

THE  
REPUBLIC OF IRELAND

*By*

THE TAOISEACH

JOHN A. COSTELLO, S.C., T.D.

## INTRODUCTION

*The following is the text of the speech by the Taoiseach, Mr. John A. Costello, S.C., T.D., in Dáil Éireann, November 24th, 1948, on the Republic of Ireland Bill, 1948, which repeals the External Relations Act, 1936, and declares that the description of the State shall be "The Republic of Ireland."*

# THE REPUBLIC OF IRELAND

**The Taoiseach:** I move that the Bill be now read a Second Time. In moving this motion, Sir, it would be the merest hypocrisy on my part if I did not give expression in public to the feelings of pride which animate me in being privileged to sponsor this Bill and recommend it to the Dáil for acceptance. Equally, however, it would be quite unworthy if I did not express my feelings of deep humility as I approach the discharge of the duty which I have to fulfil. Those sentiments of humility are genuinely and sincerely felt, and arise from the certain realisation and knowledge that there are on every side of this House people far more worthy, who have merited far more than I have, to fulfil the privilege accorded to me by the turn of events.

This Bill which I am introducing and recommending for acceptance to the House is not a Bill merely to repeal a particular statute which has caused much discussion and considerable controversy. It is a Bill which, when enacted, will have consequences which will mark it as a measure ending an epoch and beginning what I hope will be a new and brighter epoch for the people of this country. This Bill will end, and end forever, in a simple, clear and unequivocal way this country's long and tragic association with the institution of the British Crown and will make it manifest beyond equivocation or subtlety that the national and international status of this country is that of an independent republic. It is necessary for me to state what I believe to be the effect of this Bill as clearly and as emphatically as possible so that there can be no arguments in the future, no misunderstandings, no suggestions that lurking around the political structure of this State there is some remnant or residue of that old institution and that politicians might be able to seize upon that for their own purposes, for the purposes of vote-catching or for the purposes of evoking again the anti-British feeling which has been such fruitful ground on which politicians have played for many years past. While it is necessary for me to

make as clear as words can make it what we intend and believe to be the purpose and effect of this Bill, it is equally necessary for me to emphasise with equal clarity and force that this measure is not designed nor was it conceived in any spirit of hostility to the British people or to the institution of the British Crown. Least of all is there any notion of hostility to the person who now occupies the throne in England, who has carried out his duties with efficiency and dignity, whose illness we regret and whose recovery we hope will be speedy.

## Constructive Plan.

Again, I want to emphasise that this Bill was not conceived nor is it brought into this House in a mood of flamboyant patriotism or aggressive nationalism, nor in a spirit of irresponsible isolationism nor with any desire or intention in any way to dislocate or interrupt the delicate mechanism of that community of nations known as the Commonwealth of Nations with which, in one shape or another, we have had some association over the last quarter of a century. This Bill, as I want to state—and to restate, if necessary—is a constructive proposal, and not one intended to be destructive or to have any centrifugal effect upon another nation or nations, and particularly those nations that form the Commonwealth of Nations. It is recommended to this Dáil for what it is and what it is intended to be and what I believe it to be; it is recommended as an instrument of domestic peace, of national unity and of international concord and goodwill. We have—and it is hardly necessary for me to say it—had rather too much in the last 25 years of constitutional law and constitutional lawyers. For 25 years, we have arid futile and unending discussions as to the nature and character of our constitutional position and our constitutional and international relations with Great Britain, with the other members of the Commonwealth of Nations and with



other foreign nations of the comity of nations. It is hoped that this Bill will put an end to these arid and futile discussions, and make our international and constitutional position clear beyond all ambiguity and beyond all argument.

