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## **Immigration Policy in Britain Since 1962**

Master's Diploma Thesis

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I declare that I have worked on this thesis independently, using only the works cited.

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I would like to thank doc. Franková  
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# 1. Introduction

The introduction is partly based on the book *International Migration Policies* by the United Nations, which provides theoretical background on immigration.

The movement of people across international borders has become an important policy issue for governments all over the world because it influences the lives of people in many areas, no matter whether it is in a rural region of a developing country or a megalopolis in an industrialized developed state. Particularly immigration has become more politicized with the issue of undocumented migrants being of the greatest concern. The right to leave one's country is generally recognized as a basic human right, however, the related right to enter another country has not been established yet, as no state allows unlimited crossing of its borders.

The deepening disparity between the rich and poor countries motivates people from the developing countries to migrate and participate in the labour market of the developed states, either temporarily or if possible even permanently. The former colonial links and early labour migration created a widespreading networks between countries which are now being used by a new generation of workers. Communication devices spread information about job opportunities all around the world and the transportation system moves people wherever they want to. This fact significantly enlarges the amount of prospective manpower making the labour market an international concept.

Immigration policies comprise two related but distinct issues: that dealing with conditions and regulations of crossing borders and entering the country; and that concerning foreigners once they have entered the country.

In the face of increasing diversity between the original and foreign societies, governments have lately focused primarily on the issue of incorporation and integration,

which evoked many questions: to what extent should governments help migrants once they have settled in the country? What are the options for assisting incorporation? To what extent is it possible to incorporate minority society into the original culture while preserving the minority culture? How can the effects of immigration policies be measured? As we can see, the issue of immigration and its concept in the eyes of different governments has been still in-process.

In the United Kingdom, there is a tendency to refer to race relations policies rather than to integration. “This is not only a form of unspoken integration policy, but it underscores the variety of terms that may be used in the spirit of integration” (45). The history and experience of each country sets limitations on the possible options for integration. No one solution is best, or even possible, for every country. As it is a two-way process, in which both nationals and foreigners must adapt their behaviour and attitudes to each other, the crucial aspect is the willingness of both sides to cooperate, because if the migrants do not want to integrate, the government policies aimed at them will fail.

On all accounts, success of integration depends mainly on a successful immigration policy. Massive uncontrolled admission of migrants makes integration more difficult. Competition of nationals and foreigners in the labour and housing market and overburdened social and educational systems are negatively perceived by the host society mainly because of the high costs. On the other hand, integration policies may affect the immigration policy of a country, as we can argue that if the country offers reasonable housing, good schools and discrimination-free attitude, foreigners may be encouraged to come and settle permanently in the country.

Tradition and experience have generated two different approaches to integration: assimilation and multiculturalism. On the other hand, there is a third, utterly contradictory approach, that of segregation. Cultural assimilation (often called merely assimilation) may be

defined as “an intense process of consistent integration whereby members of an ethno-cultural group, typically immigrants, or other minority groups, are ‘absorbed’ into an established, generally larger community. This presumes a loss of many characteristics which make the newcomers different” (“Cultural Assimilation”). The aim of assimilation is to eliminate cultural and linguistic differences. One indicator of successful assimilation is a high level of intermarriage. The other approach, multiculturalism, allows and attempts to preserve these differences. The concept of multiculturalism is based on the recognition that different groups in a heterogeneous community derive their identity from different cultural traditions which should be recognized by the host society and acknowledged also by law and administration. The multiculturalist approach is relatively new and has been accommodated above all in Australia, the USA and Canada, but in the last twenty years also in the United Kingdom. In these countries the term multicultural is also used to refer to non-European immigrant groups. Segregation is the third approach to integration and its opposite at the same time. This strategy is generally adopted by countries which are unwilling to accept immigrants as members of their nation. It is usually accompanied by tough exclusionary immigrant policies and other restrictive regulations for people who are already in the country, such as discrimination in the field of housing, employment, education etc.

To solve the discrimination problem, many countries have not only made it illegal, but provided legal instruments by which individuals can make complaints. Many states have prohibited discrimination by means of their constitutions.

The United Kingdom’s immigration history is closely related to its excolonies. Former colonials were encouraged to come to the country mainly at the times of labour shortage, as they provided cheap low-skilled manpower. They received preferential treatment, their entry to the country was not restricted at any point, moreover, they were often granted citizenship straight away at the time of entry. Also other policies concerning the stay of excolonial

migrants were highly liberal until the 1960s. However, when the immigrants started to settle down, labour demand declined and the number of immigrants did not, they became inconvenient for the country, or rather for the government.

Since 1939, in less than half a century, Britain has shifted from being de facto an all-white society to a multi-racial country with important Asian and black communities. The British government has made many legal steps to deal with new inhabitants as well as other potential immigrants, however, in accordance with present-day standards, some of those steps were politically incorrect and unacceptable. Most notably the 1960s and early 1970s entailed the crucial changes of the British immigration policies, starting with the significant 1962 Commonwealth Immigrants Act, and ending with the Immigration Act in 1971. This work also focuses on this particular interval, yet contextualized in the broader and more general knowledge of historical background and new experience acquired since 1971.

The questions I am asking are as follows: Did the government legislation negatively influence the anti-immigration atmosphere in British society, or was it vice versa, the government only adapted the legislation to an inevitable development? Would the survey show different numbers if the acts had not been so strict? Would the outcome be more positive and tolerant or would it be even worse? There are no definite answers, as the issue of immigration has remained disputable and unsolved up to now, however, the thesis attempts to provide enough materials and foundations for further, regrettably only philosophical, discussion.

To be able to speak about immigration policy in the 1960s and on, it is essential to have some knowledge of basic migration history, which is summarized in chapter 2. The three crucial acts of 1962, 1968 and 1971 are discussed in chapters 3, 4 and 6. Each of them comprises some political and social background, as well as summary of the contents of each act based on the Acts themselves, but the most important part are the subchapters dealing with

the reception of the acts at the time. They are based predominantly on the newspaper articles and critical comments. Chapter 5 deals with the personality of Enoch Powell as a very influential politician of the late 1960s and early 1970s, and his impact on immigration policy at the time. Further development of immigration policies since 1971 to present is described in chapter 7, focusing on the contrast and comparison with the three controversial acts.

The racist undertone of the 1960s and 1970s legislation on immigration has already been argued and this thesis attempts to support this opinion by simply describing its background, contents and reception. The aim of the thesis is also to analyse and evaluate the role of the British government in regulating immigration at that time.

## 2. Historical outline of immigration in Britain

Britain has always been a highly inviting country for foreigners, as it has passed for a place of security and opportunity. That is why people have been coming here for thousands of years. Some of them left after a short while to return home or move on. Others settled and made their homes in Britain. They are called immigrants with immigration defined as

the movement of people into one place from another. While human migration has existed throughout human history, immigration implies long-term permanent or forced indefinite residence (and often eventually citizenship) by the immigrants: tourists and short-term visitors are not considered immigrants. However, seasonal labour migration (typically for periods of less than a year) is often treated as a form of immigration. (“Immigration”)

It is necessary to remember that the early movement of foreigners to the British Isles cannot be considered immigration of the present-day meaning. The migrants were more of invaders, whose presence was initially often violently resisted. They did not come to settle down and assimilate, more to the contrary, they took over the reign and usually markedly influenced or even damaged the original culture.

After the colonization of other countries, the British Empire covered most of the world with the peak of covering over a third of the world’s population. During this time as well as the following independence to most colonies in the twentieth century, the vast majority of immigrants entering Britain was from either current or former colonies. Therefore the restrictive legislation on immigration in the 1960s and early 1970s applied only to them. Until

1962, when the first Commonwealth Immigrants Act was passed, all Commonwealth citizens could enjoy an unrestricted entry to and stay in the United Kingdom, as they were holders of British passports.

Over the centuries immigrants have influenced every aspect of Britons' everyday life starting with clothes, food, music, to language, religion and law. If it had not been for foreigners coming to Britain over the centuries, the country would have been surely very different.

## 2.1. Early immigration

The early story of British migration is one of colonisation. Among the first to arrive were Celtic and Pict tribes who settled in the British Isles between 1500 BC and 400 BC. In 250 AD, the Romans came with some contingent black legionaries who guarded the Hadrian's Wall, but Romans also managed to destroy totally the Celtic societies in the south of the country. After Germanic tribes of the Jutes, Angles and Saxons, who are speculated to have arrived at the invitation of the ruling class, colonised the southern part of the country, the Vikings arrived bringing a distinctive cultural influence, mainly to northern Britain and modern-day East Anglia, but also nearly eradicating the indigenous Christian culture.

The most dramatic event took place when the Normans conquered Britain in 1066. It was the last successful conquering invasion. The Normans descended from Vikings and affected most notably British law, government and last but not least language. During the reign of William the Conqueror, the first Jews were invited to settle in the country and help develop commerce, trade and finance. It has been suggested that they may have partly financed the invasion ("A History"). As a result of international connections and royal tours

in particular, a few black people appeared in the British Isles, usually as entertainers being a part of the royal entourages.

The Huguenots, French Protestants, arrived during the sixteenth, seventeenth and eighteenth centuries in order to avoid Catholic persecution, and settled mainly in Norwich, Canterbury, Spitalfields and London, particularly at its west end in Soho. They were noted for their skills and hard work, moreover, members of the Huguenot and Jewish communities gave major financial support to both state and army (“Full Text”).

The exploration and conquest of the New World meant a significant event not only for migration. As Europeans established plantations in America, they needed cheap manpower, thus they got involved in the slave trade that had already existed in northern Africa. The first recorded trade with slaves that concerned Britain took place in 1555 when John Lok, a London trader brought to England five slaves from Guinea. Despite that, not Lok but Admiral Sir John Hawkins is widely acknowledged as the pioneer of the English slave trade. When the rich plantation owners began to send their children to England to be educated, sometimes slaves would accompany them. Therefore, black slaves began to be involved in wealthy households back in England. The legal status of these immigrants was rather vague as they were totally dependent on their owners and their freedom also related to whether they were Christians or not (“Short History”).

In the early eighteenth century, the political map of Europe was changed and Britain, or as it had become the United Kingdom, obtained more access to the New World and its resources and riches. The slave trade expanded and simultaneously did the number of African residents in Britain. In 1723 the *Daily Journal* described London’s black population in these words: “‘tis said there is a great number of Blacks come daily into this city, so that ‘tis thought in a short time, if they be not surpress’d the city will swarm with them” (qtd. in Myers 19). Approximately 14,000 black people lived in England in 1770 (Myers 20).

However, as the abolitionist movement emerged in the late eighteenth century, a famous case of the slave James Somerset was brought to the court. The judges were reluctant to rule on behalf of slavery, nevertheless, the abolitionists managed to achieve a minor point that a slave could not be transported forcibly from the British Isles (“Slave or Free?”). Although it made practically no difference to their lives, at least it was the first step to the end of slavery in Britain.

