice, American experience suggested that in fact civil remedies and conciliation machinery were far more effective in obtaining convictions and positively influencing public opinion. This discussion adds further nuance to the oft-accepted (but more recently challenged) idea of a ‘post-war consensus’ within British politics. The apparent bipartisan consensus to pass an Act falling under civil rather than criminal law threatens to obscure that the motivations behind such agreement were vastly different. Keith Hindell documented many of the debates and political exchanges regarding changes to the proposed Bill, the number of which was described by Bleich as ‘virtually unknown in Britain’.[[9]](#endnote-9) Hindell’s 1965 discussion and his proximity to events produced an extremely detailed examination of the unique creation of the Bill; though, as his work was published before the Act even came into effect, it obviously lacks historical perspective.[[10]](#endnote-10)

This article continues by discussing the establishment of the Race Relations Board, the conciliation apparatus demanded during the Act’s formation. Tasked with enforcing the first section of the RRA outlawing discrimination in place of public resort, this was deemed by Soskice to be the ‘linch-pin [sic] on which the success of the whole system will depend’.[[11]](#endnote-11) Despite its undeniable prominence in determining the Act’s effectiveness, it has only obtained occasional passing mentions in previous work.[[12]](#endnote-12) The process of appointing Board members has never been discussed; the only work coming close is Anthony Lester and Geoffrey Bindman’s stating that Mark Bonham Carter was appointed to Board chairmanship, ‘which was fortunately still vacant’.[[13]](#endnote-13) Extremely significant in determining the value of the new Act, the Board’s establishment and membership demand examination and it is a significant shortcoming of the historiography not to have previously done this. Its formation was a protracted process with numerous failures and increasing panic to appoint members, continuing far beyond when the RRA should have become operative. Discussion of this suggests, in a way previously unarticulated, why the Act’s short-term effectiveness was limited and increased discontent towards the British State from some ethnic minorities who believed the authorities could not, or would not, improve their situation.

However, as argued throughout, the Act’s long-term success was constrained by limitations of the RRA itself. The Board could only investigate matters falling within the remit of the Act and it became immediately clear this scope was insufficient, leading to calls for strengthened legislation and the return to Parliament which Soskice had previously wished to avoid. Some of the first and most significant examples of cases falling under the Act are discussed in this article’s third section.

The 1965 RRA is the first example of an anti-discrimination law in the United Kingdom, enacted well before the 1970 Equal Pay Act or 1975 Sex Discrimination Act, and demonstrated that there was a place for such legislation. Nevertheless, its failings should not be overlooked. It was not just that it lacked power, as historians have previously argued; rather, detailed examination of the chaotic formation of the Bill and Board demonstrates the broader attempts of successive governments to remove the politically unpopular issue of race relations outside the main political arena. This fostered discontent and disillusionment with the British State that would later manifest in increased militancy and outbursts of collective violence in attempts to enhance political participation during the 1970s and 1980s.

**Criminal or Civil?**

The Labour Party’s pledge in its 1964 General Election manifesto to legislate against racial discrimination led the Shadow Cabinet to draft proposals to make such action a criminal offence.[[14]](#endnote-14) They believed that criminal sanctions were more appropriate than civil remedies because, amongst other practical reasons, these would be a more significant indication of public disapproval.[[15]](#endnote-15) Moreover, Soskice viewed punishment under criminal law as ‘more in line with [British] legal tradition’, clearly demonstrating what his successor Roy Jenkins later labelled an ‘obsessive respect for legal precedent’.[[16]](#endnote-16)

Counter to established methods of policy transfer, which saw legislators looking beyond their shores for inspiration, Hindell noted that the Shadow Cabinet did not ‘indicate any awareness of foreign experience or legislation’. Conversely, the Society of Labour Lawyers established a Sub-Committee on Racial Discrimination which did observe and favour American techniques of civil remedies including conciliation and broadening the Bill’s remit to include employment, housing, and commercial services.[[17]](#endnote-17) Such influence is perhaps unsurprising. Bleich noted that Sub-Committee member Lester, as well as several other colleagues, had studied law at Harvard University where ‘two profoundly influential years’ introduced him to racial discrimination, disadvantage, and the Civil Rights Movement.[[18]](#endnote-18) Subsequent proposals, strengthened following the surprise and heavily-racialized election victory of Peter Griffiths in Smethwick – and consequent increased acknowledgement of the ‘race issue’ in British politics – forcibly argued that American experience demonstrated that the criminal law was unproductive in race issues due to the reluctance of local law officers and juries to prosecute and convict.[[19]](#endnote-19) This was supported by Conservative MP Peter Thorneycroft who later noted that, due to some states adopting criminal sanctions and others applying conciliation methods, America was ‘rather a good test case’ where conciliation had ‘worked not too badly’ but criminal sanctions had ‘not worked at all’. David Ennals added that, of the cases which fell under the remit of the New York Commission of Human Rights in 1962 with sufficient evidence to investigate, over 98 per cent were settled through conciliation.[[20]](#endnote-20) The proposals were widely circulated and furthered by groups such as the newly-created Campaign Against Racial Discrimination (CARD), which intensified support for conciliation methods and expansion of the Bill’s scope.[[21]](#endnote-21) This lobbying was to shape future discussions because, as Hindell described, most MPs who favoured anti-discrimination legislation ‘were now convinced that the criminal law should not be used’.[[22]](#endnote-22)

Nevertheless, when Soskice published the Race Relations Bill on 9 April 1965, punishment was of a criminal, not civil, nature. This took the form of fines and, for prosecutions falling under incitement and the new offence of ‘stirring up racial hatred’, up to two years’ imprisonment.[[23]](#endnote-23) The Bill thus faced a great deal of criticism. Conservatives resented the curtailing of free speech, whilst supporters of anti-discrimination legislation feared a criminal-law approach would lead to difficulties obtaining convictions.[[24]](#endnote-24) As noted during prior Home Office discussions, legislation which was not easily enforced would likely foster further criticism of the state and ‘revive in full force the suspicions about deliberate police discrimination’.[[25]](#endnote-25) This, however, appeared to have been disregarded upon the Bill’s creation. Furthermore, Metropolitan Police Commissioner Sir Joseph Simpson had previously objected to police involvement in implementing a law ‘widely resented by large sections of the public’ which would ‘inevitably cause further harm to the Police image and a deterioration of public relations’ – clearly highlighting the police perception of such legislation and of the black population itself:

…the ordinary white citizen generally accepts his place in society and makes no attempt to gate crash places where he would not only feel out of place but is clearly unwelcome. Not all immigrants have the ability to do this and for the most part they are hypersensitive over race and colour.[[26]](#endnote-26)

CARD welcomed the Bill as a ‘token’ of government desire for racial equality but criticised its narrow scope, and leaders of the standing conference of West Indian organisations in London deemed it ‘well-meaning but virtually useless.’[[27]](#endnote-27) *The Times* declared that the Bill failed to meet conditions necessary to warrant adding ‘to the calendar of crimes’, and *The* *Observer* called it a ‘botched job’, favouring American-styled conciliation machinery to reduce the responsibility on the judiciary: a ‘clumsy instrument for dealing with social prejudice’.[[28]](#endnote-28) Additionally, examples from other countries, primarily America, led many to conclude that conciliation was vital to limit the amount of spurious prosecutions falling under the Act. For instance, Conservative MP Nigel Fisher noted that conciliation committees in America and Canada meant ‘the great majority of such cases are settled amicably and privately without reference to the courts and without even being heard in public’.[[29]](#endnote-29)

Indeed, the 1965 RRA was created in an international atmosphere of action against racial discrimination, with the influence of the U.S. Civil Rights Act 1964 readily apparent. The United States Information Agency had declared that this Act included ‘more sweeping guarantees of individual liberties to persons of all races, colours and creeds than any legislation enacted in almost a century’ – although the debate whether this Agency was simply a propaganda machine during a time of ideological Cold War conflict must be noted. Plans for such legislation were announced by John F. Kennedy in 1963, following a sustained and high profile African-American Civil Rights Movement prompting Kennedy into action, and the Act passed through the House of Representatives despite more than 100 attempted amendments from Southern Congressmen opposing the ‘excessive power’ that the legislation would give to Federal Government.[[30]](#endnote-30) John Rex claimed that the lack of an equivalent civil rights movement in Britain resulted in such legislation originating from white politicians with troubled consciences rather than black people themselves, thus affecting its success.[[31]](#endnote-31) References to the U.S. Civil Rights Act, and how it proved that legislation in this area could be effective, appeared at all stages of the RRA’s preparation, even to the extent of Solicitor General, Sir Dingle Foot, quoting President Johnson whilst commending the Bill to the Commons.[[32]](#endnote-32)