It will be necessary for me in the course of the remarks that I have to make in dealing with this Bill to refer critically to the effect of certain measures that have been passed in the years gone by and to suggest the possible effects and repercussions that they may have had upon our constitutional position. I do not intend in the course of my discussions or observations on this measure to enter upon those discussions or observations in a spirit of argument or to press that this or that view is the correct one. What I hope to do is to show that by reason of the legislation of the past 25 years, we have now reached a position which justifies the enactment of this Bill now before the Dáil. I do sincerely desire that the discussion on this measure will neither lead to nor be led into a competition of claims between this Party or that Party, this person or that person as to the part one or other played or did not play in the national events and policies of the past quarter of a century. While I am desirous that that above all should be avoided, I am equally desirous that my object shall be achieved; and I want to say here at the outset that it is my ambition that that object will be achieved. Anything I have to say cannot be regarded as and is not intended to be a justification or apologia or indictment of any Party and, least of all, a personal justification of my own policies or my own past.

I would like in the course of this discussion if acknowledgment were made and recognition given to all Parties and to all persons who each, in whatever measure, contributed a quota or even a mite towards the common cause in the national advancement. We have had, as I indicated, too many constitutional discussions and too many occasions for these arid constitutional arguments. We have as a consequence been too long occupied, divided and frustrated by fruitless

and useless controversy and, therefore, I do not want to make this occasion an occasion of further bickering and further controversy, particularly when this Bill was conceived with the primary purpose, as I shall explain later on, and the compelling motives in my mind and in the minds of my colleagues, of bringing unity here in this country and particularly in this part of our country amongst those sections of our people that have hitherto been divided and of putting an end to the bitterness and personalities which have poisoned the stream of our national life-blood during the past 25 years.

#### Appeal to Deputies.

In that spirit I approach the task that I have to fulfil, and I do earnestly ask Deputies to follow that headline which I have set for myself and which I hope and trust I shall follow. I earnestly ask Deputies, in the course of the observations I have to make—which, I am afraid, will have to be rather lengthy—to give me the indulgence of their charity if I should, either by word or phrase, stray beyond the bounds of those limits that I have set myself.

This Bill burns no bridges leading either to national unity or to closer friendship with the people of our neighbouring country, Great Britain. It places no obstacle in the way of the progress which we hope to make towards both those goals. I have said, and I want to repeat it again, because I am addressing here to-day not merely the audience that is immediately listening to me but to a wider audience, that not merely is this measure intended to be a Bill to promote domestic peace and harmony, but it is a measure designed to achieve and one which we believe will achieve a greater measure of friendship and goodwill than has ever existed in the long and tragic association between Great Britain and Ireland. We want to increase that friendship and that goodwill. This Bill is not a mere expression of nationalistic egoism or isolationism. We are a small nation and we require friends. It is only, as we believe, by goodwill and friendship

and fellowship and the recognition of our mutual rights and the appreciation of our reciprocal interests that that measure of goodwill and friendship which we wish to achieve shall be achieved.

Doubtless, there have been in the past few weeks some efforts made to bedevil the situation which we are considering here to-day. The dying embers of reaction and imperialism sent forth a few flickering flames in an effort to light the fires of turmoil and class hatred and hatred between the two peoples and between sections of our peoples here in Ireland. I am glad to say here to-day that those efforts have failed; I am glad to say that the fears and apprehensions that were aroused by that poisonous and malicious propaganda can be allayed and be calmed.

It will, I am convinced, when this measure has passed this House, still more when it becomes law, be apparent to the people of this country and to the people in every country that is watching us here now and that has watched us for the last few weeks that, as a result of this, this country will be able to take its place, without equivocation, without argument, without subtlety, without having to apologise, explain or discuss, as one of the independent nations of the earth, able to do its part and to contribute its quota to the maintenance of peace and the solution of the international problems that face each nation in the world to-day.

Let me say a few more words about our relations with Great Britain. I believe that as a result of this measure, our relationship with that country will be far closer and far better, and will be put upon a better and firmer foundation than it ever has been before. Deputies and those interested will only have to look in retrospect upon the history of this country during the past 25 or 26 years to see that every step made in advance towards the development and the recognition of our national and international sovereignty brought with it, between Great Britain and this country, an additional measure of good feeling and goodwill.

It is a sobering thought that many people who are now in the

flower of their manhood and womanhood were not born on the 6th December, 1921, when the Treaty was signed. Many of those do not know anything about the history of the previous years, and the conflicts that took place between this country and Great Britain, but whatever people may think of that Treaty of the 6th December, 1921, at least it can be now said in retrospect that it did play its part in bringing about closer relationship and an end of the centuries old feud between the peoples of these two neighbouring islands.