The abolitionists’ victory came in two stages. In 1807, the Parliament banned the trade with slaves, but not slavery itself, that was banned across the British Empire in 1833. Understandably, after that year the black immigration dramatically decreased, but wealthy families kept bringing Indian servants to Britain. Besides Indians, also some Chinese and black seamen put roots in Britain not least because they were abandoned by their employers. They settled mainly in dockland areas and seaports, most notably in London, Liverpool, Cardiff, South Shields, or Glasgow. The Chinese immigration began in noticeable size after the treaties of Nanking in 1842 and Peking in 1860 opened China to British trade. By the end of the nineteenth century the area around the London docks was known as China Town, renowned for its laundries, restaurants but also opium dens. Later Chinatown moved to Soho. Chinese population in Britain remained rather small throughout the nineteenth and the first half of the twentieth centuries. It is estimated that there were around 1,300 Chinese in Britain in 1911 (“A History”).

The Industrial Revolution in the nineteenth century brought a serious demand for manpower who would work on the construction of the transport system. Perfect employees were found in the Irish who were more than happy to come due to poverty, lack of job opportunities, and poor pay in their country during the eighteenth century. Men were employed to build roads, railways and canals, their wives worked as maids or street vendors, and children were often seen selling wares in the streets. But this was certainly not the first

time when the Irish came to work in England. Already before the Industrial Revolution they came to work in farms staying only temporarily, usually during harvesting, but with the growing demand for semi-skilled and low-skilled labour Irish immigrants moved to urban areas, they got permanent jobs and settled.

In 1892, the first British non-white MP, Indian Dadabhai Naoroji, was elected to the House of Commons, followed by Mancherjee Bhownagree (1895-1905) and Shapurji Saklatvala (1922-1923 and 1924-1929), and Baron Sinha of Raipur (1919-1928) in the House of Lords (Spencer 2).

In 1905, Aliens Order, an important piece of legislation concerning immigration, was passed to establish three important rules applying only to non-Commonwealth immigrants, otherwise defined as aliens. Firstly, immigrants could be refused leave to enter Britain if they did not have means of subsistence in adequate sanitary conditions (Solomos 33). Secondly, immigrants could be expelled without a trial either if they received poor relief within a year of entering Britain, if they were found guilty of vagrancy, or if they were living in insanitary conditions due to overcrowding (ibid.). Thirdly, immigrants could not be refused permission to enter Britain if they were able to prove that they had been a subject to political or religious persecution (ibid.). So we can see that Britain did not accept poor destitute people unless they were persecuted in their home country. The Order was introduced by the Conservative Government, but, as soon as the Liberals won next election, it was implemented in non-restrictive manner. Aliens Order 1905 was later repealed by Aliens Restriction Act 1919 which legalized different payments for British subjects employed as seamen according to their race (ibid.).

## 2.2. 1914-1945

Men all over the British Empire took part in both World Wars alongside Britons. At the end of each conflict most of them returned to their home country but some wanted and were allowed to stay. Besides the colonial immigrants, there were many Europeans escaping the Wars, although most of them later returned home. These people were seeking refuge and therefore known as refugees. They did not come on their own will, they were literally forced to leave their homes. The word refuge comes from the word *refugie* which the Huguenots called themselves when they settled in Britain in the sixteenth century (Marguet).

During the 1930s foreshadowing the war, many Germans belonging to minorities which were pursued by the Nazi government, most notably Jews, sought to flee from Germany and emigrate to the United Kingdom. Between 1933 and 1939 it is estimated that around 50,000 Jews arrived and increased the total number of Jews in Britain to as many as 400,000 (Seigel). During this period the United Kingdom attempted to persuade prospective immigrants in other countries that it was not a good place to emigrate in because of the large population and high level of unemployment. The Government was probably too ashamed to admit that they did not want many Jewish refugees to enter the United Kingdom due to the widespread anti-Semitism in British society. After the declaration of war on Germany, migration between the countries halted.

In 1939, the permanent black and Asian population of the United Kingdom was estimated at about 7,000 people (Spencer 3).

## 2.3. 1945-1948

The years after the Second World War brought labour shortages to the whole of Europe, including Britain. Therefore, the Government invited people from other countries to

come in order to help the decimated post-war economy. The first groups to be allowed to settle in Britain were Poles, partly because of ties made during the war. In a short time they were joined by Italians, Germans, Ukrainians and Austrians, but it was still not enough to meet the need. Despite the apparent official reluctance against the colonial immigration, the Government had to address workers from the West Indies, as they could not recruit enough Europeans. West Indians came to Britain by means of national recruitment schemes by the London Transport, National Health Service, or British Hotels and Restaurants Association. However, despite the prevalent myth that the increase of post-war immigration was mainly due to the Government sponsorship and encouragement, the majority of people made their way to Britain on their own initiative, without any pre-arranged job or home to come to (Hampshire 20).

In 1948, the British Nationality Act was passed to establish a new status of British subject, the Citizen of the United Kingdom and Colonies (CUKC). If a person could prove that he or she was born within the British Empire, they could claim full nationality rights in Britain, such as the right to settle and work in Britain, and bring their families with them. Under the law there was theoretically no distinction between a person born in the British Isles and anywhere in the colonies, which encouraged many people most notably from the West Indies to come to work in Britain. The Irish gained a unique status under the Act, allowing them to enter Britain, work, settle and even vote there, although the Republic of Ireland had left the Commonwealth of Nations in 1947 (Solomos 30). This lasting preferential treatment of the Irish later evoked serious debates in the Parliament.

The former soldiers, sailors and airmen from the Caribbean who served in the Allied Forces in Europe were eager to return to Britain. Moreover, as a result of the McCarren-Walter Immigration Act 1952, West Indians were no longer eligible to settle in the USA (Sked 178). A former troopship called the SS Empire Windrush docked at Tilbury in London

on 22 June 1948 and brought several hundreds of Jamaicans. This event represents the beginning of the period of mass immigration from the Caribbean which did not diminish until the Commonwealth Immigrants Act in 1962, which was the first immigration legislation in the history of the British Empire and the Commonwealth of Nations that curbed it. In the beginning most of the immigrants were men who were later, when they established themselves, joined by their wives and children. As mentioned, the Government's reaction was not welcoming at all, in the Parliament they spoke about an 'extraordinary action' and 'great disappointment' (Hampshire 62). George Isaac, the Minister of Labour, commented on the Empire Windrush: "I hope no encouragement is given to others to follow their example" (qtd. in Hampshire 62). Despite the initial reactions, the first Caribbean immigrants were more or less welcomed, since they could speak English, and were usually familiar with British working practices. However, the atmosphere of post-war welcome began to change as more and more migrants arrived in the 1950s. They were no more desired as workers but began to be seen as a social problem. Since this event on, immigration in Britain has been viewed in negative terms as a problem, which has to be sooner or later controlled. Immigrants were associated with 'social disorder and malady', and from the economic point of view, immigrants meant costs without any benefits, and were therefore unwanted and undesirable (Hampshire 10).

The partition of India in 1947 was a starting point for the following large-scale immigration from India, Bangladesh, and Pakistan.

Soon it became rather apparent that the number is not the main reason for political debates on immigration. As John Solomon says: "What recent research has made clear is that even at this early stage [late 1940s] black migration and settlement was politically perceived in a different way from European migration. Privately the Government was considering the most desirable method of discouraging or preventing the arrival of coloured British citizens

from the colonies” (44). The liberal attitude towards the arrival of European workers contrasted with the fears of social and racial problems associated with black immigrants (Solomon 45).

## 2.4. 1950s

Throughout the 1950s, both the Labour as well as Conservative Governments were trying to find various ways of reducing or even stopping the number of black entrants, but the fact that it had not happened until 1962 might be the ‘proof of guilt’. It suggests that the Government was aware of the controversies surrounding the restrictive policy. Politicians realized that the legislation might have been rather embarrassing for Britain as a head of the Commonwealth, and they knew that the immigration controls based on race did not conform to international laws.

Until the mid-1950s, the black and Asian population in Britain was rather small, usually concentrated in certain places and predominantly temporary, so that in the early 1950s half of the British population had never met a black person. At the same time large majority of cities was almost entirely white (Spencer 4). Still at the start of 1960s, Asian and black population formed only 0.25 per cent of the whole population in the United Kingdom (ibid.). John Solomos supports the opinion that the black and Asian immigration was not as substantial as the Government had claimed. On the contrary, he claims that between 1945 and 1954 the most important source of immigration to the United Kingdom was Europe with the Irish being the most numerous group, numbering 70,000-100,000 entrants during the decade (Solomos 42).

In the 1950s the door for immigrants remained officially open, but the Government made all possible arrangements to restrict legislation at least by means of administrative

measures. They tried to pressurize the colonial governments to limit the issue of passports, tightened proof of identity requirements for people who were already in the country, attempted to intervene in the transport market to raise the price of low fare transatlantic passages, or, in Jamaica, issued propaganda about the harsh (understand cold) conditions in Britain. Britain also involved deception by omission, meaning that the intending emigrants were not informed of their right to enter the UK freely. The restrictions applied differently; they were applied only to the poorer classes from the Asian and black Commonwealth countries and only by the colonial governments that were willing to cooperate. To sum it up, Britain kept its hands clean because it did not discriminate at the point of entry (Spencer 24). As Ian Spencer wrote, this was “de facto immigration policy” (Spencer 47).

The pro-Commonwealth Conservative government, in power between 1954 and 1961, did not intend to intervene in immigration by any other means, as they took the official view that immigration controls were unnecessary and divisive. A classic statement of the official position of the Government was made by Henry Hopkinson, the Minister of State at the Colonial Office, in a House of Commons Debate in 1954:

as the Law stands, any British subject from the colonies is free to enter this country at any time as long as he can produce satisfactory evidence of his British status. This is not something we want to tamper with lightly. ... We still take pride in the fact that a man can say *civis Britannicus sum* whatever his colour may be and we take pride in the fact that he wants and can come to the mother country. (Spencer 23)

From the beginning of decade 1945-1955, the increase of Asian and black immigration was considered a cause for concern. Unlike other governments, Caribbean governments did not cooperate in restrictive measures proposed by the British government, and it was

predominantly the rise in number of Caribbean migrants that advanced the 'crisis' of 1954-5. During the decade, although still officially worshipping the *civis Britannicus sum* tradition, the Cabinet discussed extensively some legislative measures to restrict immigration. It was meant to be drafted in 1955, but disagreement about the nature of measures as well as worries about the international consequences resulted in postponing the legislation. In a divided Cabinet the member who was the strongest supporter of the restrictive legislation was Lord Salisbury, who was Lord President of the Council, Leader of the House of Lords and a very influential person in the Conservative Party. In Cabinet he described his views on the issue saying that 'coloured' immigrants were a threat to the very fabric of British society and he would have their entry stopped. Unless measures were taken, the flow of immigrants, attracted by welfare benefits, would simply increase and would be unlikely to turn down as employment opportunities declined. Lord Salisbury did not hesitate to refer to immigration as 'a fundamental problem for us all'. The fact that his views were appreciated can be proved not only by an address he received in March 1954 from the Conservative Commonwealth Association from Liverpool. In this three-page document 'coloured immigrants' are characterised as being a charge on public funds and Liverpool is described as a new Harlem where

rooms in large and dilapidated houses are sub-let at high rentals to coloured immigrants who exist in conditions of the utmost squalor. Vice and crime are rampant and social responsibilities are largely ignored. Hundreds of children of negroid or mixed parentage eventually find their way to the various homes maintained by the Corporation, to be reared to unhappy maturity at great public expense. Large numbers of the adults are in receipt of unemployment benefit or National Assistance and many

are engaged in the drug traffic or supplement their incomes by running illicit drinking dens or by prostitution. (qtd. in Spencer 63)

The arguments against Salisbury's views were based on political expediency rather than on principle: "If we legislate on immigration, though we can draft it in non-discriminatory terms, we cannot conceal the obvious fact that the object is to keep out coloured people. Unless there is really a strong case for this, it would surely be an unwise moment to raise the issue when we are preaching, and trying to practise partnership and the abolition of the colour bar" (qtd. in Spencer 64).