Additionally, the 1965 RRA was formed during the drafting of the International Convention on the Elimination of All Forms of Racial Discrimination (adopted by the United Nations in December 1965 and enforced January 1969) which, despite the ‘obscure drafting’ of the convention being decried, was clearly considered. For example, it was recorded that necessary obligations undertaken by States under the convention required additional legislation which ‘appear to go wider than the United Kingdom could accept’. Whilst it was suggested that these issues could be resolved, it was also noted that if British legislation was confined to colour alone, rather than including race as the convention had, it would prove impossible to accede to the convention and consequently ‘risk conveying to other nations an entirely misleading impression of our attitudes and intentions’.[[33]](#endnote-33) Despite this fear seeming to display the desire to comply with broader advancements in anti-discrimination legislation, it was later noted in 1967 that Britain could not actually ratify this UN Convention it had signed up for without extending legislation to include areas of discrimination not covered by the 1965 RRA such as housing.[[34]](#endnote-34)

As the Labour Government held a small majority of just three seats, the 1965 Race Relations Bill would require either cross-party support or backing from every single Labour MP.[[35]](#endnote-35) Prior to its second reading, Maurice Foley, Undersecretary of State for Economic Affairs, informed Soskice that they would be ‘under considerable pressure from both sides’ to establish conciliation machinery and, unless they showed intent to do so, ‘the Opposition may well divide the House’. Whilst Foley advocated a commission with wider authority – extending into housing, employment, and education – he also believed it ‘important tactically’ for the government to meet the wishes of the House and establish a conciliation commission ‘within the terms of the present Bill’.[[36]](#endnote-36) The need to appeal to the Opposition to pass legislation, and fear of potential political fallout after an about-turn on inclusion of criminal/civil law, resulted in a Bill fundamentally weaker than even those creating it desired.

Due to the overwhelming reaction, Soskice acknowledged ‘it would be desirable, (and necessary to secure the passage of the Bill)’ to replace criminal sanctions with conciliation and civil remedies.[[37]](#endnote-37) Hindell suggested Soskice had previously recognised that racial discrimination could easily be made either a criminal or civil offence, and was happy to ‘change to suit the popular feeling’ as ‘it doesn’t matter much either way’.[[38]](#endnote-38) Alternatively, to his critics, it seemed that Soskice had been mistaken in favouring criminal punishments and ignorant of available foreign experience.

Soskice himself stated that conciliation commissions had previously been examined but were excluded due to ‘considerable anxiety’: particularly fears they would ‘give rise to a great deal of conflict and complaint which otherwise might not find expression’.[[39]](#endnote-39) However, the political and public pressure to include conciliation led Soskice to circulate a Home Office memorandum advocating such. The commission would possess no judiciary powers and have a ‘purely conciliatory’ role, with the Attorney General given the choice of either prosecuting or referring the case to the commission; although, if the commission failed to achieve a settlement, the Attorney General could not subsequently prosecute. Soskice argued that if such a prosecution were available, ‘there would be no reality in the conciliation machinery; since the person complained against would be put in the position of having to negotiate under duress, i.e. to avoid being prosecuted’. At this stage Soskice also believed that to be effective the committee required extension into other areas of alleged discrimination – in particular ‘employment and perhaps housing’.[[40]](#endnote-40)

Thus, during the Bill’s second reading Soskice strongly suggested establishing a conciliation committee. He claimed ‘careful consideration’ had been previously given to conciliation, but ‘there were serious difficulties in the way of their adoption’. In light of the strength of support, however, he declared: ‘we are quite ready to try again’.[[41]](#endnote-41)

There certainly was strong support from both sides of the House for introducing conciliation. For example, Labour MP Bernard Floud stated that, without such machinery, the Bill ‘does not make the positive contribution to the solution of the problem which could be made’, and Opposition Spokesman on Home Affairs, Peter Thorneycroft MP, claimed many Conservatives had previously favoured conciliation. Labour MP David Ennals added that such apparatus was required ‘partly because this field is a difficult one for legislation and partly because the main task before us is an educational one’.[[42]](#endnote-42) As highlighted previously, there was support from both sides for conciliation and civil remedies, albeit for very different reasons.

The Bill passed its second reading by a narrow margin of 261 to 249 votes and, as described by James Hampshire, this convinced the government to take ‘the unusual step of amending its legislation between the second reading and the committee stage’.[[43]](#endnote-43) Despite this, the Law Officers of the Crown, Attorney General Sir Elwyn Jones and Solicitor General Sir Dingle Foot, expressed ‘considerable reservations’ about conciliation methods, preferring to retain the ‘straightforward’ criminal procedure. As power to prosecute under the RRA lay solely with the Attorney General, a contentious situation discussed below, such reservations are noteworthy. Nevertheless, the draft amendments were accepted by a majority, with Soskice doubting the process would be as slow or difficult as the Law Officers feared.[[44]](#endnote-44)

The RRA which passed thus included conciliation and civil remedies to address racial discrimination in some, although not all, places of public resort. Section Six, addressing incitement to racial hatred, retained criminal sanctions. The legislation did not include other areas previously suggested, such as housing and employment, due to ‘compelling reasons’ from those Ministers directly concerned – although these were not communicated publically. These included: arguments that special measures for certain sections of society were likely to increase discontent and expose local authorities ‘to the very charge of partiality which so far they have successfully, and commendably, avoided’; that such issues were best tackled in ‘other less obtrusive ways’ such as Employment Exchanges or unions; and, moreover, that ‘nobody can be said to have a right to a particular employment or to the purchase of a particular house’.[[45]](#endnote-45) Whilst the inclusion of conciliatory civil remedies could be seen as an improvement, the failure to extend its scope into the areas where these would be most effective severely weakened the Act. Indeed, during discussions regarding extended legislation in 1968, it was highlighted that such areas had initially been excluded to keep the scope of the Bill’s criminal sanctions ‘as limited as possible’, and that one argument against introducing conciliation was that it would ‘increase the pressure to include employment and housing’.[[46]](#endnote-46) When criminal sanctions were replaced with conciliation and civil remedies such pressure was indeed forthcoming, but not fruitful. Governmental weaknesses played a major role in this and, consequently, from its inception the Act was severely restricted in its ability to combat racial discrimination. The desire to limit the number of cases which fell under the RRA was, ironically, to play a key role in stimulating future corrective legislation.

**Race Relations Board**

The response to the passing of the RRA was mixed, as mirrored by the press coverage. Many newspapers praised the Act’s intentions, but were disappointed with its limitations. For example, left-wing publication *Tribune* dubbed it ‘well-meaning and half-hearted’ and *The Guardian* later described it as ‘Britain’s first fumbling essay in tolerance by legislation’.[[47]](#endnote-47) *The Economist* adopted the view that many have since taken that, whilst the law was ‘too feeble’ due to omissions of employment or housing, its value lay in ‘commit[ing] authority in this country to disapproval of racism, without equivocation’.[[48]](#endnote-48) Alternatively, from the political right, the *Daily Mail* questioned whether such a law was needed and preferred to rely on the ‘good sense, tolerance and fair play of the British people’, and *The Times* suggested that this ‘dubious exercise in legislation’ would actually exacerbate existing problems: ‘Good intentions do not necessarily make good laws.’[[49]](#endnote-49) Countering this, and decrying the apparent failure to learn from experiences across the Atlantic, *The New York Times* criticised the prevalent belief that any governmental attempt to end racial discrimination would actually worsen the situation: ‘In Britain all this is a new and strange subject, and it may not be altogether surprising that lessons from the United States are not so quickly learned.’[[50]](#endnote-50) Sociologist Louis Kushnick would later be less forgiving for the failure to learn from American examples, complaining: ‘There is no immutable law which requires every country to make the same mistakes as others.’[[51]](#endnote-51) Likely affected by the Act, a Gallup poll in November 1965 found that 43 per cent of respondents believed that ‘the feeling between white people and coloured people’ was getting worse, and it was in this atmosphere that the Race Relations Board began its work of attempting to enforce the new law.[[52]](#endnote-52)

Section Two of the RRA stipulated the formation of conciliatory machinery to enforce Section One, which made it unlawful to practise racial discrimination in some places of public resort. The three-member Board was to establish local conciliation committees to initially tackle complaints and, if conciliation failed, the Board would refer the case to the Attorney General to decide whether to apply to the High Court for an injunction.[[53]](#endnote-53) Earlier incarnations of the Bill, following its Second Reading in the Commons, had empowered the Board itself to initiate legal proceedings if local committees’ conciliation efforts failed. However, as individual victims of unlawful discrimination were to be denied the right to sue, a cabinet meeting determined that this could be more appropriately justified as ‘a matter of public policy’ if the power to initiate proceedings were awarded to the Attorney General. Furthermore, it was suggested that, as the Board was responsible for the functioning of the local conciliatory committees, the same body should not be responsible for both conciliation and enforcement.[[54]](#endnote-54) Thus, the power to prosecute remained within governmental hands, which wished to limit the number of cases appearing in the courts.[[55]](#endnote-55)