#### Ten Years' Work.

For ten long years those people who undertook the duty and the task of honouring the signatures to the Treaty walked the *via dolorosa* of those bitter years, the details of which I do not intend to recall, but at the end of those ten years, when the efforts of the representatives of this country at imperial conferences and international gatherings had borne their fruit, those developments had brought us to the point where we had achieved for this country international recognition as one of the sovereign countries of the world, and we had swept away all the old dead wood of British constitutional theory that lay or appeared to lie in the path of constitutional progress. All those contacts and those controversies that took place both at the imperial conferences and at the international gatherings at which this country was represented, where the efforts of the representatives of this country were directed towards getting complete international recognition for the country and achieving complete freedom for the institutions that were set up under the Treaty, gave their contribution to the goodwill that grew up in spite of all the difficulties and trials of those times between the peoples of these two islands.

After 1932, when the first Government of this State was succeeded by another Government with a different policy, a Government that carried out different Acts, carried out a different policy, as the years went on they too expressed their desire and, be it said, achieved their purpose to some considerable extent of bringing together

still more closely the relationships between Great Britain and Ireland and the peoples of these two neighbouring islands. With the Removal of the Oath Aet, with the enactment of the Constitution of 1937, with the handing back of the ports, with the recognition of our neutrality during the war, all these things contributed their quota in bringing about the end of those old feuds and bitternesses that divided the peoples of these two islands for centuries.

This measure, in my view, and I recommend it to the Dáil as such, is not merely the logical outcome but the inevitable result of a peaceful political evolution that has gone on here in this country over the past 25 years. During those years we have had close association, some bond of one kind or another, between each of the States and nations forming what is now known as the Commonwealth of Nations. There has been a recognition that this country of ours is a mother country, a country with a spiritual empire beyond the seas and there has grown up, I believe, from my own experience, and particularly from the experiences which I had in Canada during my visit within the last few months, between those nations and this old nation of ours an abundant goodwill and fellow-feeling and an intense desire that we should prosper and go the road that our own people wish to walk.

#### Long Association.

For reasons which I think are cogent it would be unthinkable for us, by the action which this Bill proposes to take, to go further away from those nations with which we have had such long and, I think, such fruitful association in the past 25 or 26 years. Great Britain, of course, is the dominant partner in that association. Nothing that can be done by this measure will in any way be a retrograde step in our relations with that country. Our people pass freely from here to England. We have trade and commerce of mutual benefit to each other. We have somewhat the same pattern of life, somewhat the same respect for democratic principles and institutions. The English language in our Constitution is recognised as the second official language of this nation.

But we have still stronger ties than even those. Our missionary priests, nuns and brothers have gone to England and have brought the faith there, and are giving no inadequate contribution to the spiritual uplift which is so necessary in the atheistic atmosphere of the world to-day. We have our teachers there, lay and religious; we have our doctors and professional men there; we have our working men and our craftsmen and our girls who have gone over to earn a living there. All these things would, in normal circumstances, bring about and create and necessitate a feeling of fellowship and goodwill between our two countries. There is no reason why that should not continue. There is no reason why we should not get rid of all these causes of friction which have kept us apart for so many years. This Bill gets rid of one cause of friction and leaves only one to be removed, Partition.

With Canada, this country has been associated for centuries. I saw in Canada the memorials erected by the people of Quebec to the victims of the typhus brought on the ships that came there carrying our emigrants to Canada in 1848, a century ago. These French people in the province of Quebec, and the Irish people there who were the descendants of the Irish who went in that time to the province of Quebec, showed me, when I was there as the representative of this nation, an affection, and more than an affection, a measure of goodwill which it would be impossible for me to express here, but which I am endeavouring to express in order that our people may recognise it and may appreciate the feelings that unite us with Canada. It is not necessary for me to refer to the part played by Irish people in the building up of federation and the creation of democratic institutions in Canada and to the feelings of sympathy we have and had during all the years when the Canadian nation was fighting for and ultimately achieving full nationhood. Nothing could exceed the sympathy and sympathetic understanding of that great statesman, Mr. Mackenzie King, in our problems, our desires and our ideals when they were explained to him on my visit there a few months ago. I