The late 1950s experienced continuous mass immigration together with the rise of racial prejudice and violence. The year 1956 was a peak year for immigration from the West Indies, during which about 30,000 people made their journey to Britain ("Down the Decades"). Among working-class supporters of both Labour and the Tory parties, general opinion in favour of restricting 'coloured' immigration spread. In the late 1950s, right wing parties and some politicians like Oswald Mosley exploited the widespread resentment in propagating their racist views. The tense situation resulted in two weeks of civil unrest in Nottingham in August 1958, followed by a large-scale rioting week in Notting Hill started by Teddy Boys, the 1950s equivalent of skinheads.

The Notting Hill riots initiated public debate about the scale of immigration and the Government realized that it had already become a serious political issue. In a way the riots helped the Government to politicize the process, therefore remove some obstacles and proceed with the legislation, which in the Caribbean prompted a rush to migrate before the legislation closed the doors. Meanwhile West Indians already in Britain settled down and evolved their own life style and institutions including various festivals and celebrations. The most significant was the Notting Hill Carnival, which began as a demonstration after a

racially motivated murder of a Jamaican man Kelso Cochrane in Notting Hill at the end of the 1950s. The police failed to arrest anyone despite the fact that fascists openly boasted with the murder (Gable).

Although the riots in Notting Hill and Nottingham were initiated by white people attacking blacks, it was used by Lord Salisbury as a justification for his claim that immigration controls should be imposed. As he said to *The Guardian* on 3 September 1958, he was “extremely apprehensive of the economic and social results, for Europeans and African alike, that were likely to flow from an unrestricted immigration of men and women of the African race into Britain” (Solomos 48).

In the late 1950s, many stereotypes and popular images were created or remembered in the tense atmosphere. *The Times* wrote in September 1958: “There are three main charges of resentment against coloured inhabitants of the district. They are alleged to do no work and to collect a rich sum from the Assistance Board. They are said to find housing when white residents cannot. And they are charged with all kinds of misbehaviour, especially sexual” (Solomos 49).

## 3. Commonwealth Immigrants Act 1962

### 3.1. Background

Before 1962 the United Kingdom always enforced an open door immigration policy, recognizing all Commonwealth citizens as British subjects. Actually, the two terms was one and the same thing in the British Nationality Act of 1948. British passports labeled their holders as Citizens of the United Kingdom and Colonies, with the implication that every Commonwealth citizen was also a British subject, therefore guaranteed them the right of unrestricted entry to and stay in the United Kingdom. At the time of the enactment of the British Nationality Act 1948, Britain did not consider immigration at all, the citizenship was created only for constitutional purposes (Hampshire 19). The problem was that as a result of its imperial past almost a quarter of the world's population were legally entitled to enter Britain (Sked 178).

The official open door policy was willingly operated by the pro-Commonwealth Conservative Government in power between 1954 and 1961. However, a constant influx of immigrants as well as the racial disturbances and riots in Notting Hill and other places initiated both political and public debate on the state of immigration. The first Gallup's measure of public opinion in 1958 showed an overwhelming majority in favour of stricter immigration controls, and the demands even intensified, so the Government came under the pressure to change the law (Hansen).

Today it is believed that public panic around immigration has always been heightened by a media campaign (Abbott). Not otherwise was it in the case of the 1962 Act. In 1958 the *Daily Sketch* wrote: "The government must introduce legislation quickly to end the

tremendous influx of people from the Commonwealth. ... Overcrowding has fostered vice, drugs, prostitution and the use of knives. For years the white people have been tolerant. Now their tempers are up” (ibid.). However, it is necessary to say that only some media were for tougher restrictions. There was much written and said also in favour of immigrants.

The clearest indication that Commonwealth immigration was a matter of greatest concern to the Government was the number of occasions when the Cabinet discussed the level of immigration and settlement, variously described in the Cabinet Minutes as ‘Coloured people from British Colonial territories’ or more euphemistically as ‘Commonwealth immigrants’. Between 1950 and 1961, there were 37 separate occasions where the ‘coloured’ immigration was discussed with two peaks of concern clearly identifiable in 1954-5 and in 1960-1 (Spencer 51).

The Commonwealth Immigrants Bill was introduced in the Queen’s Speech on 31 October 1961. It passed through the various stages of Parliamentary procedures and with some amendments it received the Royal Assent on 18 April 1962, becoming a law three months later on 1 July. Its provisions were supposed to last for a trial period of five years. On the announcement of the intention to introduce the Bill, the Prime Minister, Harold Macmillan reported how “knowing our difficulties, some Commonwealth Governments have taken steps over the last few years to limit the number of people coming here by various methods, and we are very grateful to them. Several of them have used methods to discourage this mass movement,” but at the current level “the influx...can hardly continue uncontrolled” (qtd. in Spencer 21).

The threat of imminent restrictive legislation made many migrants who had considered coming to Britain rush and led to a sudden increase of immigrants in the year preceding the legislation. The ‘new’ Commonwealth immigration increased from 21,550 entrants in 1959, to 58,300 in 1961 and as much as 125,400 in 1961 (Brown). The amounts of entrants during

1960 and 1961 outnumbered the figures for the previous five years combined (Hampshire 25). For those already in Britain who decided to settle permanently, family reunification became a strong objective. There is some evidence that many immigrants thought the new legislation would prevent their wives and children from coming to the UK (Spencer 133), in consequence of which there was a beat-the-ban rush of women and children, so called dependants, mainly from India into the United Kingdom in the months before the Bill became law. There were even widespread fears that Britain might have planned to close its door for Commonwealth citizens permanently.

The Act had rather stormy passage through the Parliament caused mainly by the controversy around the 'Irish question'. The Government did not intend to restrict the flow of the Irish to Britain, as they were the main welcomed labour force, moreover, thanks to the common traditions and history, easy to assimilate. But how could it be done without including explicit racial distinctions? The Government even held informal negotiations with Dublin to answer this question successfully (Hampshire 29). In the final Bill, the Government included powers to control Irish immigration by means of possible random examinations of passengers at some ports, ordered by the Home Secretary, but at the same time they made clear in the Parliament that there was no intention to exercise the powers (ibid.). Of course, for the opponents of the legislation this was a clear sign of the racist intent. The preferential treatment of the Irish was nothing new for the Government. Already in 1948 a Cabinet minister described the relation: "Ireland enjoyed a 'specially close relationship' born of 'historical, racial and geographical lines' with Britain. Such 'ties of kinship' and the 'ties of blood, history and intermingling of peoples which bound Eire to the older countries of the Commonwealth' did not exist for any 'Asiatic country'" (Hampshire 27). However, in the post-Nazi time of the careful awareness of the uncertain border between racist and non-racist, this issue was too delicate to ignore the preferential treatment of Irish. A Labour MP, Patrick

Gordon-Walker described Rab Butler's nominal exclusion of the Irish as a "fig leaf to preserve his reputation for liberalism. Now he stands revealed before us in his nakedness. He is an advocate now of a Bill which contains bare faced open race discrimination" (qtd. in Spencer 26).

The Commonwealth Immigrants Act of 1962 was the first legislation in which British subjects were restricted to enter their 'mother country'. This exclusionary phase of British immigration policy would last until 1981.

### 3.2. Contents

An Act to make temporary provision for controlling the immigration into the United Kingdom of Commonwealth Citizens; to authorise the deportation from the United Kingdom of certain Commonwealth citizens convicted of offences and recommended by the court for deportation; to amend the qualifications required of Commonwealth citizens applying for citizenship under the British Nationality Act, 1948; to make corresponding provisions in respect of British protected persons and citizens of the Republic of Ireland; and for purposes connected with the matters aforesaid. [18th April, 1962] (Commonwealth Immigrants Act 1962)

There were three major issues in the Act. First of all, it made temporary provisions for controlling the immigration to the United Kingdom from the Commonwealth. Secondly, it authorized the deportation of certain Commonwealth citizens convicted of offences punishable by imprisonment and recommended by the courts for deportation. And thirdly, it established the qualifications for citizenship required by Commonwealth citizens applying under the British Nationality Act 1948. Under the new Act, the categories of Commonwealth

citizens able to enter the UK were limited to: holders of employment vouchers issued by the Ministry of Labour, students, members of the armed forces, and entrants who could support themselves and their dependants without working.

The Act established a new employment voucher scheme, issuing vouchers in three categories: category A, vouchers for people with a specific job from an employer; category B for those who had skills or training useful or in short supply in Britain; category C for workers without any specific skills or job offer. The third category was discontinued in 1964. The annual quota could be set at any given time.

The Act permitted the reunification of families. The decision to admit wives, unmarried partners and children below working age of both existing and future immigrants, was taken without any consideration for the effect it would have on the size of Britain's future South Asian population. Whereas migrants from the Caribbean were evenly balanced by gender and included some children, South Asians entering Britain and settling there were largely adult males of working age (Spencer 133).

The Act also established the Commonwealth Immigrants Advisory Council, the first legal body for integration of immigrants.

### 3.3. Reception

By issuing the Commonwealth Immigrants Act in 1962 Britain clearly indicated that they needed labour, not the people. In the 1960s, Britain was still in need of immigrants as labour force, which was essential for the expansion of economy. However, they did not like the reported numbers of immigrants arriving daily in the United Kingdom, moreover, they could not ignore the racially motivated riots caused by the employment and housing competition of immigrant and original communities. The Government attempted to find a

legal way of excluding only some of the immigrants, the way which would not affect or discourage Irish immigration, whose manpower was very much welcomed and needed. The fact was that in private the Conservative Government tried to find ways of excluding mainly black Commonwealth citizens, reportedly because of their supposed non-assimilability, while admitting the white ones, but failed to find any legal instrument to do so. Therefore they introduced the job vouchers and their possession came to be the condition of entry. This system discriminated only between skilled and unskilled workers, still met the needs of the Government, as the former were hoped to be predominantly white.

The legislation was introduced by the Conservative Government and opposed by the Labour and Liberal Parties. It might have seemed as if both opposition parties were willing to tolerate unlimited immigration, however, when the Labour Party returned to office in 1964, they made no effort to withdraw the legislation they had called 'racialist' (Sked 179).