As the Home Office acknowledged during the passage of the RRA, the Board was tasked with operating in ‘new and largely unfamiliar territory’ with the *Daily Mail* bemoaning the lack of ‘experience in administering such an operation, either at home or abroad’.[[56]](#endnote-56) However, further to existing American models, the Board later acknowledged the complementary work being undertaken by the National Committee for Commonwealth Immigrants (NCCI), and their desire for ‘close and continuous liaison’ between the Board’s conciliation committees and the NCCI’s voluntary liaison committees around the country.[[57]](#endnote-57) The NCCI had been established in April 1964 following a recommendation by the Commonwealth Immigrants Advisory Council, and its terms of reference were to ‘promote and co-ordinate on a national basis efforts directed towards the integration of Commonwealth Immigrants into the community’. It did so through the use of voluntary liaison committees around England, of which thirty-nine were listed as functioning in 1966.[[58]](#endnote-58) Whilst initially considered, the suggestion of utilising these committees or other local inter-racial councils for the Board’s work was rejected, as it was ‘uncertain how they will develop or under what other influences they may fall’. Furthermore, some inter-racial councils were concerned with areas of racial discrimination not covered by the Act, such as employment or housing, and ‘to use them for the purposes of the [Act] would be liable to increase the pressure to extend the statutory machinery of conciliation’.[[59]](#endnote-59)

During the Bill’s passage through Parliament, the intention was that the Board would be appointed by early September 1965.[[60]](#endnote-60) It was believed the Bill would receive Royal Assent at the beginning of August, before coming into operation one month later. Prior to Board formation – and their subsequent creation of local conciliation committees – it was acknowledged that there existed ‘no remedy available for the offences created by this part of the Act’.[[61]](#endnote-61) This added increased urgency to constituting the Board, as it was believed the Act would be tested immediately and ‘there would be trouble’ if local committees were not in place to consider complaints.[[62]](#endnote-62) It was widely assumed that Board members’ workload would only be part-time; at least, after the initial effort necessary to create the conciliation machinery of local committees. However, it was also freely admitted that in reality policymakers had no idea how much time membership would actually demand: ‘it may be considerably more depending upon the volume of complaints, which is at present unpredictable’.[[63]](#endnote-63)

Despite uncertainty regarding time commitments, it was generally accepted that the Board would be under close public and political scrutiny and thus demanded ‘necessary standing for its advice is to be followed and its decisions respected’; therefore ‘persons of suitable eminence within the community’ were required.[[64]](#endnote-64) This criterion was certainly adhered to during initial searches for chairman, with the original suggestion of Roger Wilson, Professor of Education and Social Development at the University of Bristol, dismissed as ‘not quite sufficiently well-known’.[[65]](#endnote-65)

One candidate who undeniably embodied the requirements was Sir Learie Constantine, formerly Trinidad and Tobago’s first High Commissioner in London and active during recent key British anti-racism events such as the 1963 Bristol Bus Boycott. His commitment and expertise in this field was beyond question and, moreover, it was believed ‘there would clearly be considerable advantage if [the Board] were to contain one coloured member’. Constantine had been recommended to Soskice by Prime Minister Harold Wilson himself and, agreeing that Constantine could transcend differences between immigrant communities and ‘command confidence in the country generally’, Soskice concluded that he was without ‘any satisfactory substitute’.[[66]](#endnote-66)

Wilson had initially suggested Constantine not just for Board membership, but also as chairman. However, in an outlook highlighting the widespread judgement that the Act was severely limited, Soskice believed:

…the Board is bound to be subjected to a great deal of pressure to take action in matters outside their scope. The main burden of resisting this pressure and of meeting the inevitable criticisms will fall on the Chairman, and the task might well be more difficult for a coloured person, who is bound to be regarded by coloured persons generally as their champion.

Reiterating that Constantine had no ‘satisfactory substitute’, Soskice believed appointing him chairman would establish a leadership precedent and the government might ‘have difficulty in finding another suitably qualified coloured person to replace him when the time comes’.[[67]](#endnote-67) Ironically, this appears to run contrary to the spirit of legislation against racial discrimination which the Board was being established to enforce.

Consequently, a formal invitation was extended to Constantine offering him a role as Board member, immediately accepted ‘with thanks and no hesitation’. As with others, he believed it important that the Board comprised suitable members who would compensate for the Act’s failings: ‘I have had doubts as to whether the Bill goes far enough, but I have consoled myself in the knowledge that coupled with the spirit in which it is operated it may be more effective than a set of words of which few people would take notice.’[[68]](#endnote-68)

As for the other member, Bishop Joost de Blank was believed appropriate. A Canon at Westminster Abbey, he was well known for having expressed the Christian view towards racial questions whilst previously Archbishop of Cape Town. It was thus deemed that his work protesting South African apartheid made him ‘eminently qualified for membership’, demonstrating the often-neglected association between anti-apartheid and anti-racism in Britain, as well as the desire for the appointed Board to be seen to have appropriate experience and expertise.[[69]](#endnote-69) In fact, the only opposition to his appointment was from the Treasury, who believed that he ‘might be regarded as being too “committed”’.[[70]](#endnote-70) Why such commitment to ending racial discrimination would be a disadvantage for this Board is unclear, other than the possibility of further increasing demands for extended legislation and potential criticism directed against those who might be classed as ‘fanatical’. Regardless, De Blank also quickly accepted his appointment.[[71]](#endnote-71) In addition to these members a team of support staff was required, initially designed to be appointed by the Board in consultation with the Home Office; although, due to increasing pressure to establish the Board, the Home Office actually designated staff to be ready as soon as the Board was.[[72]](#endnote-72)

With members found but Constantine rejected for chairmanship, a suitable candidate was needed. It was believed such a person was Kenneth Younger, Director General of the Royal Institute of International Affairs, who was invited to become chairman in November 1965.[[73]](#endnote-73) Such was the belief that Younger would be a fitting choice that an announcement was drafted, to be released upon the Act’s commencement, declaring he had been appointed Board chairman with Constantine and De Blank as members.[[74]](#endnote-74) This proclamation proved premature, as Younger declined the invitation just over a week before the Act came into operation. Younger held a full-time administrative post at the Royal Institute and could accept part-time appointments only with the consent of his Council. As such consent was not forthcoming, Younger could only be ‘most grateful’ for Soskice considering him and ‘very sorry not to be able to accept’.[[75]](#endnote-75)

After the Board’s initial establishment deadline had come and passed, it was decided that it must be in a position to start work upon the Act’s actual commencement on 9 December; indeed, *The Observer* stated on 24 October that the board was ‘almost certain to be set up within the next month’.[[76]](#endnote-76) With the added pressure of this imminent date, Soskice immediately offered the chairmanship to the Earl of Selkirk. Hints of desperation can be seen with Soskice’s stressing this was ‘a part-time appointment’ and in his willingness to decrease the three-year appointment to a shorter period.[[77]](#endnote-77) However, Soskice subsequently decided that, ‘on full reflection’, Selkirk’s chairmanship of the Conservative Commonwealth Council was a disqualification as he would be ‘too much associated with Conservative Commonwealth views’.[[78]](#endnote-78) Soskice thus advocated informing Selkirk of this decision immediately, but Permanent Under Secretary of State Sir Charles Cunningham advised waiting until Selkirk had responded, adding: ‘Even if you decide to withdraw the invitation, I think you would have to see him and this can hardly be tonight.’[[79]](#endnote-79) Selkirk was duly informed his invitation would be withdrawn, albeit at a more sociable time of day. Soskice’s actions in the rush to find a chairman suggest the beginnings of panic that the Board had not yet been appointed despite the Act’s implementation, a source of embarrassment for the government that was highlighted in Parliament.[[80]](#endnote-80)

The RRA was expected to be immediately tested and, without the Board or local conciliation committees, there was no method of dealing with complaints. Shortly before its commencement, the government’s Public Relations Branch considered it likely that the lack of an appointed Board would be decried and thus a public announcement should be made ‘to forestall this criticism’.[[81]](#endnote-81) Such an announcement should ‘be best made in Parliament and not to the Press, both because this would be more fitting and because it would probably generate less vocal public criticism’.[[82]](#endnote-82) This knowledge and understanding of the intimate workings of politics can be viewed as analogous to those in positions of power who were able to successfully circumvent prosecution under the Act itself, discussed in greater detail below.