want to pay him, on behalf, I hope, of all Deputies in this House and all sections of the Irish people, a tribute for his sympathy and understanding and to express our gratitude for what he and his Cabinet and all Canadians did for us in the past 25 years. What he did, his deputy and present successor, Mr. St. Laurent, did for us during the talks in Chequers and Paris a few weeks ago. Mr. Pearson gave us the same sympathy and understanding and support as his former chief, Prime Minister King, gave us so often in critical times in the past few years.

#### Australia's Help.

From Australia, we got the same support and the same sympathetic understanding, and I want to put on record here to-day our gratitude and thanks to Dr. Evatt for his sympathy, understanding and help, particularly in the past few weeks.

Although I mention Mr. Peter Fraser, Prime Minister of New Zealand, last, it is by no means least that I give him the tribute of our gratitude and respect for his sympathy and understanding of our point of view, of our wishes and of our ideals.

With South Africa we have not had the same close association as we had with Canada, Australia and New Zealand, but we have this tie at least—if it can be called a tie—that we looked with admiration and respect and gave whatever support we could give to the efforts of the South Africans to achieve their independence nearly 50 years ago. That admiration was increased by the fact that some Irishmen, headed by the father of the present Minister for External Affairs, fought and helped the Boers in their struggle during that period, and all the time when we were working at these imperial conferences the representatives of South Africa came step by step with us in our efforts to achieve the constitutional victories which we ultimately achieved and which were not achieved in any easy way.

I mention this now to-day for the purpose of making it known to the House that it would have been not merely unthinkable but impossible for us or any Irish Government to take a step which would jeopardise our rela-

tions with these great nations who have such sympathy and understanding and such friendship for our own country. We felt, when we were taking this step, whatever malicious propaganda may have said and whatever lies may have been uttered about us, that we could rely upon their support, and that, with the smallest goodwill from all those nations, any problems that arose out of our action here could be solved, as they were in fact solved and as they have been solved, with goodwill. We will emerge from this House, when this Bill has passed, an independent nation stronger than ever we were and with closer associations with Canada, New Zealand, Australia, South Africa and Great Britain, as an independent republic in such a way as we could not have done it had this measure not been brought into force.

I have also to ask your indulgence, Sir, to go back a little into the past, very briefly, I hope, or as briefly as I can. I have stated here, or, if I have not done so, I wish to state now that I have found an unexpected abundance of goodwill towards this country from practically every nation in the world with which we have contact, but particularly from those nations to which I have specifically referred. I have even found the existence in Northern Ireland of goodwill towards us, and there are people in England and elsewhere, people who are friendly to us, people who wish us well, not those people who are affected by the malicious and poisonous propaganda of an inspired Press during the past few weeks, but people who wish us well, who are troubled by what we are doing, who are perplexed, and who feel that they had done nothing, so to speak, to deserve this in present circumstances and they ask these questions. These are the questions which I propose to answer here to-day. It may involve me in trespassing upon the patience of Deputies for rather an undue length of time, but they are questions which should be answered and which must be answered.

Why are we doing this? Why are we doing this now? Why are we leaving the Commonwealth of Nations? Why are we breaking the last tenuous

link with the Crown? To these people to whom I address myself here to-day, people of goodwill, people who are entitled to an answer, I have already addressed the words with which I opened my remarks—that so far from having any feelings of hostility towards Great Britain, the British Crown, or the British people, we want to clear away from our past, the past of this country, all obstacles which are a hindrance to the greater and freer development of good relations between our two countries. Many of those people who are asking these questions and *bona fide* looking for information upon them, do not know anything at all, or practically anything, about the history of this country or its relationship with Great Britain in the years gone by. They know none of the details of the tragic story of British and Irish relationships. I suppose it is true to say that the vast majority of the British people who are looking now at us and wondering why we are doing this, have not the remotest idea or the smallest conception of the wrongs that were inflicted by their own nation upon this country and the people of this country in the centuries gone by. It is because they are asking for information, wanting to be convinced and genuinely anxious to understand our point of view, that I must take a little time in endeavouring to answer the questions to which I have referred.