The day after the Second Reading, the Prime Minister, Harold Macmillan got a telegram from the Prime Minister of the Federation of the West Indies, Sir Grantley Adams, saying that

West Indians are firmly convinced that by this action Britain has begun to take steps which are no different in kind to the basis on which the system of apartheid in South Africa is based ... it is inconceivable that West Indians who form less than one half of the population of Great Britain can constitute any threat to Britain's economy or health. There has been no evidence to indicate that West Indians are less law-abiding or moral than the people of Britain whose beliefs in law, freedom and justice they share...It will in future be difficult for any person from the Commonwealth to accept unreflectingly [sic] the oft-repeated assertion of multi-racial partnership. (qtd. in Spencer 70)

The initial response to the Act was an immediate drop in number of immigrants entering the country but only in comparison with the extreme numbers of 1960-1. Ironically, the introduction of immigration controls may have increased the number of people migrating to Britain. Until the threat of restricted entry, immigration correlated almost exactly with the job vacancies. After the Act had been introduced, for the first time the number of immigrants particularly from the Caribbean did not correlate with job vacancies. It practically stopped the possibility of short-term stays as well as free migration to other countries, as the procedure seemed to be very difficult. As the Act allowed dependents to enter the country, over 90 per cent of all Commonwealth immigrants between 1962 and 1965 were dependents (Hayter).

The Commonwealth Immigrants Act gained much criticism preceding as well as following its release. Some politicians attempted to prevent the Government from issuing the Bill for instance by comparing it to the White Australian policy (“Migrants Bill ‘Mean’”). Canon Ronald Preston did not agree with it as he saw that it was “directed mainly against West Indians who are entirely British in upbringing and have had their history so dominated by us [British].” Moreover, he went on, the Bill would “give a vast and undesirable amount of discretionary power to immigration officers“ (ibid.).

On 1 January there was a deputation of Methodists in London who went to the Home Office to protest against the Bill. They believed that this was ‘the wrong Bill at the wrong moment’ and that the Bill did nothing to relieve the real problems which were in the countries from which the immigrants came. The Home Office replied that the Bill was an economic measure and not one of the race discrimination and they did not intend to withdraw it (“Immigrants Bill Opposed”).

The Conservative Party had a strong opponent also in the Bow Group, one of the oldest and most influential centre-right think-tanks in Britain. Founded in 1951, it gathered the Conservative graduates (Barr). John MacGregor, an assistant librarian of the Bow Group

commented on the Commonwealth Immigrants Bill: “In so far as the Bill is based on colour it is regrettable, in so far as it is based on unemployment fears it is unnecessary, and in so far as it is based on housing troubles it provides no solution.” He claimed that Britain was not full yet to capacity, unemployment was highest in precisely those areas where there were few coloured workers. “The real source of concern was the social tension and housing problems brought by the concentration of the coloured population in certain areas and many Government supporters showed that the Bill’s anti-colour effect was their main reason for welcoming it” (“Bow Group Critic”).

The general opinion that the Commonwealth Immigrants Act of 1962 brought a sudden reduction in the number of black and Asian immigrants settling in Britain is one of the myths of British immigration history. There was a significant reduction only in comparison with the extreme figures of 1960-2, which were caused by the threat of foreshadowing legislation. During every year between 1963 and 1989, between 30,000 and 50,000 Commonwealth immigrants arrived to settle in Britain. The only exceptions were 1972 with over 60,000 people because of the swift arrival of the Uganda Asians and 1984 when the level decreased slightly below 30,000 (Spencer 133).

Although the Act was not the cause of an enormous decrease of immigrants as expected, its significance lies in the fact that for the first time Britain used legislative powers to restrict immigration from the Commonwealth and it became a basis for next restrictive measures. It was also the first time the British law introduced a distinction between the rights of British subjects born in Britain and holding passport issued in Britain, and British subjects who held passports issued by other Commonwealth governments.

## 4. Commonwealth Immigrants Act 1968

### 4.1. Background

In 1964 the Labour government won the elections only with a slight majority which caused its vulnerability to populist pressures. A proof of the bitter atmosphere and anti-immigrant attitude was also the election of Peter Griffiths, a Conservative who ran his campaign under the slogan ‘If you want a nigger for a neighbour vote Labour’ (Hampshire 33; Solomos 53). He entered the House of Commons but was denounced by Prime Minister Harold Wilson as a ‘Parliamentary leper’ (“The 1964 Labour Government”). When the 1962 Bill was introduced, it was strongly attacked by the Labour Opposition under the leadership of Hugh Gaitskell for being racist and harmful for race relations in the United Kingdom (Hampshire 26). However, now in power, the party under the new leader Harold Wilson began to shift its policy. In their manifesto for the election in 1964, the Party intended to retain the Commonwealth, though it admitted that there were three issues that needed to be solved: poverty, rapidly rising population, and racial conflict. According to Labour, Britain could not solve those problems by itself, but believed “that the Commonwealth has a major part to play in grappling with the terrible inequalities that separate the developed and under developed nations and the white and coloured races” (“1964 Labour Party Election Manifesto”). So even though the restrictive immigration policy had been opposed by Labour when first introduced in 1962, it was retained under the Labour Government. On the other hand, Labour also developed the race relations policy:

that is why a Labour Government will legislate against racial discrimination and incitement in public places and give special help to local authorities in areas where immigrants have settled. Labour accepts that the number of immigrants entering the United Kingdom must be limited. Until a satisfactory agreement covering this can be negotiated with the Commonwealth a Labour Government will retain immigration control. (ibid.)

The Conservative Party supported Sir Cyril Osborne's new Bill, which proposed to deny entry to all immigrants from the Commonwealth except for those with parents or grandparents born in Britain. The Bill was rejected in March 1965, but only a few months later the Labour Government issued an influential White Paper *Immigration from the Commonwealth*, which signified clear intention of the Government not only to maintain the existing immigration legislation, but moreover tighten it. The paper sets out the Government's immigration policy which had two aspects: one related to controlling the number of immigrants so that it does not outrun Britain's capacity to absorb them, and the other relating to measures designed to secure the immigrants and their dependants from certain problems which had arisen. The paper had three parts: part one, an introduction with statistics and explanation of the recent development, based on the mission of Lord Louis Mountbatten; part two, future Government policy including introduction of a voucher; and part three dealing with some measures coping with the problems of housing, education, health care, employment etc. The last part also introduced a new legal body, the National Committee for Commonwealth Immigrants, replacing the Commonwealth Immigrants Advisory Council, which had been set up by the Commonwealth Immigrants Act in 1962. The White Paper proposed to reduce the number of employment vouchers by discontinuing the unskilled category and decreasing the number of skilled vouchers from 20,800 to 8,500 per year

(Hampshire 32). It also brought in health checks for new immigrants, tightened up the regulations for students, dependents and visitors and gave the Home Secretary the power to repatriate migrants.

The Commonwealth Immigrants Act of 1962 allowed dependents of immigrants, meaning wives and children under the age of 16, to enter the United Kingdom, but this provision was applied in a rather relaxed manner. Not only were the children up to the age of 18 accepted, but also children under the age of 16 coming to join their relatives other than parents or fiancées (Spencer 135). Dependents as well as students were permitted to enter with few or no checks at the borders, without any time limit being imposed on students' stays (ibid.). In the White Paper of 1965, the Labour Government made clear that the interpretation of dependents excluded nephews, cousins, or children over 16.

On one hand, Wilson's government toughened immigration controls and conditions of entry, on the other hand, it also developed the race relations policy dealing with the immigrants already settled in Britain, namely with discrimination against them. In 1965 the first Race Relations Act was introduced to prevent racial discrimination and encourage racial harmony. It made racial discrimination on the 'grounds of colour, race, or ethnic or national origins' and incitement to racial hatred in public places illegal and covered both British citizens as well as overseas visitors. The Act also established the Race Relations Board which was supposed to deal with complaints. However, some anti-racist groups and Labour backbenchers claimed that the new law was not tough enough, as it did not cover housing or employment. The law applied only to the 'places of public resort' which included hotels and restaurants, but excluded private boarding houses and even shops ("1965: New UK Race Law"). Despite the primary proposal, racial discrimination was not made criminal offence but only a civil offence (ibid.).

As far as the immigration policy is concerned, the Labour Government of the second half of the 1960s focused on restriction as well as integration. Roy Hattersley made their approach clear by saying: “Integration without control is impossible, but control without integration is indefensible,” (qtd. in Hampshire 31) meaning that only a limited number of immigrants can be successfully integrated into British society.

The major crisis of Wilson’s government was caused by the mass immigration of Kenyan Asians fleeing from the laws that prevented them making a living as a part of the ‘Africanization’ policies. After Kenya became independent in 1963, people of non-African origin living in the country were given two years to apply for the Kenyan citizenship. The majority of Kenyan Asians chose to retain the Citizen of the United Kingdom and Colonies status, thus having been prosecuted by the Kenyatta government. At the time only the Kenyan citizens were allowed work permits, foreigners could hold their jobs only until a Kenyan national was found to replace them. Although under the Act of 1962, only the holders of passports issued by the British government were free to enter the UK, Asians in Kenya were among them. Most colonial citizens held passports issued by their colonial governments, and were therefore the subject to immigration control. Kenyan Asians’ passports were issued under the authority of London, so in 1968 there were about 150,000 people in Kenya who could enter the United Kingdom freely (Hampshire 34). At the times of the so called ‘Kenyan Asians crisis’ (ibid.), many of these people decided to settle in Britain, a country which most of them had never seen. Before March 1, 1968, when the Bill was passed, about 80,000 Kenyan Asians had already entered the country (“On This Day”). The exodus of Asians from Kenya brought again the issue of immigration forward and resulted in growing pressure from the Conservative side led by Duncan Sandys and Enoch Powell. Edward Heath, the Conservative leader, warned of ‘serious social consequences’ if Kenyan Asians were to come “at a rate which could not be satisfactorily absorbed” (qtd. in Sked 232).

Home Secretary James Callaghan rushed to introduce the new legislation which was aimed specifically at curbing the inflow of immigrants from East Africa. Callaghan informed the House of Commons that 7,000 East African Asians had entered Britain during the past three months—more than the whole of 1966 (*ibid.*). On 15 February 1968, Callaghan sought approval from the Cabinet to introduce immigration legislation claiming that it was “both urgent and essential that immigration control should be extended to citizens of the United Kingdom and colonies who did not belong to this country in the sense of having any direct family connection with it or having been adopted here” (*qtd. in Hampshire 35*). Labour claimed that their strategy was to tighten immigration controls in order to improve conditions for those already in the UK (*Sked 323*).

## 4.2. Contents

The Commonwealth Immigrants Act 1968 amended sections 1 and 2 of the Commonwealth Immigrants Act 1962, and made some further provisions to Commonwealth citizens landing in the UK.

The Act tightened the controls of immigrants as it included also the citizens of the United Kingdom who were born or registered in a Commonwealth country before it became independent, e.g. born or registered in Kenya before 12 December 1963. The new Act withdrew the right of entry of the remaining Kenyan Asian passport holders and distinguished between the citizens who were ‘belonging’ citizens, those who possessed some identifiable ancestors in the British Isles, and ‘non-belonging’ citizens. This distinction was invented to describe belonging of a person to the United Kingdom by being born, adopted or naturalised in the United Kingdom, or providing some evidence that a parent or a grandparent had been born, adopted, or naturalised there. It was obvious that citizens of the ‘old’ Commonwealth

countries such as Australia, Canada or New Zealand would fulfil the conditions, while the citizens of the ‘new’ Commonwealth countries, which were mostly poor developing countries in Africa, Asia and the Caribbean, had no such connection to the UK. Although skin colour was not mentioned in the Act at all, it was clear that the ‘belonging’ citizens would be exclusively white and the entrance ban would affect predominantly non-white people.