Further signalling growing desperation to appoint a chairman, Soskice again attempted to persuade Younger to reconsider and accept, as there were ‘very few people properly qualified’. Soskice even further shortened the appointment period to only one year from the previous three. However, Younger was not suitably convinced. He believed the initial work of establishing local committees around the country would require lengthy interviews and generally more commitment than Soskice suggested, otherwise ‘unsuitable appointments’ might be made and ‘the committees would start off on the wrong footing’: a charge that, at this point, might be levelled against the Board’s formation. Therefore, Younger once again declined the position as he believed it was not compatible with his full-time position.[[83]](#endnote-83) The following day, with agreement from Wilson, liberal Lord Frank Byers was offered the position and it was widely believed he would accept.[[84]](#endnote-84)

This was Soskice’s last action in the search to appoint a chairman, as a Wilson cabinet reshuffle in December 1965 relocated him to Lord Privy Seal. Further to his repeatedly described weaknesses as Home Secretary (by historians as well as political peers) of indecision, reliance upon civil servants, and legal obsession, Soskice’s continued ill-health added further impetus for his removal. Indeed, Wilson had informed Soskice he would likely be ‘rested from the arduous duties of the Home Office’ at the Labour Party Conference in Blackpool in late September.[[85]](#endnote-85) Thus, Soskice was working with the knowledge that his tenure was shortly to be over, likely affecting his work. Phillip Allen, Permanent Under Secretary of State for Soskice’s successor Roy Jenkins, noted how Home Office morale had ‘sunk quite low’ during Soskice’s period, and the air of defeatism which encapsulated his spell as Home Secretary can clearly be seen by a written minute: ‘Poor old Home Office. We are not always wrong, but we always get the blame.’[[86]](#endnote-86) Given such a working atmosphere, it is perhaps unsurprising that a Board chairman was not located during Soskice’s incumbency.

Jenkins’ first experience relating to the Board was being informed that Lord Byers had also turned down the chairmanship, similarly citing the workload as greater than he could commit to.[[87]](#endnote-87) Adding to the Board’s problems, Canon Joost de Blank had accepted an invitation to become Bishop of Hong Kong and thus resigned as Board member before it had ever met.[[88]](#endnote-88) The only remaining appointment at this point, Learie Constantine, told the press that he did not know who the other members would be and simply proclaimed: ‘I am waiting to hear from the new Home Secretary’.[[89]](#endnote-89) As his eagerness to participate in the Board’s activities had been previously made clear, it is very likely that he was frustrated by this delay. De Blank was subsequently replaced by Alderman Bernard Langton, Lord Mayor of Manchester. Despite initially rejecting potential candidates on the basis of being ‘not quite sufficiently well-known’, Langton was selected despite many acknowledging they did not know much about him.[[90]](#endnote-90) The desire and increasing panic to appoint a functional Board had seemingly replaced the discerning prerequisites of earlier discussions.

Yet another deadline for finding a chairman was set for the resumption of Parliament on 22 February 1966. By this time, the Home Office had already received complaints under the RRA and there existed no method of addressing them.[[91]](#endnote-91) The Council for Civil Liberties, who had previously expressed to Soskice in July 1965 that the effectiveness of this disappointingly limited Act would ‘depend to a large extent’ on the Board, informed the press of their intention to act upon the matter.[[92]](#endnote-92) They declared in *The Guardian* that, if no Board announcement was made soon, ‘we shall start banging’. Whilst such a public declaration suggested that the ‘banging’ had already begun, further criticism would have added more embarrassment if promises made in the RRA had to be enforced by an external pressure group. CARD chairman, Dr David Pitt, had already charged that ‘the lack of a board showed how little interest the Government took in the problems of racial discrimination’.[[93]](#endnote-93) Certainly, it was not hard to level such accusations against the government when the Act, already far narrower in scope than many believed necessary, still did not have the appropriate enforcement organisation in place months after its enactment.

Many more names continued to be suggested for the chairmanship, all discarded for various reasons, such as being deemed ‘Unacceptable to Ministers’ or ‘Thought unlikely to be available.’ There did appear to be a desire to ‘balance’ the political leanings of chairman and members so that the Board would not attract further criticism through accusations of being ‘unduly left wing’ – the *Daily Mail* posited that a moderate chairman could ‘exercise courteous restraint’ upon other members – but it appears to have been subsequently accepted that some compromise would be necessary.[[94]](#endnote-94)

Eventually the role was offered to Mark Bonham Carter. Literary agent for Jenkins, and believed ‘probably Roy’s closest friend’, Bonham Carter was described by Jenkins himself as ‘a close friend and it could have been regarded as a blatant piece of personal jobbery…[However,] he was doing me and the Government a favour by accepting a thankless job’.[[95]](#endnote-95) Whilst initially also ‘extremely sceptical’ that the responsibility could be undertaken part-time, Bonham Carter changed his mind (likely after encouragement from Jenkins) and accepted the position on 15 February 1966.[[96]](#endnote-96) He appeared fully aware of the Act’s deficiencies and believed that the majority of complaints that the Board would receive would fall outside its scope, causing great discontentment. He thus requested it be made clear that the Home Secretary would entertain recommendations from the Board ‘as to whether or not the Act requires amendment’.[[97]](#endnote-97)

Thirty-four names had been proposed and discussed before Bonham Carter was finally established as chairman of the Race Relations Board. The eventual choice possessed a close friendship with, and undoubted influence over, the Home Secretary, viewing the role as a means to improve a feeble Act. Indeed, within just six weeks of his appointment, Bonham Carter had already written to Jenkins outlining the need for extended legislation.[[98]](#endnote-98) Whilst Soskice had originally desired the 1965 RRA to be ‘the last step’ in such legislation, the shambolic and lengthy appointment of Board members to enforce the new law was as damaging to the Act’s reputation as its legislative limitations and failings, all but confirming that extended legislation would be demanded.

**Meeting of the Board**

With a chairman finally located, the first meeting of the Board took place on 9March 1966, some six months later than originally desired.[[99]](#endnote-99) As even the Board’s Secretary remarked, ‘the Race Relations Board has at last been constituted and we can now get down to work!’[[100]](#endnote-100) During initial discussions regarding the Bill, it was considered undesirable for local committees’ first actions to be dealing with ‘a large backlog of complaints extending over several months’.[[101]](#endnote-101) However, as three months had passed between the Act’s commencement and the Board being in a position to establish committees to actually act upon complaints, this is exactly what occurred.

It had been repeatedly suggested that the RRA would be tested immediately upon its enactment and, to a certain extent, it was. For example, the Co-ordinating Committee against Racial Discrimination in Birmingham stated their intention to test the powers of the Act in twenty-six local pubs and, in what appears a coordinated examination of the new legislation, multiple complaints of racial discrimination against the licensee of The George public house in Brixton were made to the police and subsequently forwarded to the Board.[[102]](#endnote-102) Two men, characterised by the police as ‘excitable’, who visited Brixton Police Station to lodge a complaint on 2 January 1966, reportedly left angry after the police referred them to the Board rather than having immediately intervened. Some three days later, a delegation of four further men made similar accusations and, as the police noted, it appeared their visit to The George was for the ‘sole purpose of testing the effect of the Race Relations Act’. As their members included a well-known member of the St. John’s Inter-Racial Club, a Methodist Reverend, and a reporter for local newspaper *South London Press*, it seems a fair conclusion. The police advised this group that their complaint would be forwarded to the local conciliation committee for their consideration once it had been formed but, in the meantime, ‘it would be as well not to return’ to The George. Meanwhile, the licensee Charles Westcott, who had been previously demonstrated against due to segregation of white and black customers, appeared less than contrite: ‘I suppose some of the monkeys round here have been complaining that I won’t serve them – well, that’s my business’.[[103]](#endnote-103) This limited response to now illegal racial discrimination prompted letters to both Jenkins and Wilson inquiring whether the Board ‘is functioning or intends to function’ because, ‘as there is no conciliation committee in existence at the local level yet we are afraid lest this whole matter fall to the ground by default’.[[104]](#endnote-104) Following later investigation by the Greater London Conciliation Committee (once established in July 1966), the case was dropped with the complainants promising to pursue future action if discrimination continued.[[105]](#endnote-105) Whilst no future complaints appear to have been lodged, Michael Keith highlighted a number of protests and local marches occurring throughout the 1960s and 1970s regarding the pub’s treatment of black people, suggesting that it was believed the Board was ineffective and thus not worth utilising.[[106]](#endnote-106) It is not insignificant that The George was one of two pubs later targeted and destroyed during the 1981 disturbances in Brixton; the other, the Windsor Castle, having faced similar accusations of sustained racist conduct. This was described by the National Council for Civil Liberties as ‘an act of revenge against white managers who have discriminated against black drinkers’, and by local newspaper *South London Press* as ‘undoubtedly an act of revenge for years of racial discrimination’, further suggesting growing discontent with the seemingly ineffective British state and move to more militant tactics in later years.[[107]](#endnote-107)

The first complaint addressed directly to the Board, from one K.H. Mirza on 7 January 1966, concerned a case of discrimination where a Pakistani man was refused service in a public house in Stoke-on-Trent. He was told by the Home Office that the Board would be informed of his complaint, just as soon as it had been established.[[108]](#endnote-108) This same answer was sent to many others who registered complaints prior to the Board’s establishment, with some being notified that ‘in the meantime, while the Secretary of State greatly deplores manifestations of racial prejudice…he has no power to intervene’.[[109]](#endnote-109) This insistence that the Home Secretary disapproved of racial discrimination could have served as only cold comfort to those suffering discrimination despite a law having been passed to prevent it. It certainly did nothing to improve the spreading discontent within members of the black community towards the British authorities, who appeared unable or unwilling to protect them from racial discrimination.