#### The British Crown.

In answering these questions, it will be necessary for me to say some hard things about the British Crown and the British people, but those who wish to hear or to read my remarks will take them in the context in which they are uttered and the spirit in which I am making them, as I have to recall those past events or to pass in review some of the tragic circumstances or considerations, in order that those people may know and understand why it has been impossible for this country permanently to accept the institution of the Crown as one of our Irish institutions. Again I want to ask those people, the people of goodwill to whom I am addressing myself, not to be misled by the ignorant, ill-formed, malicious and poisonous propaganda

that has been spread by some sections of the Press in the last few weeks, and to let those sections of the Press twist my remarks, turn them into anything in the nature of an endeavour, on my part or on the part of my colleagues, or those who support us, to create anti-British feeling or to give another twist to the lion's tail. I want those people to be informed and, being informed, to appreciate and understand and sympathise with our ideals and our aspirations and accept as genuine our efforts towards the promotion of an ever-increasing goodwill between our two countries.

This Bill, as I have said at the outset, will close the long and tragic story of the relations between our two countries based upon an acceptance of the institution of the Crown in such a way as to make it certain that there can be no misconception or ambiguity. We hope that, after this Bill is passed, it will open a new era in our relationships and while one tragic chapter is closed a newer and brighter one will be opened in our international record, in the record between Great Britain and this country. During the whole course of that long-sustained struggle for political, civil and religious liberty, the Irish people never lost the consciousness that they are not and never were a British people, that they were a race, an Irish race, with the distinctive nationality, a distinctive language, an ancient culture all their own. It is impossible for a people who for centuries had fought for and been denied those four essential freedoms of which President Roosevelt spoke and of which it is now so popular to speak—Freedom of Speech, Freedom of Worship, Freedom from Fear and Freedom from Want—to associate those ideas, those four freedoms, with the constitutional forms and ideals of the British common law, with the forms and ideas of the British conquerors. Those conquerors persistently refused those freedoms to the Irish people.

As a learned professor has said quite recently, Professor Wheare, Professor of Constitutional Law—I quote him from the *Sunday Times* of the 24th October, 1948:—

“It is difficult for those who

regarded the Crown as the badge of servitude to accept it as the badge of freedom.”

That phrase summarises our whole attitude. We could never accept, no matter what our views may have been or may be, as Irishmen, the Crown as a badge of freedom. To the minds of a lot of people, of most Irish people—I would almost say, all Irish people—because of our instincts and our tradition and our history, the institution of the Crown has been regarded as a badge of servitude and those instincts can never be eradicated from the tradition and the blood of any Irishman.

I mentioned some of the considerations which bore in upon our people and made it impossible for us to regard the Crown as a badge of freedom. In the course of the remarks that I will make later on, I will have to refer to the symbol of the Crown as it was stated to be in the Statute of Westminster and the symbol of free association, but may I here in this context say this, that those of us who worked in the Imperial Conferences of 1926, 1929 and 1930 to clear away all those real or apparent obstacles to freedom for our Legislature or for this country in its international relations, endeavoured to create the situation where that old instinctive feeling of the Crown being the symbol of servitude would be accepted by our people as the symbol of free association, and that they regarded it as nothing else but a symbol.

#### Purpose Achieved.

Having achieved our purpose of getting it stated in the most solemn way that it was a symbol of freedom, a symbol of association, then our effort was to make the position clear in that way to our own people and so to try to reconcile them, at least for a time, to the institution of the British Crown. But no people can be expected willingly and permanently to accept as part of their political institutions the symbol of the British Crown, when fidelity to the Catholic faith, the faith of the vast majority of our Irish people, was throughout the years regarded as disaffection and disloyalty to the British Crown, when love of country became

treason to the British Crown, when every attempt to secure personal rights and national liberty was deemed rebellion against the Crown, when entry into the humble homes of Irishmen, to arrest them as a prelude to their gibbeting or shooting, was demanded in the name of the King, Crown rent, quit rent and rack rents were demanded in the King's name. The evictions carried out during the land war were carried out to enforce the King's writ. The prosecutions against our patriots, against those who fought in the land war, were carried out by His Majesty's attorneys and sentences were passed by His Majesty's judges. Many of us remember during the days of our childhood, not being taught, but having it almost instinctively in our minds and in our blood, that the harp beneath the crown was the symbol of servitude and that the harp without the crown was the symbol of freedom.