Other provisions of the Act were as follows: the immigrants officers were empowered to require that any immigrant report to a medical officer “in the interests of public health”; the period in which an immigrant had to submit to an immigration control was extended from twenty-four hours to twenty-eight days from the date of arrival; it was made an offence to land in the United Kingdom without being examined by an immigration officer within the time given.

The annual quota for Kenyan Asians was provided for 1,500 heads of households plus their dependents which totaled 6,000-7,000 people per year.

### 4.3. Reception

The first objection to the new Act concerned the haste which the legislation was introduced with. The Bill was rushed through all its parliamentary stages in just seven days in late February 1968 and it became law on 1 March. No wonder that people spoke about panic and prejudice when referring to the legislation (“Panic and Prejudice”) and inquired for reasons:

such haste is an open declaration of panic, and an incentive to prejudice. What is it that the Government is so afraid of? Is it afraid of Mr Enoch Powell? Or Mr Duncan Sandys? ... Or is it afraid of the question of race itself? And does it believe that this

question alone does not deserve the normal cautious and rational process of British legislation? (ibid.)

Not even was the Labour Party itself united as for the extent of the legislation. Some Labour backbenchers were “clearly shocked by the Government’s decision ... [and] anxious lest it should appear that the Government were surrendering to racial pressure” wrote *The Times* on February 27.

Home Secretary James Callaghan, who introduced the Bill, defended the Act by claiming that the “origin of this Bill lies neither in panic nor prejudice, but in a considered judgement of the best way to achieve the ideal of a multi-racial society” (“Home Secretary Introduces”). He denied that the legislation would be introduced in haste. “We have to look to the long term, and not just to the issue of the group of people which faces us today”, (ibid.) he went on, claiming the exact opposite of what the motives of the Bill looked like. According to Callaghan, it was ‘wild exaggeration’ to refer to the legislation as racist, as the Government had accepted in principle the recommendations of the Wilson Committee, but “this would involve long and difficult legislation, and it was unlikely there would be time for it in the present session” (ibid.). And that was exactly the point the opponents of the legislation reproached. The fact that the Bill was pushed through Parliament in a few days would have been justifiable and overdue concerning minor restrictions, “though the major restriction, aimed at Asians in east Africa, is a premature abrogation of a moral and legal obligation to those people” (“The Missing Safeguard”). It was believed that the tougher the law became, the more important it was to make sure that it was applied fairly. The failure to implement the Wilson Committee proposals properly only confirmed the impression that “whatever its merits, this Bill is being rushed with a haste that approaches panic” (“Hasty Law”).

There were serious cabinet splits over the legislation. The Commonwealth Secretary, George Thomson who led the opposition said: “To pass such legislation would be wrong in principle, clearly discrimination on the grounds of colour, and contrary to everything we stand for” (“1968: More Kenyan Asians”). He predicted that the legislation would lead to racial discrimination and emphasized the fact that in 1963 Kenyan Asians had been given full British citizenship without any conditions. The Bill “creates a second-class category of citizens of this country who have no right of entry into any part of it” (qtd. in Hampshire 36). Auberon Waugh, a British journalist, wrote in *The Spectator* that the Commonwealth Immigrants Act 1968 was “one of the most immoral pieces of legislation to have emerged from any British Parliament” (qtd. in Hampshire 38).

On 23 February 1968, *The Times* published an article considering the motives of the Bill, claiming that

there is much talk of pressure on space and resources, but that was not the reason for the 1962 Act. It was necessary because the more coloured people enter Britain, the more race relations in this country are brought under strain; and it had since become apparent that a further tightening of the restrictions is necessary for exactly the same reason ... there is nothing dishonourable in pursuing a policy that is intended to preserve reasonable race relations in Britain for the long term. At some time it might have become obvious that the obligation to the Asians of east Africa could not be upheld without chaos developing in this country. But that time has not been reached. (“Hasty Law”)

Naturally, the new legislation caused strong negative reactions with the people it concerned most. An Indian-born Nairobi advocate went to intervene at the Queen, the Prime

Minister and the United Nations appealing to stop the ‘inhuman act’. He said: “To restrict a citizen from entering the country is to deprive him of his fundamental rights” (“On This Day”). Another prominent Nairobi resident Kantilal Punhamchand Shah, a former member of Kenya’s Legislative Council, termed Britain hypocrite, being worse than South Africa. “Britain,” he said, “who always claimed to be fighting for justice and fair play and to be fighting against racialism is now proved to be hypocrite number one in the world” (ibid.). Obviously, the east African Asians with the status of British overseas citizens felt “betrayed and made stateless overnight” (ibid.), as their passports did not give them the right to live in Britain.

News of the new immigration bill caused panic among Asians in East Africa and once again, much like four years before, there was the beat-the-ban rush to get to the United Kingdom before the Bill became law. Almost daily there were new articles appearing in the newspapers to report on how many hundreds or thousands of immigrants had come to Britain. Again, the war on immigration was declared by some media, which influenced public opinion immensely. Before the Act was passed, 70 per cent of Britons voted for further controls in public opinion polls (Hampshire 35). As Randal Hansen later commented on the Act, it was “loathed by liberal opinion and loved by public” (Hampshire 37). Also James Callaghan admitted in his memoirs *Time And Chance* that introducing the Commonwealth Immigrants Bill had been an unwelcome task but he did not regret it because “public opinion in this country was extremely agitated, and the consideration that was in my mind was how we could preserve a proper sense of order in this country and at the same time do justice to these people—I had to balance both considerations” (“James Callaghan”), admitting that the Act came mainly as a reaction to the public pressure.

The Act after its introduction also created the phenomenon of human ‘shuttlecocks’. Families who left east Africa were forced to spend weeks in airport transit lounges and

shuttled from airport to airport because they did not manage to get into the United Kingdom in spite of being official British citizens (“Jim Callaghan’s Flawed Legacy”).

In 2002, 34 years on, the Home Secretary David Blunkett retrieved ‘a historic wrong’ which had left tens of thousands of Asians stateless by giving them the opportunity to take up full British citizenship (“Blunkett Ends Passports”). He also said that “overseas British citizen status is a legacy of decolonisation, when some overseas citizens were treated unfairly, which was then compounded by the 1968 Immigration Act and the 1981 Nationality Act. The Government is acting to put right those wrongs. We have a moral obligation to these people going back a long way” (ibid.).

## 5. Effects of Enoch Powell's speech on immigration

### 5.1. Biographical data

This subchapter is based on the entry "Powell, (John) Enoch" in *The Blackwell Biographical Dictionary of British Political Life in the Twentieth Century*.

John Enoch Powell (1912-1998) was a British politician, soldier, scholar, writer and poet. His political career was rather modest, but his speeches and actions have arisen much attention. He is discussed at this place because of his controversial views on race, national identity and immigration which he often commented on causing strong reactions from his supporters as well as his opponents.

Powell was born in Birmingham, England in 1912. His ancestors came from Wales. He attended King Edward's School where he studied classics, specifically Latin and Greek which would later influence his 'Rivers of Blood' speech. He completed his education at Trinity College, Cambridge between 1930-1933 where he studied Greek with unwavering intensity. At the age of 25 he was appointed Professor of Greek at Sydney University. The most significant academic work is his *Lexicon to Herodotus* published in 1938.

He also took a course in Urdu at the School of Oriental Studies, University of London, concurrently with his studies at Cambridge, because of his ambition to become a Governor-General of India. However, his ambition crashed in 1947 when Prime Minister Attlee announced that Indian independence was imminent. Powell was so shocked by the shift of the policy that he spent the night after Attlee's announcement walking the streets of London, trying to accept the idea ("Enoch Powell"). He finally put up with it by becoming markedly

anti-imperialist, believing that once India was gone the rest should follow it. That also clears up his ensuing contempt for the Commonwealth.

During his stay in Sydney, Powell grew increasingly angry with British appeasement of Nazi Germany and returned to England as soon as the war broke out. He enlisted in the Royal Warwickshire Regiment as an Australian and in 1941 he was sent to Cairo where he was soon made a Major. Though he served in Africa and was later made a Lieutenant-Colonel, he actually never saw combat as for the most of his career he was a staff officer. Powell entered the army as the youngest Professor in the Commonwealth and left it as the youngest Brigadier in the British army.

After the war, in 1945, Powell decided to plunge into politics, joined the Conservative Party and worked in the Conservative Research Department alongside Iain Macleod and Reginald Maudling. In 1950 he was narrowly elected in general election as a Member of Parliament for Wolverhampton South West, a constituency which he represented until 1974. His powers and rhetorical abilities were soon recognized, however, Powell inclined to follow an individual path. Especially his opposition to withdrawal from the Suez Canal Zone caused irritation. Anthony Eden, then the Prime Minister, made him Parliamentary Secretary to the Ministry of Housing and Local Government in 1955 and two years later the new Prime Minister Harold Macmillan put him into his Treasury team as his Financial Secretary. After a year at this position he resigned together with the Chancellor Peter Thorneycroft in protest at Government plans for increased expenditure. Powell was a staunch monetarist, advocate of free market policies, calling for privatisation, wanting the Conservative Party to become a modern, businesslike party, freed from its old aristocratic associations (“Enoch Powell”).

Powell returned to the Parliament in 1960 as a Minister of Health (until 1963), and at this position he controlled the employment of a large number of Commonwealth immigrants in the understaffed National Health Service. Before that non-white immigrants had had to put

up with badly paid inferior jobs such as street cleaning, night-shift assembly production lines etc. Powell was eager to secure as many overseas nurses and doctors as possible to support an expansion of the health service (Sked 178). As a Minister of Health, Powell gained a high reputation as an effective administrator and communicator. In 1965 he was appointed Shadow Secretary of State for Defence by Edward Heath, the new leader of the Conservative Party. In the late 1960s Powell became well-known thanks to his 'Rivers of Blood' speech, which is discussed in detail in the next chapter.

Powell stood strongly against the entry of the United Kingdom to the European Economic Community, therefore, when the Conservatives took the country into the European Common Market in 1974, he left the Conservative Party and advised people to vote for Labour which promised a referendum on whether the UK should remain in the EEC or not. In the end the referendum was held, but resulted in a clear vote for remaining in the EEC. In this respect, we can say that Powell placed his concern for the survival of British nation above party loyalty.

Since 1968 Powell was a frequent visitor to Northern Ireland where he sided strongly with the Ulster Unionist Party to maintain British rule. So after leaving the Conservatives he returned to the Parliament as an Ulster Unionist MP for South Down in 1974. He remained at this post until 1987.

As a former cabinet minister he was offered a life peerage but declined it as he argued that it would be hypocritical for him to take one because he had opposed the Life Peerages Act in 1958 ("Enoch Powell").

In 1992 he was diagnosed as suffering from Parkinson's Disease but during his final years he managed to do some writing as well as occasional pieces of journalism and co-operated in a BBC documentary about his life. He died on 8 February 1998, aged 85.

## 5.2. Rivers of Blood speech

Enoch Powell was renowned for his oratorical skills as well as his individualism. Today he is noted mainly for his controversial speech in Birmingham in 1968, which, because of its reference to Virgil saying that the Tiber would foam with blood, later became known as the 'Rivers of Blood' speech. The speech came after the sudden influx of Kenyan Asians into the country and introduction of the Commonwealth Immigrants Act 1968.