Moreover, before the Board had even met for the first time the limitations of the Act were already exposed. A complaint regarding an eighteen-year-old Jamaican woman being refused service, because ‘“black bastards” were not served at the shop’, received the blunt response that the provisions of the Act ‘do not apply to shops’.[[110]](#endnote-110) An amendment to extend the Bill to shops had been tabled during its creation, but was resisted due to the belief it would ‘lead to innumerable trivial complaints’ and that there was no evidence of discrimination in shops.[[111]](#endnote-111) Despite the similarity between this case and the public house incidents detailed above, the Board could only address discrimination which fell within the narrow remit of the Act and its restrictions and failings were therefore already being exposed. It would take an extended 1968 RRA before all places of public resort and the provision of goods and services were covered.

The Act’s limitations were made even clearer following its first conviction. Seventeen-year-old labourer Christopher Britton was prosecuted on 17 October 1966, after fixing a pamphlet onto the door of Labour MP Sydney Bidwell which declared: ‘Blacks not wanted here.’ A British National Socialist Party member who favourably compared himself to Adolf Hitler, Britton was charged under Section Six of the Act with ‘distributing written matter with intent to stir up hatred against the coloured population’. His lawyer, David Wild, argued ‘blacks not wanted here’ was not insulting and therefore should not come under the Act – he boldly described Britton’s words as ‘merely a statement of fact’. Wild also contested that the words were not likely to stir up hatred, ‘except possibly towards those responsible for the pamphlets’. This defence did not exonerate Britton, described by Ewen Montagu QC as ‘an evil person’ who deserved ‘a long prison sentence’; however, Britton was deemed ‘mentally sick’ and consequently sentenced to Borstal training. This conviction was quashed two months later by the Court of Appeal, who determined it ‘impossible’ to describe the posting of pamphlets on a door as distribution to the public: ‘It might amount to publication if passers-by could see them, but at the time it had been dark.’[[112]](#endnote-112) Whilst this case fell outside its purview, due to incitement appearing under Section Six of the Act rather than Section One which it was tasked to enforce, the Board’s reaction to this decision was conspicuously silent.[[113]](#endnote-113)

The failure of this prosecution to stick was seen to undermine the Act, and highlight the issue of the Attorney General maintaining control over potential prosecutions. Alan Watkins, writing in *The Spectator*, ‘unequivocally’ blamed the Attorney General for this ‘smelly little prosecution’, and Lester and Bindman similarly lamented that it was ‘unfortunate that [he] had chosen such a weak case’.[[114]](#endnote-114) In fact, the Association for the Defence of African People deemed it so feeble a case that they even organised a petition requesting that the Home Secretary intervene, believing that it revolved around ‘a few silly leaflets’ and that ‘if harsh sentences are imposed offenders will inevitably attract a great deal of sympathy’.[[115]](#endnote-115) Unsurprisingly, the case was pounced upon by those opposed to such legislation as evidence that this was an area where the law could not adequately function. Indeed, those of such opinion highlighted it in Parliament as ‘the kind of ferocious consequence that this type of legislation can produce’, and stated ‘we ought to remember that legislation cannot create good will but can create ill-will’. Proponents countered that, rather than suggesting such laws were not needed or would aggravate problems, this incident merely proved the limits of the current Act: ‘[Section Six] is only an insignificant part of the Bill, because incidents involving incitement are insignificant when compared to the instances of discrimination…we should be thinking about discrimination and the appropriate remedies for it’.[[116]](#endnote-116)

The various limitations of the Act were often exposed, both regarding anti-discrimination and incitement to racial hatred. Schaffer has provided examples of how, beginning with the Racial Preservation Society in 1968, those with a working understanding of the boundaries of the law could alter and frame their language as to avoid prosecution by arguing they had no racist intent. Those less experienced with the British legal system were not always as shrewd, giving rise to the perception that black activists were more readily prosecuted than white counterparts.[[117]](#endnote-117) Such a situation had been predicted in 1965 by Alan Watkins, who astutely forecast: ‘In practice…whether [someone] is convicted is likely to depend on his journalistic skill in blurring edges and saying slightly less than he evidently means…[It will] work unfairly as between the literate and the less literate’.[[118]](#endnote-118)

No example of this is more illustrative than Enoch Powell’s infamous ‘Rivers of Blood’ speech in Birmingham on 20 April 1968, arguably the embodiment of many people’s view of ‘incitement to racial hatred’. It certainly was so for the twenty-five individuals and numerous organisations who urged the Attorney General, Sir Elwyn Jones, to prosecute Powell under the RRA. However, Jones, ‘after careful consideration’, decided not to take criminal proceedings.[[119]](#endnote-119) Whilst again demonstrating the issue of the Attorney General possessing ultimate power over anti-racist legislation, it is likely this decision was influenced by previous failures to successfully prosecute under the RRA.[[120]](#endnote-120) This outcome angered many, but it was unsurprising to those MPs with a legal background as they believed it would have been extremely difficult to prove an offence. In other words, Powell, and by extension others, could easily escape prosecution by simply stating they had no intention of inciting racial hatred. Furthermore, despite the speech’s extensive coverage in the press, it could have been argued that Powell was not speaking at a ‘public meeting’, due to being at a meeting of the West Midlands Area Conservative Political Centre not open to the public at large. Tariq Ali, demonstration leader against racial discrimination, concluded that the decision ‘makes a mockery of the whole law and establishes a very bad precedent’. Furthermore, John Salakov, secretary of the Middle East Africa League, added they had ‘always feared’ the ‘administrative machine might be lenient in certain cases involving V.I.P.s’.[[121]](#endnote-121) Their and others’ fears of the RRA’s limitations were certainly not unfounded.

Just six months after the 1965 RRA’s commencement, Labour MP Maurice Orbach proposed an amendment to extend the law to include housing and employment, empower the Board with statutory authority, and extend the definition of ‘incitement to racial hatred’.[[122]](#endnote-122) Fenner Brockway introduced a similarly-worded private Bill into the Lords in November 1966 – perhaps unsurprising considering his repeated unsuccessful attempts to introduce legislation to end racial discrimination since 1955.[[123]](#endnote-123) The government assured Parliament they would re-examine the situation after reports were published on how the Act was functioning, and therefore both proposed amendments were either withdrawn or did not gain sufficient support for a third reading. However, suggestions for stronger legislation had been effectively publicised, which would lead to the extension of anti-discrimination legislation beginning with the 1968 RRA.