I have mentioned those matters for the purpose of addressing those people who have asked these questions: “Why cannot we reconcile ourselves to the symbol that the various nationalities comprised in the Canadian nation can reconcile themselves to, and when South Africa, with its various population, can reconcile itself to that symbol?” Those are the reasons. Those are the reasons why this Bill became inevitable. Those are the reasons why it was difficult and eventually impossible to get permanent acceptance for the institutions founded upon the British common law which were implicit in the Treaty signed on the 6th December, 1921. Those institutions were of a kind which were not acceptable to our common people. They did not grow up, as they grew up in the various countries which formed the British Commonwealth of Nations, and particularly in Great Britain, as part of an inevitable growth and a natural growth. This country was never given an opportunity to develop its own institutions, its own political structure in an Irish way or in a native fashion.

The Treaty was accepted by those who put their signatures to it, and those who subsequently undertook to carry it out, with a full realisation of the difficulties confronting them by



reason of the practical impossibility of getting the Irish people to realise the true meaning of what was stated in the Treaty—the law, practice and Constitutional usage of Canada in relation to the Crown. May I, a Chinn Chomhairle, very shortly recall three passages which will give the headline and explain the philosophy of those who recommended that Treaty and those who subsequently carried it out, in view of the misrepresentations that have been made in the last few weeks about some of us who are sponsoring this measure here to-day? Arthur Griffith in the Treaty debates of the 7th January, 1922, as reported at page 327, column 2, of the debates said:—

"It is not an ideal thing; it could be better. It has no more finality than that we are the final generation on the face of the earth."

Michael Collins said in the Treaty debates as reported in page 32, column 1:—

"I do not recommend it for more than it is. Equally I do not recommend it for less than it is. In my opinion, it gives us freedom, not the ultimate freedom that all nations desire and develop to, but the freedom to achieve it."

Kevin O'Higgins, again in words, which certainly now in retrospect appear prophetic, stated at page 47, column 2 of the same volume:—

"I hardly hope that within the terms of this Treaty there lies the fulfilment of Ireland's destiny but I hope and believe that with the disappearance of old passions and distrusts, fostered by centuries of persecution and desperate resistance, what remains may be won by agreement and by peaceful political evolution."

This Bill has been achieved by peaceful political evolution. Those who worked during that time, and walked that hard road, will find the measure of their satisfaction in the enactment of this Bill.

In 1932 the work that had to be done in connection with our constitutional development, the effort to have recognised that we were a completely independent sovereign State within the

community of nations then known as the British Commonwealth of Nations, had been achieved. The Statute of Westminster was enacted, I think, on the 11th December, 1931. There was no longer any doubt that each Parliament was fully sovereign, that each people within that Commonwealth of Nations was a complete national entity in the fullest sense of the term, and that there was no fetter or bond of any kind upon our Ministers or the Ministers who were carrying out the affairs of this country or the affairs of any country in that Commonwealth. Every act of a British Minister was taken away from this country and it was made perfectly clear that the Crown and the institution of the Crown, which was all the time recognised only as a symbol, and never in the sentimental or personal way in which the British people, the Canadian people or some other peoples had accepted it, had formed a symbol of our freedom, a symbol of free association and not a symbol of servitude. That is what we worked for.