On Saturday April 20, he gave the speech at the Midland Hotel in Birmingham to an annual meeting of the Conservative Political Centre and he warned the audience of what he believed would be the consequences of continued unrestricted immigration to Britain from the Commonwealth. However, the main political issue addressed by the speech should not have been immigration at all, but it was instead the introduction of anti-discrimination legislation, the Race Relations Bill, by the Labour government. The legislation would prohibit racial discrimination in certain areas of British life such as employment, housing and other services. Powell did not agree with the legislation and found it offensive and immoral ("Enoch Powell").

In his speech, Powell said Britain had to be mad to allow the inflow of some 50,000 dependents of immigrants every year. He compared it to watching a nation "busily engaged in heaping up its own funeral pyre," ("Rivers of Blood Speech"). He called for an immediate reduction to "negligible proportions" of the present immigrant inflow, and an "urgent encouragement of re-emigration" (ibid.). Powell claimed to have spoken to a constituent, middle-aged ordinary working man, who told him: "If I had the money to go, I wouldn't stay in this country...In this country in fifteen or twenty years' time the black man will have the whip hand over the white man" (ibid.). Powell knew what he was doing and that these quotations of his constituents would be inflammatory. "I can already hear the chorus of execration. How dare I say such a horrible thing? How dare I stir up trouble and inflame

feelings by repeating such a conversation? The answer is that I do not have the right not to do so” (ibid.).

In a reference to the Race Relations Bill, he said that to enact legislation of this kind was “to risk throwing a match onto gunpowder” (ibid.). By the year 2000, he quoted the Registrar-General’s statistics, there would be five to seven million Commonwealth immigrants and their dependents. “Whole areas, towns and parts of towns across England will be occupied by different sections of the immigrant-descended population,” (ibid.) he said. He then advocated encouraging voluntary re-emigration by “generous grants and assistance” (ibid.). Powell did not see pure immigration as a sufficient, long-term solution, in addition, he demanded repatriation of immigrants. He said that as he looked to the future he was filled with a sense of foreboding. “Like the Roman, I seem to see the river Tiber foaming with much blood,” (ibid.) he said.

A significant part of his speech consisted of an extensive quotation of a letter he had received from one of his constituents in Wolverhampton describing the experience of an elderly widowed lady who was supposed to be the last white person living in her street. She repeatedly refused the applications from immigrants who wanted to rent a room in her house, which resulted in her being called a racist in the area and receiving excreta through her letter box. “When she goes to the shops,” he goes on, “she is followed by children, charming, wide-grinning piccaninnies,” (ibid.) the last word defined as an offensive term for a Black child from Africa (“Piccaninnies”). “When the new Race Relations Bill is passed, this woman is convinced she will go to prison. And is she so wrong? I begin to wonder,” (ibid.) he commented on her situation.

Powell refused to name the lady in order to respect her privacy and preserve her confidentiality. There were many doubts whether she existed at all, because the research did not reveal the name, therefore Powell was repeatedly accused of inventing the old lady and

her story to promote his anti-immigration propaganda. But finally in January 2007, the person was identified in the BBC Radio Four programme *Document*, followed by the research and confirmation of *The Daily Mail*. The lady's name was Druscilla Cotterill who died in 1978, and recent research confirms that even though the story was not precise in details, it certainly was not a mere fabrication. I believe that this was a very important missing piece of information not only for historians to find out that the speech, which is widely believed to have helped poison race relations in Britain, was based on truth.

### 5.3. Reception

According to a person who was present at the meeting where Enoch Powell made his speech, the immediate reactions were not negative at all, on the contrary, he was applauded during and after his 45-minute speech. Only one person voiced any sign of annoyance or disapproval ("Rivers of Blood Speech"). The day after the speech Powell defended it on the BBC's *World This Weekend* and later that day he appeared on ITN news. He said that he had chosen his words in Birmingham speech very carefully indeed. "I didn't wish to be misunderstood and I believe there is no room for misunderstanding" ("Tory MP Speaks"). "I spoke about the deep fears, the resentments and anxieties for the future which I know exist" ("Incitement to Racial Hatred"). Questioned about the effect of the speech on the Conservative Party he said: "I was speaking to the official line" ("Tory MP Speaks").

However, most of his Conservative colleagues did not support him, although they criticized it more for the intemperance of its language than for its basic message (Shrapnel), including Margaret Thatcher, who thought that although some parts of the speech were 'strong meat', she sympathised with its general message ("Rivers of Blood Speech").

Enoch Powell was sacked from the Shadow Cabinet by Edward Heath the day after the speech and he never held another senior political post. The leader of the Conservative Party said: "I have told Mr Powell that I consider the speech he made in Birmingham yesterday to be racist in tone, and liable to exacerbate racial tensions. This is unacceptable from one of the leaders of the Conservative Party and incompatible with the responsibility of a member of the Shadow Cabinet" (Aitken). The phone conversation was their last ever. They never spoke again and Heath even refused to comment on Powell's death in 1998. Conversely, some people believed that Heath wanted to put blame for his party taking tougher action against immigration entirely on Powell ("Enoch Powell"). Undoubtedly the speech was a political action. Arranged, carefully scripted, carefully planned. As a political action, it was a clear challenge to Edward Heath's leadership. "Mr Powell made an evil speech; it had to be repudiated, and he had to be repudiated with it" ("An Evil Speech").

There were other strong negative reactions to Powell's controversial speech. Humphrey Berkley, the former Conservative MP who resigned from the party shortly before the speech in protest against its policy on racial matters, said it was the most disgraceful public utterance since the days of Sir Oswald Mosley. Similarly, other politicians labeled the speech as extremely damaging and irresponsible, one of the most dangerous political speeches, direct incitement to racial hatred and violence, or it was even compared to the Nazi propaganda of the 1930s ("Mosley Speeches Recalled"). Lady Gaitskell said: "I think it was a cowardly speech because he fastened his own race prejudice on other people—in this case, the working men of this country" ("Incitement to Racial Hatred").

One reason for his dismissal was the fact that he had not notified the Conservative Central Office of his intentions to deliver the speech, which was a routine procedure. Moreover, he issued an advance copy of his speech to the media, which is most likely the reason for the appearance of journalists and TV cameras at the meeting due to the fact that

they might have realized how controversial and explosive the content would be (“Rivers of Blood Speech”).

Enoch Powell received almost 120,000 largely supporting letters. On 23 April 1,000 dockers struck against Powell’s dismissal and marched from the East End to the Palace of Westminster carrying banners saying ‘Don’t knock Enoch’ or ‘Back Britain, not Black Britain’. On the other hand there were some demonstrations in protest of the speech, but a Gallup poll taken at the end of April 1968 showed that 74 per cent of respondents agreed with what Enoch Powell said in his speech and 69 per cent thought Heath should not have sacked him from the Shadow Cabinet (ibid.).

*The Sunday Times* received a libel writ from Powell for calling his speech ‘racialist’. Powell was ordered by the court to disclose the letters he had received to prove the validity of his arguments. As a consequence of the court order, Powell dropped the libel actions as he did not intend to make the letters and lady’s identity public (ibid.).

Although Powell never explicitly regretted his speech, some senior figures in the Conservative Party admitted that he had mentioned it, for it marked an end to his further political career (“Enoch Powell”). On the other hand, it undoubtedly increased his profile and popularity among both some Conservative Party members and in the country in general. In 1965 he ended up a distant third in the Conservative Party leadership election gaining only 15 votes, but after his speech Powell turned into a national public figure with considerable support across Britain. Powell’s popularity seemed to contribute notably to the surprising victory for Conservatives in General Election in 1970. In 1972 Powell was the most popular British politician according to *The Daily Express* poll (ibid.).

Although Powell found much support among working men, politicians and the press denounced him and labeled as ‘racialist’. Powell disavowed the label saying: “What I would take ‘racialist’ to mean is a person who believes in the inherent inferiority of one race of

mankind to another, and who acts and speaks in that belief. So the answer to the question of whether I am a racialist is no” (*The Time*).

In the United Kingdom throughout the 1970, ‘Enoch was right’ became a political phrase which confronted contemporary British society with predictions made by Enoch Powell’s ‘Rivers of Blood’ speech and implied opposition to immigration and multiculturalism.

After the speech the word Powellism started to be used with rather different meaning than it had been intended. The word Powellism was coined by Iain Macleod in 1965 in *The Spectator* reviewing a book of Powell’s speeches entitled *A Nation Not Afraid*. It was used to describe his views on economics, however, after the ‘Rivers of Blood’ speech, it often referred to strong anti-immigrant, even racist views, speaking and writing about the phenomenon of Powellism, the trauma of Powellism, or the crisis of Powellism. Naturally, Enoch Powell never agreed with this connotation, as he always emphasized its economic significance. He stated that Powellism “used to represent an almost unlimited faith in the ability of people to get what they want through prices, capital, profit and a competitive market,” (“Immigrant Strain on Health”) and attempted to keep this meaning.

Obviously, the trauma of Powell’s speech is not over yet. In November 2007 Conservative Nigel Hastilow was forced to resign as the party’s parliamentary candidate, after he had refused to apologise for saying that Enoch Powell was right to make his notorious speech. The row over the Midlands candidate was ignited after *The Observer* reported details of his column in the local *Express and Star* newspaper, in which he claimed that

we [Britain] roll out the red carpet for foreigners while leaving the locals to fend for themselves...when you ask most people in the Black Country what the single biggest problem facing the country is, most say immigration. Many insist ‘Enoch was right’

... Enoch, once MP for Wolverhampton South West, was sacked from the Conservative front bench and marginalised politically for his 1968 ‘rivers of blood’ speech warning that uncontrolled immigration would change our country irrevocably. He was right. It has changed dramatically. (Hencke)

Cabinet minister Peter Hain said: “This Conservative candidate really exposes the racist underbelly of the Tory party.” He claimed that even though David Cameron and others from the party’s leadership had officially committed themselves to tackling racism, “in the undergrowth of the party, in the grassroots, including this candidate, there are all these backward, reactionary sentiments” (“Tory Candidate Quits Over”). This recent case may suggest that politicians in Britain should watch their language carefully, as the only reference to Enoch Powell might be worth their political careers.

The question whether Enoch Powell was a racist has remained unanswered ever after. He and his friends claimed he was not, which would be understandable in consideration of his background, fondness for India, polyglottism. If he really was not, he undoubtedly played upon other people’s racism—which is similarly bad, if not even worse.

## 6. Immigration Act 1971

### 6.1. Background

As *The Economist* predicted already for the elections in 1966 that there was “a real danger that the next general election ... will be fought surreptitiously over race. For parties uneasily balanced in electoral opinion the racial issue, especially in urban seats, may make all the difference next time” (qtd. in Hampshire 34). This came true and more topical for the general elections in 1970, which was won rather surprisingly by the Conservative Party. It is believed that the victory was largely due to the growing popularity of Enoch Powell after his notorious ‘Rivers of Blood’ speech. Though Powell was sacked from the Shadow Cabinet by its leader Edward Heath the day after he gave the speech, he unexpectedly gained considerable support all over the country and made the party reconsider its policy (Hampshire 39). In the “1970 Conservative Party General Election Manifesto” the immigration policy of the new Government with Edward Heath as Prime Minister (1970-1974) was outlined, although it did not bring any distinct shifts. The manifesto promised to deal with race relations so as to determine “that all citizens shall continue to be treated as equal before law, and without discrimination”. As far as the immigration policy is concerned, the Conservative Party intended to establish a new single system of control over all immigration from overseas and give a complete control over the entry of individuals into Britain to the Home Secretary. The policy suggested that future immigration would be allowed only in strictly defined special cases without any further large-scale permanent immigration (“1970 Conservative Party General Election Manifesto”).