**Legacy**

In April 1967 the Board produced its first annual report. By this time they had established five conciliation committees to cover all complaints received throughout England and Wales, although between June and December 1966 only one conciliation officer was employed and consequently local committees were operating for most of their first year without professional assistance. This made investigating complaints a slow and arduous process. Significantly, out of 327 complaints received by the Board in this first year, 238 – or 73 per cent – were deemed outside the scope of the Act. Despite these deficiencies, the Board concluded that ‘the mere passage of the law probably decreased the incident of discrimination’. Whilst this was likely true, the weaknesses of the RRA and Board meant that racial discrimination was not attacked in the way that had been hoped or promised. As demanded by Bonham Carter when he accepted chairmanship, the report contained a summary of the deficiencies of the Act. Despite acknowledging failings, and undoubtedly attempting to negate arguments that this weak legislation should be scrapped entirely, the Board nevertheless stated the Act had proved ‘workable and effective’ and that ‘the same principles might successfully be applied to other areas where discrimination occurs’; hence recommending legislation be extended into housing, employment, financial facilities, and places of public resort not previously covered.[[124]](#endnote-124) The strength of feeling behind this and its influence can clearly be seen through reports that Bonham Carter was ‘hinting privately that he may resign if his friend Roy Jenkins fails to persuade the Cabinet to accept the demands’.[[125]](#endnote-125) Following the Board’s report, multiple MPs questioned whether the Act would be amended and extended.[[126]](#endnote-126)

The recommendation to extend legislation was endorsed and repeated by numerous others, many of whom criticised the 1965 RRA for not having addressed these areas of major discrimination. Further to the Board’s report, two studies published reports in 1967 calling for increased legislation. One such report, from think tank Political and Economic Planning, had carried out investigations into the extent of discrimination within Britain. Firms against which claims of discrimination had been made were examined, with three testers (a white Englishman, a white Hungarian, and ‘a coloured man of the same origin’ as the initial accuser of discrimination, all possessing comparable experience and qualifications) sent to apply for the same type of job. In thirty cases, the report found no instances of discrimination against the English tester, thirteen against the Hungarian, and twenty-seven against the ‘coloured’ tester. In a similar housing investigation of sixty properties, forty-five exhibited discrimination towards the West Indian tester.[[127]](#endnote-127) Both this and the *Street Report*, published November 1967, thus advocated extending the law to cover employment, economic services, and housing.[[128]](#endnote-128) These suggestions were widely supported by politicians and the press, with *The Observer* stating that Jenkins ‘need look no further…for a model of what the new system should be like’.[[129]](#endnote-129)

Conversely, proposals to extend anti-discrimination legislation into wider areas were met by reservations similar to those that had limited the scope of the 1965 RRA; that ‘many practical difficulties’ discouraged extension into housing and employment. However, whilst formerly believed conclusive, growing pressure meant that the authorities acknowledged that ‘previous arguments may now need to be re-examined’.[[130]](#endnote-130) By this time, important lessons had been learnt from the groundwork of the 1965 RRA. As Orbach stated, ‘the Act has, in one short year, proved the validity of legislation’.[[131]](#endnote-131) Furthermore, the 1966 General Election returned a greater Labour majority, increasing from unworkably small to ninety-six. This allowed for fewer concessions to the Opposition, permitting successive Home Secretaries Roy Jenkins and James Callaghan to promote wider and broader legislation. Jenkins especially has been seen as responsible for wide-ranging social reforms. Allen concluded that, despite its short duration, his tenure as Home Secretary ‘had a marked and lasting effect on the country’s culture and social values. Many politicians would have been content to have achieved as much in a lifetime.’[[132]](#endnote-132) Indeed, as *The Guardian* summarised, Jenkins ‘made little secret of his support for stiffer legislation’ and Allen confirmed that Jenkins was ‘anxious to play an active part in improving race relations’ – a commendation never directed towards Soskice.[[133]](#endnote-133) This was not unnoticed by other MPs, who agreed with Jenkins’ overall conclusion that Soskice had been ‘a remarkably bad Home Secretary’.[[134]](#endnote-134)

During the debate on Orbach’s proposed amendment Bill in December 1966, Labour MP Paul Rose lamented that the 1965 RRA:

…has left us in a situation where discrimination is out-lawed in precisely those places where it is least likely to occur and incitement is outlawed where it is least likely to be effective. The problem at that time was not faced up to squarely by the then Home Secretary. I am confident that a far more responsive and sympathetic attitude will come from the Home Office today.[[135]](#endnote-135)

Soskice’s weaknesses, which had contributed to his removal as Home Secretary, paved the way for the more progressive Jenkins to strengthen the feeble legislation. Jenkins’ approach was seemingly shared by his successor Callaghan, who, prior to the passing of the 1968 Act, emphasised that ‘legislation must be comprehensive’.[[136]](#endnote-136) Echoing pleas that went unheeded during the debate on the 1965 RRA, R.S. Moore of the University of Durham argued: ‘The determined and persistent discriminator will not be stopped by extended legislation; but the fact that there will always be stealing and killing does not prevent us from passing laws against larceny and murder.’[[137]](#endnote-137) Unlike the debate on the 1965 RRA, this time such arguments were accepted.

A stronger Home Secretary and government, in conjunction with proof from the 1965 RRA that anti-discriminatory legislation could function, allowed calls for extended legislation to be passed in the form of the 1968 RRA, with subsequent legislation further strengthening anti-discriminatory laws in Britain – both within race relations and into other areas. However, even more comprehensive legislation did not solve the issues for ethnic minorities living in Britain. Research conducted by the Policy Studies Institute in the 1980s showed that levels of racial discrimination were largely unaffected by successive legislation, and Tom Rees argued that widespread institutional, cultural, and societal discrimination could not be effectively challenged through systems which relied upon complaints from victims.[[138]](#endnote-138) In this context, it is perhaps less surprising that some members of ethnic minority communities participated in collective violence during the 1980s, wishing to obtain for themselves increased political participation within Britain which seemed otherwise unforthcoming.

The 1965 RRA was created and passed within a broader international context of beginning to recognise and address the need for anti-discrimination legislation, intended to ease racial tensions as part of a ‘package deal’ with increasingly stricter immigration controls. If it can be seen ultimately as an abject failure to outlaw racial discrimination in Britain, its lasting legacy was to demonstrate that there was a place for such legislation and to set a framework for future development. However, as this article has argued, the disarray and limitations inherent in the creation of the initial Bill and Board go further than has been previously discussed in explaining this failure, highlighting that the authorities’ opinion towards racial issues in this period was one of attempting to diminish and depoliticise them. A weak Bill from the outset enforced by a shambolically created Board, it is little wonder that the 1965 RRA did little to decrease the levels of racial discrimination and instead actually stimulated calls for increased legislation which Soskice initially deemed ‘an ugly’ prospect.