#### Different Policies.

Fortunately, or unfortunately—it is a matter of opinion—a change of Government occurred. I only mention that fact for the purpose of stating that the work that had been carried on in those years was hard work, difficult work, work that was not always facilitated by British officials and by British lawyers and by British statesmen. It was not finally completed, but was very near completion. The change of Government occurred and the new Government had different policies. Then, the subsequent Government introduced the Statute, the Constitution (Removal of the Oath) Act, 1933. There is no doubt that that oath was the cause of bitter strife, personal feuds and antagonisms, aggressive action of a kind that has left its mark upon this nation even to the present day. There is equally no doubt that that Bill was passed with the consent and approval of a majority of the Irish people. For passing that Act, whatever credit they claim or is due to them, I give it freely to that Government. For the subsequent actions that

they took, equally, I acknowledge whatever credit they are entitled to and is due to them.

It is not necessary for me to go through all the constitutional amendments that took place in the following few years. I want, in passing, and to make it clear, to put upon record this point before I deal with the real matters that I have to deal with in this discussion, that when the oath had been removed, when the Treaty had been taken away off the Statute Book of this country, when the Executive Authority (External Relations) Act, 1936, had been passed, when the Twenty-seventh Amendment to the Constitution, removing out of the original Constitution of this State all reference to the King, the Crown, or the representatives of the Crown, had been passed and when the Constitution of 1937 had been enacted and had come into force, to use the words of Deputy de Valera, then the Taoiseach, "The Treaty of 1921 was sped." I quote from the Dáil debates, Volume 71, columns 419 to 420. "That Treaty is sped. It is finished." Those who carried on the work from 1932 onwards, to honour the signatures of the men who signed the Treaty recommended to the Irish people, felt themselves under an obligation, so long as that Treaty was in force, to honour the words and the bonds of those who had signed the Treaty. That is the explanation of the opposition here in this House to the Removal of the Oath Bill and the other measures. Once the British Government and the British people by their actions, express or implied, accepted, as they did in fact accept, the taking away of the Treaty from the Statute Book of this country, the removal of the oath, the taking away of the King out of the Constitution, the enactment of a new Constitution of 1937 where the King was not mentioned, once that was accepted by the other party to the Treaty, those who were under an obligation to maintain that Treaty were released.

I come now to the discussion of the Executive Authority (External Relations) Act, 1936. Now, as I said at the outset, I am not going to argue in this House which view of the various views

that can be advanced as to the meaning, purpose or effect of that statute and subsequent measures is the correct one. I want merely to direct attention, again speaking to those people who want to know why we are doing this and why we are doing it now, to the fact that this statute and all the subsequent measures that followed it have given rise to a controversy—I hope I will be pardoned for saying, a barren and futile controversy—as to what its effect was and what our national and international status was or is following the passing of that Act, following the passing of the Twenty-seventh Amendment of the original Constitution, following the passing of the other statutes and, particularly, following the enactment of the Constitution of 1937.

#### Barren Controversy.

As I have said, people have been asking, "Why are you leaving the Commonwealth? Why break the last link with the Crown?" I want to show the confusion that exists and has existed in this country since 1936 without, as I say, taking up the part even of an advocate for one point of view or another and certainly without expressing any opinion, except in places where I feel I am bound to express an opinion, on any particular point.

What I want merely to direct attention to is this, that the passing of that statute and of the subsequent enactments has led to what I call a barren and futile controversy, even a disreputable conflict and unending arguments as to whether we were in or out of the Commonwealth, what is the meaning of being associated with the Commonwealth, whether we are a Republic, whether the President of Ireland created under the Constitution is the head of our State or whether the King designated in the Executive Authority (External Relations) Act, 1936, is recognised as our King here for any purpose. That unfortunate organ, as it is called in the Constitution, the British Crown and the King, has fulfilled many rôles in this country. It has fulfilled a rôle for those who have that sentiment and that feeling of loyalty to the British Crown which their position or faith or their upbringing has inspired within them. It has

represented for us, for Irishmen, for the majority of Irishmen, as, at best, merely a symbol and always until recent years a symbol of subjection not of freedom.