The Immigration Act 1971 is of great importance mainly as it topped the Government's efforts to withdraw Commonwealth citizens from their originally unrestricted right to enter their former 'mother country', the United Kingdom. Basically, the Act made no distinction between a Commonwealth immigrant and non-Commonwealth immigrant, speaking of course about the 'new' Commonwealth as most of the citizens of the 'old' Commonwealth were admitted as 'belonging' citizens, the term introduced by the Commonwealth Immigrants Act 1968. By denying any special relation to the Commonwealth countries, the Act recognised that Britain was no longer the heart of the Commonwealth. Surely it was not a coincidence that it was passed mere four months before the Government signed the Treaty of Accession to the European Economic Community, which would later become the European Union.

The 1971 Immigration Act was passed by the Conservative Government, though it had been largely drafted by the previous Labour Government when in power, and confirmed the racial basis of immigration policy.

## 6.2. Contents

An Act to amend and replace the present immigration laws, to make certain related changes in the citizenship law and enable help to be given to those wishing to return abroad, and for purposes connected therewith. [28th October 1971] (Immigration Act 1971)

As we can see from the introduction of the Immigration Act, this time it did not only amend and partially modify the previous Act, as in the case of Commonwealth Immigrants

Act 1968, but a completely new Act was introduced, although the basis and general impact was more or less the same as in the previous one.

One of the new things in the immigration legislation was the introduction of the term 'patrial', which was used of persons who had the right of abode in the United Kingdom and these were people who belonged to the country by being born, adopted or naturalised in the United Kingdom, or could provide some evidence that a parent or a grandparent had been born, adopted, or naturalised in the British Isles. It was obvious that a large majority of citizens of the 'old' Commonwealth countries such as Australia, Canada or New Zealand would fulfil the conditions, while the citizens of the 'new' Commonwealth countries, which were mostly poor, developing countries in Africa, Asia and the Caribbean, had no such connection to the UK. Although skin colour was not mentioned in the Act at all, it was clear that the patrials would be exclusively white and the entrance ban would affect predominantly non-white people. Although this concept of 'patriality' caused much criticism, it was not more nor less racist than the concept of 'belonging' and 'non-belonging' established in the Commonwealth Immigrants Act in 1968. In addition, under the Act the Irish were not the subject of immigration control, as the Republic of Ireland was included in the so called 'common travel area' together with the Channel Islands, Isle of Man and other British islands.

The immigrants once in Britain did not have the permission to travel to a country or territory outside the common travel area, otherwise their leave to enter or remain in the UK would lapse and they would have to submit to another immigration control. 'Non-patrials' also might have been deported if they overstayed their limited leave to remain, if their husband, wife or children had been deported, if they had been convicted of an offence punishable by imprisonment, or if the Secretary of State regarded their deportation as 'conducive to the public good'. The last term was not specified in the Act, which gained much criticism.

The Act confirmed the continuation of the Immigration Appeal Tribunal provided by the Immigration Appeals Act 1969, as an authority for the persons who wanted to appeal against the order to leave, or refusal of a certificate of patriality.

A person who refused or failed to submit to immigration control in given time might have been convicted of an offence punishable by a fine of maximum £200, or by an imprisonment for not more than six months. Moreover, the maximum fine for harbouring illegal immigrants was doubled.

In order to encourage ‘non-patrials’ in returning home, the Act empowered the Secretary of State to provide payments for the expenses including travelling expenses for them as well as for members of their families, when leaving the United Kingdom for a country where they intended to stay permanently.

The United Kingdom did not accept people who were not patrials suffering from mental illnesses.

### 6.3. Reception

The Bill was opposed by the Liberal and Labour Parties; for Labour, Roy Jenkins, the former Home Secretary, said the number of immigrants entering Britain was not of a size of any special concern, which made any further restrictions on immigration control undesirable (Sked 268). The same view was held by the author of an article in *The Times* in February 1971, who wrote that there was no need for any further Bill, as under existing legislation fewer than four thousand Commonwealth immigrants had come to work in Britain the previous year, and remarked pertinently that it “would not at all have suited the Government’s political needs simply to say that Commonwealth immigration had already been under sufficiently strict control” (“The Defects of the Bill”). Also Jeremy Thorpe, leader of the

Liberal Party, openly criticised the Bill for being “blatantly racist ... a flagrant concession to Powellism, an insult to the Commonwealth, and an attack on human rights“ (“3,000 March in Protest”). On the other hand, all the Conservatives did not agree on the extent of the legislation either, despite the fact that they all voted resolutely for the Bill. Some members of the Party criticised it for not being as strong as it might have been, an opinion most strongly voiced by Enoch Powell, who had been now the main proponent of tough immigration legislation, taking over the position from Cyril Osborne (ibid.). Some members of the Cabinet were rather daring in suggesting to exempt all ‘old’ Commonwealth citizens, but this was denounced by others: “Although such a concession would be welcome in the old Commonwealth and in this country, it would be difficult to defend against charges that we were discriminating against the new Commonwealth and giving to nationals of the new Commonwealth a special status which it could be argued was contrary to the concept of the Commonwealth as a multiracial institution” (qtd. in Hampshire 41).

One of the controversies of the Bill was a point which was not included in the end, and that was immigrants’ obligation to report on their arrival to the police and register there. This intention was strongly rejected because of the criticism that the immigrants would be associated with the police from the beginning, which would undoubtedly cause a “threat to the delicate relationship between the police and the immigrant communities” (“The Defects of the Bill”). The removal of this provision from the Bill during its passage through the Parliament was much welcomed. On 13 October 1971, *The Times* wrote that “the government have taken much of the sting out of the Bill” (“Police Responsibility”).

Similarly to all the immigration acts before, the main criticism was focused on the racist undertone, this time expressed by the distinction between ‘patrials’ and ‘non-patrials’. Although this was not a new issue at all, some opponents tried to recall the roots of Britain’s traditional liberal attitude towards immigration, now having been stricken by the Bill as well

as the damaged notion that “Britain is without original sin in the matter of colour discrimination” (“Racial Discrimination”). Reginald Maudling, the Home Secretary, denied that the concept of patriality as well as the whole Bill had anything to do with colour. “What we are doing is saying anyone who has a parent or a grandparent born here can come and go as they like. Most of them will certainly be white, because most of us are white but this is not a matter of discrimination—unless you’re looking for discrimination” (“Calling a Spade”).

Among those who felt the discrimination in the Bill were naturally the Indian, Pakistani and West Indian immigrant organisations from all over Britain, which gathered numbering some 3,000 people in London on April 4, 1971, to march through the city and hand in a memorandum protesting against the Immigration Bill for the Prime Minister Edward Heath. It stated: “Your Government is now trying to turn back the clock to the days when Britain was a colonial power. The Bill creates insecurity in the lives of immigrants, creates mistrust of the Government’s intentions, and will also help to persuade the British people that black people are second class and undesirable” (“3,000 March in Protest”).

Another issue for lively discussion was the distinction between Commonwealth immigrants and aliens, if there was any. Britain had preferred migrants from the Commonwealth for many years and felt a certain liability for them. Therefore the fact that they would be put on the same level as people from other parts of the world raised much debate. The provisions in the Bill meant that after the entry of Britain to the European Economic Community, the EEC nationals coming to Britain to work would be in a privileged position compared to non-patrial Commonwealth workers (“Cloudy Distinction”).

The period of exclusionary immigration legislation, which began in 1962, lasted further throughout the 1970s. In 1981 the British Nationality Act established a distinct British citizenship defined in terms of descent, thereby solved the problem of patrials and non-

patrials, or belonging and non-belonging, or in other words practical and theoretical citizenship.

## 7. British immigration policy since 1971

### 7.1. 1972-1979

By the 1970s, the British government had toughened the rules for entering the country enough to discourage or refuse a large number of prospective immigrants, however, it had not stopped it altogether. Therefore the immigration continued in large scale even after the Immigration Act 1971 with the peak of the decade in 1972, when the Ugandan dictator Idi Amin expelled all the African Asians from the country.

In August 1972, Idi Amin decided to expell Asians who were not Ugandan citizens because they were, as he said, ‘bloodsuckers’ milking the economy of its wealth (“1972: Asians Given 90 Days”). Asians had been living in Uganda over a hundred years, significantly contributing to the Ugandan economy. There were about 80,000 people who had to leave the country within the deadline of 90 days since Amin’s announcement (ibid.). Since Uganda had been a former colony, most of the expelled Asians were holders of British passports and majority of them intended to settle in Britain. The Conservative Government faced a crucial decision whether to take them in or not. Conservative MP Ronald Bell claimed that Ugandan Asians had no real links to Britain, “they were either born in India or retained close connection with India. They have no connection with Britain either by blood or residence” (ibid.). This view was supported most vigorously by Enoch Powell, but the Government concluded differently. In the end about 50,000 Asians were forced to leave their homes of which around 28,000 came to the United Kingdom (Sked 269).

A new Race Relations Act was introduced to tackle racial discrimination and promote racial equality in 1976. The Act established the Commission for Racial Equality (CRE), which operates up to the present day as a non-governmental public body with statutory power

to help enforce the Race Relations Act. The late 1960s strategy of restricting the immigration thus continued, on the other hand, the Government also tightened up the legislation protecting the rights of immigrants already settled in the country.

In 1978, then the leader of opposition and future Prime Minister Margaret Thatcher gave TV interview for Granada *World in Action* commenting among others on race, nationality and immigration:

if we went on as we are then by the end of the century there would be four million people of the new Commonwealth or Pakistan here. Now, that is an awful lot and I think it means that people are really rather afraid that this country might be rather swamped by people with a different culture and ... the British character has done so much for democracy, for law and done so much throughout the world that if there is any fear that it might be swamped people are going to react and be rather hostile to those coming in" ("TV Interview").

Perhaps she predicted the racial disturbances in the early 1980s.

## 7.2. 1980s

The beginning of the decade meant a significant shift of immigration policy in Britain, caused by the enactment of the British Nationality Act 1981, although the idea of updating the nationality law had arisen already in the mid-1970s. The first outline in the form of a Green Paper was produced in 1977, followed in 1980 by a White Paper which contained specific proposals for change.

The British Nationality Act was intended to make new provisions about citizenship and nationality, and also to amend the Immigration Act 1971 as far as the right of abode in the UK was concerned. The Act finally solved the problematic citizenship of the United Kingdom and Colonies (CUKC) by replacing it by three different citizenships: British Citizenship, British Dependent Territories' Citizenship, and British Overseas Citizenship. Immigrants who fell within the first two categories could register as full British citizens after they had been living in the United Kingdom for at least five years. Women married to British men could no longer acquire British citizenship purely by marriage, but could apply for naturalisation after three years of residence in Britain. British Nationality Act 1981 made a fundamental shift away from the tradition of *jus soli*, citizenship rooted in territory, to *jus sanguinis*, citizenship based on descent. The Act received Royal Assent on 31 October 1981 and came into force on 1 January 1983.