**Notes**

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1. Parliamentary Debates (Commons), 716, 16 July 1965, 1055. [↑](#endnote-ref-1)
2. The Race Relations Act, the Public General Acts (1965), part 2, chapter 73, 1615, 8 November 1965. [↑](#endnote-ref-2)
3. Saggar, *Race and Politics*, 81; Bleich, *Race Politics*, 61. [↑](#endnote-ref-3)
4. Schaffer, ‘Legislating against Hatred’, 251-275. [↑](#endnote-ref-4)
5. ‘The Working of the Commonwealth Immigrants Act 1962: A Package Deal’, Frank Soskice, HO 376/68, The National Archives (TNA); Miles and Phizacklea, *Racism and Political Action*, 24. [↑](#endnote-ref-5)
6. Geddes, *Politics of Immigration and Race*, 49-51. See also Layton-Henry, *Politics of Immigration*; Keith, *Race, Riots and Policing*; Fryer, *Staying Power*. [↑](#endnote-ref-6)
7. Katznelson, *Black Men, White Cities*, 126; Ashford, *The Limits of Consensus*, 239. [↑](#endnote-ref-7)
8. Banton, *Promoting Racial Harmony*, 69; Fielding, *The Labour Governments, 1964-70*, 152. See also Hampshire, ‘Immigration and Race Relations’, 321; Goulbourne, *Race Relations in Britain since 1945*, 102. [↑](#endnote-ref-8)
9. Bleich, *Race Politics*, 52. [↑](#endnote-ref-9)
10. Hindell, ‘Race Relations Bill’, 390-405. [↑](#endnote-ref-10)
11. Frank Soskice to the Earl of Selkirk, 6 December 1965, HO 376/161, TNA. [↑](#endnote-ref-11)
12. For example, Nick Kimber described that the Board consisted ‘of a chair and two other members appointed by the Home Secretary’ and that it ‘established local conciliation committees tasked with considering complaints of discrimination’: Kimber, ‘Race and Equality’, 35. [↑](#endnote-ref-12)
13. Lester and Bindman, *Race and Law*, 122. [↑](#endnote-ref-13)
14. ‘The New Britain’, Labour Party General Election Manifesto, 1964; Lester and Bindman, *Race and Law*,109-110. [↑](#endnote-ref-14)
15. Sir Charles Cunningham to Frank Soskice, 8 December 1964, HO 376/12, TNA. [↑](#endnote-ref-15)
16. Hindell, ‘Race Relations Bill’, 398; Jenkins, *A Life at the Centre*, 175. [↑](#endnote-ref-16)
17. Hindell, ‘Race Relations Bill’, 393-4. [↑](#endnote-ref-17)
18. Bleich, *Race Politics*, 54. [↑](#endnote-ref-18)
19. Hindell, ‘Race Relations Bill’, 394-6. Despite such clear support of American examples, there appeared no detailed discussion of the possible influence of the American dual system of state and federal law on obtaining convictions. [↑](#endnote-ref-19)
20. Parliamentary Debates (Commons), 711, 3 May 1965, 948, 992. [↑](#endnote-ref-20)
21. Lester and Bindman, *Race and Law*,110-112. For discussion of the influence of CARD on Race Relations policy in Britain, see Perry, *London is the Place for Me*, 187-243. [↑](#endnote-ref-21)
22. Hindell, ‘Race Relations Bill’, 396. [↑](#endnote-ref-22)
23. Race Relations HC Bill (1965-66) [125], cls 1, 3. [↑](#endnote-ref-23)
24. Joppke, *Immigration and the Nation-state*, 228. [↑](#endnote-ref-24)
25. P.L. Taylor to K.A.L. Parker, 28 October 1964, HO 325/165, TNA. [↑](#endnote-ref-25)
26. Sir Joseph Simpson to R.J. Guppy, 7 December 1964, HO 376/3, TNA. [↑](#endnote-ref-26)
27. *The Observer*, 11 April 1965. [↑](#endnote-ref-27)
28. *The* *Times*, 8 April 1965; *The Observer*, 11 April 1965. [↑](#endnote-ref-28)
29. Parliamentary Debates (Commons), 709, 23 March 1965, 390. [↑](#endnote-ref-29)
30. ‘House of Representatives Passes Civil Rights Bill’, United States Information Service, 12 February 1964, FO 371/174336, TNA. [↑](#endnote-ref-30)
31. Roy Hattersley famously summarised this ‘white guilt’: ‘Integration without control is impossible. Control without integration is morally indefensible’; Rex, ‘Black militancy and class conflict’, 89. [↑](#endnote-ref-31)
32. Parliamentary Debates (Commons), 711, 3 May 1965, 1049. [↑](#endnote-ref-32)
33. Obligations deemed ‘wider than the United Kingdom could accept’ included the freedom of movement within the border of the State, as it was feared that the UK may be regarded as one State together with its colonies. ‘Racial Incitement and Racial Discrimination’, December 1964, HO 376/3, TNA. [↑](#endnote-ref-33)
34. M. Hornsby to Mr. Bennett, 28 June 1967, HO 376/176. [↑](#endnote-ref-34)
35. The 1964 general election returned a four-seat majority for Labour but MP for Leyton, Reginald Sorensen, was made a life peer to create a vacancy in a safe seat for the Foreign Secretary, Patrick Gordon Walker, who had been defeated in the 1964 Smethwick election. However, the by-election on 21 January 1965 was won by Ronald Buxton, a gain for Conservatives thus reducing Labour’s majority to three. [↑](#endnote-ref-35)
36. Maurice Foley to Frank Soskice, 23 April 1965, HO 376/5, TNA. [↑](#endnote-ref-36)
37. Note of a Meeting, 17 May 1965, HO 376/70, TNA; Frank Soskice to Maurice Foley, 26 April 1965, HO 376/5, TNA. [↑](#endnote-ref-37)
38. Hindell, ‘Race Relations Bill’, 398. [↑](#endnote-ref-38)
39. Soskice to Foley, 26 April 1965, HO 376/5, TNA. [↑](#endnote-ref-39)
40. Memorandum attached with Soskice to Foley, 26 April 1965, HO 376/5, TNA. [↑](#endnote-ref-40)
41. Parliamentary Debates (Commons), 711, 3 May 1965, 929. [↑](#endnote-ref-41)
42. *Ibid.*, 945, 970, 991. [↑](#endnote-ref-42)
43. Hampshire, ‘Immigration and Race Relations’, 320. For discussion of the committee stage, including its membership and failures at attempted strengthening of the Bill, see Hindell, ‘Race Relations Bill’, 401-5. [↑](#endnote-ref-43)
44. Note of meeting, 17 May 1965, HO 376/70, TNA. [↑](#endnote-ref-44)
45. Richard Crossman to Frank Soskice, 30 November 1964, HO 376/3, TNA; ‘Race Relations Bill: Provisions on Discrimination, Notes for Third Reading’, HO 376/7, TNA. [↑](#endnote-ref-45)
46. Anthony Rawsthorne, ‘Race Relations Act 1965 – An Analysis’, February 1968, HO 376/12, TNA. [↑](#endnote-ref-46)
47. *Tribune*, 16 April 1965; *The Guardian*, 13 January 1967. [↑](#endnote-ref-47)
48. *The Economist*, 10 April 1965, 1 May 1965. [↑](#endnote-ref-48)
49. *Daily Mail*, 4 May 1965; *The Times*, 8 April 1965, 4 May 1965. [↑](#endnote-ref-49)
50. *The New York Times*, 8 January 1967. [↑](#endnote-ref-50)
51. Kushnick, ‘British Anti-discrimination Legislation’, 266. [↑](#endnote-ref-51)
52. Gallup, *Gallup International Public Opinion Polls*, 838. [↑](#endnote-ref-52)
53. The Race Relations Act (1965), 1615-18. [↑](#endnote-ref-53)
54. CC 31 (65) 3, 20 May 1965, CAB 128/39, TNA. [↑](#endnote-ref-54)
55. Hampshire, ‘Immigration and Race Relations, 321; Schaffer, ‘Legislating against Hatred’, 257. [↑](#endnote-ref-55)
56. ‘Race Relations Bill: Provisions on Discrimination, Notes for Third Reading’, HO 376/7, TNA; *Daily Mail*, 18 April 1966. [↑](#endnote-ref-56)
57. *Report of the Race Relations Board for 1966-67*, 12. [↑](#endnote-ref-57)
58. ‘List of Voluntary Liaison Committees, High Commissions and Other Organisations Concerned with Commonwealth Immigrants’, National Committee for Commonwealth Immigrants, CK 2/26, TNA. [↑](#endnote-ref-58)
59. R.J. Guppy to Frank Soskice, 19 May 1965, HO 376/70, TNA. [↑](#endnote-ref-59)
60. G.P. Renton to Mr Moy, 5 July 1965, HO 376/161, TNA. [↑](#endnote-ref-60)
61. R.R. Pittam to J. Littlewood, 12 July 1965, HO 376/161, TNA. The Bill actually achieved Royal Assent on 8 December 1965. [↑](#endnote-ref-61)
62. R.J. Guppy to Frank Soskice, 7 July 1965, HO 376/7, TNA. [↑](#endnote-ref-62)
63. Pittam to Littlewood, 12 July 1965, HO 376/161, TNA. [↑](#endnote-ref-63)
64. *Ibid*. [↑](#endnote-ref-64)
65. Miss M.R. Bruce to K.P. Witney, 13 July 1965, HO 376/161, TNA. [↑](#endnote-ref-65)
66. Frank Soskice to Arthur Bottomley, 8 October 1965, HO 376/161, TNA. [↑](#endnote-ref-66)
67. Frank Soskice to Harold Wilson, 17 November 1965, HO 376/161, TNA. [↑](#endnote-ref-67)
68. Sir Learie Constantine to Frank Soskice, 30 November 1965, HO 376/161, TNA. [↑](#endnote-ref-68)
69. Frank Soskice to Harold Wilson, 10 November 1965, HO 376/161, TNA; Lord Stonham to Frank Soskice, 11 October 1965, HO 376/161, TNA. [↑](#endnote-ref-69)
70. K.P. Witney to R.J. Guppy, 26 July 1965, HO 376/161, TNA. [↑](#endnote-ref-70)
71. Reverend Joost de Blank to Frank Soskice, 26 November 1965, HO 376/161, TNA. [↑](#endnote-ref-71)
72. Pittam to Littlewood, 12 July 1965, HO 376/161, TNA. [↑](#endnote-ref-72)
73. Note of Meeting, 6 October 1965, HO 376/161, TNA; Soskice to Wilson, 10 November 1965, HO 376/161, TNA. [↑](#endnote-ref-73)
74. Draft of announcement confirming members of Race Relations Board, November 1965, HO 376/161, TNA. [↑](#endnote-ref-74)
75. Kenneth Younger to Frank Soskice, 29 November 1965, HO 376/161, TNA. [↑](#endnote-ref-75)
76. Sir Charles Cunningham to Frank Soskice, 20 September 1965, HO 376/161, TNA; *The Observer*, 24 October 1965. [↑](#endnote-ref-76)
77. Soskice to Selkirk, 6 December 1965, HO 376/161, TNA. [↑](#endnote-ref-77)
78. Frank Soskice to Sir Charles Cunningham, 9 December 1965, HO 376/161, TNA. [↑](#endnote-ref-78)
79. Annotation by Cunningham on letter from Soskice, 9 December 1965, HO 376/161, TNA. [↑](#endnote-ref-79)
80. Parliamentary Debates (Commons), 722, 8 December 1965, 123W. [↑](#endnote-ref-80)
81. R.J. Guppy to R.F.D. Shuffrey, 6 December 1965, HO 376/161, TNA. [↑](#endnote-ref-81)
82. K.P. Witney to R.J. Guppy, 3 December 1965, HO 376/161, TNA. [↑](#endnote-ref-82)
83. Memo from R.F.D. Shuffrey, 15 December 1965, HO 376/161, TNA; Kenneth Younger to Frank Soskice, 16 December 1965, HO 376/161, TNA. [↑](#endnote-ref-83)
84. John Hewitt to R.F.D. Shuffrey, 28 December 1965, HO 376/161, TNA; G.L. Angel to R.M. Morris, 17 December 1965, HO 376/161, TNA. [↑](#endnote-ref-84)
85. Wilson, *The Labour Government, 1964-1970*, 190-1; Jenkins, *Life at the Centre*, 175, 178. [↑](#endnote-ref-85)
86. Allen, ‘A Young Home Secretary’, 63; Jenkins, *Life at the Centre*, 181. [↑](#endnote-ref-86)
87. Frank Byers to Victor Stonham, 30 December 1965, HO 376/161, TNA. [↑](#endnote-ref-87)
88. De Blank would later become chairman of the Greater London Conciliation Committee. Joost de Blank to Roy Jenkins, 17 January 1966, HO 376/161, TNA. [↑](#endnote-ref-88)
89. *Daily Mail*, 11 January 1966. [↑](#endnote-ref-89)
90. Sir Charles Cunningham to Sir Laurence Helsby, 19 January 1966, HO 376/161, TNA; Sir Laurence Helsby to Sir Charles Cunningham, 24 January 1966, HO 376/161, TNA. [↑](#endnote-ref-90)
91. Sir Charles Cunningham to Roy Jenkins, 17 January 1966, HO 376/161, TNA. [↑](#endnote-ref-91)
92. Martin Ennals to Frank Soskice, 9 July 1965, TNA: CK 2/11. [↑](#endnote-ref-92)
93. *The Guardian*, 21 December 1965. [↑](#endnote-ref-93)
94. Note of Meeting, 6 October 1965, HO 376/161, TNA; *Daily Mail*, 10 December 1965. [↑](#endnote-ref-94)
95. McIntosh, ‘Balliol’, 14; Jenkins, *Life at the Centre*, 188. [↑](#endnote-ref-95)
96. Mark Bonham Carter to Roy Jenkins, 7 February 1966, HO 376/161, TNA; Bonham Carter to Jenkins, 15 February 1966, HO 376/161, TNA. [↑](#endnote-ref-96)
97. Bonham Carter to Jenkins, 15 February 1966, HO 376/161, TNA. [↑](#endnote-ref-97)
98. Bonham Carter to Jenkins, 25 April 1966, CK 2/16, TNA. [↑](#endnote-ref-98)
99. Minutes of the first meeting of the Race Relations Board, 9 March 1966, CK 2/9, TNA; Renton to Moy, 5 July 1965, HO 376/161, TNA. [↑](#endnote-ref-99)
100. G.H. Roberts to Nicholas Deakin, 24 February 1966, CK 2/26, TNA. [↑](#endnote-ref-100)
101. Guppy to Soskice, 7 July 1965, HO 376/7, TNA. [↑](#endnote-ref-101)
102. *Daily Mirror*, 12 November 1965; Metropolitan Police Report, L. 16/2/66, 6 January 1966, CK 2/11, TNA; Metropolitan Police Report, L. 16/1, 2 January 1966, CK 2/11, TNA. [↑](#endnote-ref-102)
103. *South London Press*, 11 January 1966. [↑](#endnote-ref-103)
104. Cecil G. Collier to Roy Jenkins, 10 January 1966, CK 2/11, TNA; Collier to Harold Wilson, 10 January 1966, CK 2/11, TNA; Reverend Ronald Crewes to George Thomas, undated, CK 2/11, TNA. [↑](#endnote-ref-104)
105. Paper 114, Race Relations Board, 9 February 1967, CK 2/14, TNA. [↑](#endnote-ref-105)
106. Keith, ‘“Something Happened”’, 281. [↑](#endnote-ref-106)
107. Submission to Scarman Inquiry from National Council for Civil Liberties, 15 June 1981, HO 266/119, TNA; *South London Press*, 14 April 1981. [↑](#endnote-ref-107)
108. K.H. Mirza to Race Relations Board, 7 January 1966, CK 2/11, TNA; R.A. Eilbeck to K.H. Mirza, 10 January 1966, CK 2/11, TNA. [↑](#endnote-ref-108)
109. G.M.B. Owen to the Reverend Ronald Crewes, 28 January 1966, CK 2/11, TNA; Owen to The Secretary, St. John’s Inter-Racial Social and Cultural Club, 28 January 1966, CK 2/11, TNA. [↑](#endnote-ref-109)
110. Brixton Police Station, ‘L’ division, ‘Alleged Racial Discrimination’, 13 January 1966, CK 2/11, TNA; C.H. Roberts to The Commissioner of Police of the Metropolis, New Scotland Yard, 4 February 1966, CK 2/11, TNA. [↑](#endnote-ref-110)
111. Parliamentary Debates (Lords), 269, 5 August 1965, 516. [↑](#endnote-ref-111)
112. *The New York Times*, 18 October 1966; *The Sun*, 18 October, 29 October 1966; *The* *Times*, 18 October, 29 October, 20 December 1966. [↑](#endnote-ref-112)
113. Race Relations Board, Minutes of meetings 12-13, CK 2/9, TNA; Race Relations Board, Minutes of meetings 14-15, CK 2/10, TNA. [↑](#endnote-ref-113)
114. *The Spectator*, 4 November 1966; Lester and Bindman, *Race and Law*,368. [↑](#endnote-ref-114)
115. *The Guardian*, 28 November 1966. [↑](#endnote-ref-115)
116. Parliamentary Debates (Lords), 278, 19 December 1966, 1866, 1894. [↑](#endnote-ref-116)
117. Schaffer, ‘Legislating against Hatred’, 264-75. [↑](#endnote-ref-117)
118. *The Spectator*, 16 April 1965. [↑](#endnote-ref-118)
119. J.F. Claxton to S. Edwards, 3 May 1968, DPP 2/4504, TNA. [↑](#endnote-ref-119)
120. Schaffer, ‘Legislating against Hatred’, 275. [↑](#endnote-ref-120)
121. *Daily* *Telegraph*, 3 May 1968; *The* *Times*, 3 May 1968. [↑](#endnote-ref-121)
122. Parliamentary Debates (Commons), 729, 15 June 1966, 1462. [↑](#endnote-ref-122)
123. Parliamentary Debates (Lords), 278, 23 November 1966, 238. [↑](#endnote-ref-123)
124. *Report of the Race Relations Board for 1966-67*, 12. [↑](#endnote-ref-124)
125. *The Sunday Times*, 8 January 1967. [↑](#endnote-ref-125)
126. Parliamentary Debates (Commons), 745, 27 April 1967, 1793. [↑](#endnote-ref-126)
127. Daniel, *Racial Discrimination in England*, 76, 155. [↑](#endnote-ref-127)
128. Street, *Report on Anti-Discrimination Legislation*, 68. [↑](#endnote-ref-128)
129. *The Observer*, 5 November 1967. [↑](#endnote-ref-129)
130. J.T.A. Howard-Drake to T.C. Hetherington, 24 May 1966, HO 376/15, TNA. [↑](#endnote-ref-130)
131. Parliamentary Debates (Commons), 738, 16 December 1966, 898. [↑](#endnote-ref-131)
132. Allen, ‘A Young Home Secretary’, 61. [↑](#endnote-ref-132)
133. *The Guardian*, 13 January 1967; Allen, ‘A Young Home Secretary’, 73. [↑](#endnote-ref-133)
134. Jenkins, *Life at the Centre*, 175. [↑](#endnote-ref-134)
135. Parliamentary Debates (Commons), 738, 16 December 1966, 930. [↑](#endnote-ref-135)
136. CC 74 (67) 2, 21 December 1967, CAB 128/42, TNA. [↑](#endnote-ref-136)
137. R.S. Moore to Miss Henderson, 15 March 1968, CK 2/7, TNA. [↑](#endnote-ref-137)
138. Smith, ‘Policing and Urban Unrest’, 69; Rees, ‘Immigration Policies in the United Kingdom’, 90. [↑](#endnote-ref-138)