The year 1981 is not only the year of the British Nationality Act, but also of the race riots in London, Brixton, Liverpool, Manchester, and all over Britain. On 2 March, the Black People's Day of Action was called and more than 15,000 people marched in London in protest at press indifference to black deaths earlier that year ("Down the Decades"). This demonstration would be remembered as the biggest black demonstration yet seen in Britain. The riots broke out all over the country without any apparent reason. As an American magazine reported, Manchester

sank into almost nightly rioting. In London, where the incendiary madness started the previous weekend with a race riot in the district of Southall, the sparks returned to alight in at least a dozen other neighbourhoods, including Wood Green, Woolwich and Brixton, the scene of vicious riots last April. The battles pitted racist 'skinheads'

against ethnic Asians, have-nots against haves, and just about everybody against the police. (qtd. in Childs)

After the Brixton riots Leslie Scarman was sent there to chair a public inquiry on the disturbances. In his report in November 1981 he called for the following changes in the police: recruitment of more officers from the ethnic minorities, dismissal for racially prejudiced behaviour, longer training with emphasis on policing in a multi-racial society, more foot patrols and 'an independent element in the investigation of complaints' (Childs 304). Despite these improvements, horrific riots broke out again in Birmingham and Brixton in 1985. The rioters were mainly black, which raised presumption that in this way they wanted to express their sympathy for the minority regime in South Africa (Childs 305).

By 1985 from the total of 55 million people living in the United Kingdom there were over 1 million Asians and almost 1 million people of West Indian origin (ibid.). Despite the worries about immigration, the Conservative Government under the leadership of Margaret Thatcher did allow entry into the UK of approximately 10,000 Vietnamese refugees fleeing the communist regime after the fall of Saigon (ibid.).

On 11 June 1987, four non-white politicians (Diane Abbott, Bernie Grant, Paul Boateng and Keith Vaz) were elected as Labour MPs at the same general election. Paul Boateng also became the first black cabinet minister in 2002. In the 1987 election, immigration was of course considered, both major parties stating in their manifestos that immigration controls had to stay firm but fair, but the issue of race relations had become more topical due to the early 1980s riots and also the fact that immigration for settlement was at its lowest level since the introduction of the first legislation on immigration in 1962 ("1987 Conservative Party General Election Manifesto"). In the same year the Government enacted the Immigration (Carriers' Liability) Act, practically an amendment to the Immigration Act

1971, which imposed financial sanctions on carriers who bring to the United Kingdom passengers without necessary entry documents. On 10 May 1988, the Immigration Act received Royal Assent and its main provisions were: only one wife or widow of a polygamous marriage had the right to enter the UK, overstaying the granted period of leave to enter was made an offence; under the Treaty of Rome, European Community citizens did not need leave to enter or remain in the country; passengers could submit to the immigration control prior to arrival in Britain.

### 7.3. 1990s

Murder of the black teenager Stephen Lawrence in 1993 and the inquiry into the police handling it, led to lively discussion on racism among governmental agents, in particular the police. Stephen Lawrence was stabbed to death by a gang of white youths while waiting at a bus stop in South London on 22 April 1993. Three people accused of the murder were brought to court but the evidence was found inadmissible, therefore they went free. Despite some eye-witnesses, including Stephen's friend Duwayne Brooks, the police failed to find enough evidence to convict the three men, well-known members of the South London racist gang, of murder, maybe also because of the fact that they at first concentrated on investigating Stephen Lawrence, his background and impeccableness ("I Just Want to Be Free"). Though in 2007 new evidence was found ("Media Briefing"), the end of the case is still far away, bringing up the question whether not only the murder was racially-motivated but also the investigation of the case. In the 1999 report of William Macpherson into the death of Stephen Lawrence, he promoted a police approach which would not ignore racial differences, but which would in fact emphasise them: "Colour-blind policing must be outlawed. The police

must deliver a service which recognises the different experiences, perceptions and needs of a diverse society” (McKinstry).

With the fall of the Iron Curtain, a new movement of people from eastern to western Europe began. In addition, thousands of people sought asylum in Britain fleeing the ethnic conflict in the Balkans. Throughout the 1990s a new type of migrants to Britain arose much concern and those were asylum seekers, meaning people seeking to be recognized as refugees. According to the *Convention relating to the Status of Refugees* adopted by the United Nations in 1951, the term refugee applies to any person who

owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to, or owing to such fear, is unwilling to avail him/herself of the protection of that country.

The UK’s obligations under the 1951 Convention were incorporated into British law by the Immigration and Asylum Appeals Act 1993. It ensured that refused asylum seekers had the right to appeal, but at the same time the Act set strict time limits within which the Immigration Appellate Authorities had to determine appeals. The Act also included the power to fingerprint all asylum applicants to avoid multiple applications.

Asylum and Immigration Act 1996 besides other provisions created a new offence of employing anyone unless they had permission to live and work in the United Kingdom. The offence was punishable by a fine. Another act, Immigration and Asylum Act 1999, removed entitlement to benefits from all asylum seekers and established the National Asylum Support Service to this purpose.

## 7.4. Current situation

In the first decade of the twenty-first century, three important acts have been passed. Nationality, Asylum and Immigration Act 2002 put emphasis on the control and removal of unsuccessful applicants for asylum. Those who succeeded were expected to attend citizenship ceremonies which included an oath to the Queen and a pledge of loyalty to the UK. People who applied for naturalisation were required to have sufficient knowledge of language as well as society. Asylum and Immigration Act 2004 introduced substantial changes to the asylum appeals process and extended the list of behaviours that could damage an applicant's application. Immigration, Asylum and Nationality Act 2006 created a 5-tier points based system for awarding entry visas, tackled illegal working through penalties scheme for employers, and enabled sharing data between the Immigration Service, police and the customs, as a part of the e-Borders programme intended for denying asylum to terrorists and those who posed a serious risk to security.

Entry of new countries to the EU allowed many Eastern Europeans to work in the UK. Upon the enlargement of the European Union in 2004, the United Kingdom was one of only three countries to give unrestricted permission of residence and work to all new EU citizens. However, the growth in number of immigrants was higher than expected, therefore it became a 'major new issue' in 2006 (Verkaik). Trevor Phillips, the head of the Commission for Racial Equality said:

there are some features of this migration which make it, from the point of view of the average citizen, very different to the post-Empire wave ... These people come to work, and to earn ... most of these who come from the EU accession countries are young, often highly educated and, crucially, single and child-free ... it is socially significant—an influx of young men and women will change any community. (ibid.)

Although Phillips admitted that majority of these migrants were expected to return home after a few years, he saw the problem in the fact that the new immigrants established their own places of worship, shops and media outlets. “There’s nothing wrong with these preferences,” he said “but it does present the possibility that the range of areas in which we share experiences as a whole nation is shrinking daily” (ibid.). Britain still faces this problem of EU immigration although it has already made some moves to limit it by restricting migration from the countries that entered the European Union in 2006, Bulgaria and Romania.

According to the 2007 research in which the integration of migrants in the 25 EU states, as well as Norway, Switzerland and Canada were studied, Britain is one of the most welcoming countries for immigrants these days. The United Kingdom was ranked rather highly as regards policies allowing immigrants long-term residence and taking on nationality, on the other hand, it was near the bottom of the rank concerning the right to vote and take part in democracy (“Britain Ranks Highly”).

Although Britain passes for a highly welcoming country these days, the immigration policy might again turn to more restrictive one, as demographic trends speak about huge population increase, which could have reached 70 million by 2031 (“Demographic Trends”). Of course, immigration is most likely the first thing to be reconsidered at this point. Andrew Green, chairman of Migrationwatch, called for immediate action to limit the number of people settling in the United Kingdom: “This huge population increase—equivalent to twice the population of greater London by mid-century—is 90 per cent due to immigration” (ibid.). In addition, the Government recently admitted that the number of overseas nationals working in Britain is 300,000 bigger than they had believed (Morris). David Cameron, leader of the Conservative Party, has already promised to cut the levels of migration because of an unsustainable pressure on the country’s public services and infrastructure (ibid.).

“Immigration brings many benefits to our country,” he said, rejecting calls to close doors to new migrants. “Instead, we should bring down the level of net immigration to a more sustainable level,” he went on, and suggested that this could best be reached by cutting of economic immigration from non-EU countries (“Cameron Pledges”). However, he avoided providing any more details on the manner and numbers, which was later criticised by the immigration minister Liam Byrne: “Talk of a cap on numbers, when you can’t, or won’t, name a number is nothing but a smokescreen for his lack of new, credible thinking ... We are introducing a new Australian style points-based system of immigration to ensure only those who benefit Britain can come here” (ibid.). According to *The Independent*, Cameron’s speech calling for a cap on immigration numbers has been given a warm reception (“The Stench of Hypocrisy”). Not only has immigration been at the top of political agenda again, but it again turns out to be regarded as a serious problem that Britain needs to get rid of, instead of accepting it as a benefit.

## 8. Conclusion

Since the 1940s Britain has transformed from almost all-white society into a multicultural one, despite the fact that the government particularly in the 1960s and 1970s attempted to hinder it. Most notably the black and Asian populations from the former colonies have changed the face of Britain irreversibly.

Throughout the second half of the twentieth century, Commonwealth citizens experienced three phases of British attitude to them as immigrants. Between 1948 and 1961, they enjoyed unrestricted entry to their 'mother country' as British subjects. For most of them the United Kingdom passed for the place of opportunity and security. The Commonwealth Immigrants Act 1962 was the first legislation that limited their right of abode in Britain, followed by the Commonwealth Immigrants Act 1968 and Immigration Act 1971, which even toughened the rules. Due to some media and skilful politicians, and there were many, immigration became synonymous to racial disturbances, crime and social disorder. Immigrants were those who took away from Britons their jobs, houses, education and even health. Immigration was something unwelcome and undesirable, which Britain should get rid of as soon as possible. Among those who incited this notion most was Enoch Powell, brilliant speaker, intelligent and well-educated academic and politician, who misused his abilities for wrong purpose. I believe that if Enoch Powell had promoted no-immigration-controls attitude, the immigration policy would have been different.

The exclusionary phase lasted for as much as twenty years until the British Nationality Act 1981 finally established the British citizenship and distinguished two other citizenships, which did not mean that the door to the United Kingdom had opened again, but at least the immigration policy was not based on such racialized terms. The last phase has been running

since the 1980s to the present and is characterized by the shift of attention from immigration controls to the social and cultural effects of immigrant communities on British society.

I support the opinion of James Hampshire pronounced in the book *Citizenship and Belonging* that “the policy debates surrounding immigration and demography were thoroughly racialised and the over-arching aim of immigration controls was to prevent development of a multicultural society” (4). Immigration policy in Britain since the Commonwealth Immigrants Act 1962 has had distinctively qualitative dimensions as it was always designed to include or exclude people of certain age, gender, shape, skills, ethnic or social background. Forty or fifty years ago, racism was an ordinary thing for most people, however, in the face of the new forms of migration in democratic countries, with more than fifty years of experience, the legislation seems rather inadequate.

The issue of immigration has returned to the top of British political agenda recently, so the question whether people have learned from mistakes will only be answered.

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'Rivers of Blood' Speech

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