It was stated in this Statute of Westminster that it was a symbol of free association, a symbol of freedom. The King was used in the Executive Authority (External Relations) Act of 1936 as an organ, as an instrument, was used, if I may quote an expression of a point of view put forward, probably, I think, by the legal adviser of the Party opposite, as the statutory agent of the Irish Government for the purpose of carrying out the functions designated in the Act. Statutory agent, whatever he was, whatever he is, that Act has been a cause of futile and arid and embittered discussion ever since. Are we or are we not a member of the Commonwealth? I did not wish to express my own personal point of view on this and I do so now solely because of the fact that a few months ago in answer to Deputy Cowan I did not express my own personal point of view on that. I express it here and now. We were not since 1936 a member of the Commonwealth of Nations. I spoke on that Bill—or rather it would be more correct to say that I spoke in anticipation of this measure, the Executive Authority (External Relations) Act, 1936, when the 27th amendment was going on Friday afternoon through this Dáil. I want your indulgence, a Leas-Chinn Comhairle, to quote some of the remarks I made on that occasion, again because of the misrepresentations that have been rife during the last few weeks. In Volume 64, column 1295, I stated this as my opinion then:—

"If this Bill becomes law in the form in which it stands at the present moment there will be no head of this State in this country for internal affairs. It is said by the President that we must get rid of the King from the Constitution, that he must no longer act in the symbolic capacity in which he did act in internal affairs, entirely on the advice of the Executive Council as a piece of harmless machinery. It is said that that must be got rid of, but he is to continue to

act as head of our State for external purposes. That is the provision in the second Bill, so that we are to have this extraordinary and ludicrous position—a state of affairs which will make us the laughing stock of international jurists throughout the world—that for one purpose we have no head of this State and for another purpose we have a foreign King as the head of our State. What sort of a State is that at all? What sort of political monstrosity is it that we are creating by this Bill?"

#### Only a Symbol.

Later on I spoke about our work, the effect of it and the result of it. In column 1298 I said:—

"Instead of having a symbol which we had reduced to the symbol of our freedom, a symbol which could not act except on the advice of the representatives of the Irish people, and in accordance with every wish and, in every detail, in accordance with the wishes of the Irish people, that is swept away by this Bill which we are asked to pass, and some new principle is substituted which is called the symbol of co-operation. I do not know what that means. The crown was never the symbol of our co-operation. There was a principle of consultation and co-operation, but that was not the symbol of our co-operation."

Then again further on in column 1300 I said:—

"The Crown to us here means nothing but a symbol."

In column 1303 I stated:—

"This is the clearest breach of the Treaty that there could possibly be."

Further on:—

"I do not care what the position is going to be from a constitutional point of view, provided we know definitely where we stand. I can understand the position, constitutionally and internationally, of this country being a member, a full, recognised, decent member of the British Commonwealth of Nations. I can understand a decent declaration of a republic. But I cannot understand the indecency which is being

perpetrated on this country by this Bill. I do not know into what political pigeon-hole we are going to be put when this Bill is law, but whether we are in the Commonwealth of Nations, whether we are a republic, or whether we are neither one thing nor the other—a State unknown hitherto in political theory—I want at least that it should be definite, so that the ordinary person's rights in this country in his ordinary affairs should be clearly defined and ascertained."

That is the position I took up at that time. When this Bill becomes law the position will be created where we will have a definite Constitutional position, a definite decision as to where we stand nationally and internationally. Adumbrated in that Bill were the questions: Are we or are we not a member of the Commonwealth of Nations? To that there has been, I think, until we came into office in this country nothing in the nature of a definite answer given, except by the other members of the Commonwealth who said when the Constitution of 1937 was enacted that they did not regard it—perhaps I had better give the exact phrase—in a statement issued by the British Government on the 29th December, 1937, it was stated—I am only quoting portion of it:—

"They are prepared to treat the new Constitution as not effecting a fundamental alteration in the position of the Irish Free State, in future to be described under the new Constitution as Eire or Ireland, as a member of the British Commonwealth of Nations."

The British Government at that time stated that they were prepared to treat the new Constitution as not effecting a fundamental alteration of the position of this country as a member of the Commonwealth of Nations. It would appear from the objections made at that time by the then President of the Executive Council, Deputy de Valera, that his view at that time of the passing of the measure, the Executive Authority (External Relations) Act, was that this country would continue to be a member of the Commonwealth of

Nations. That gave rise to a controversy begun in 1936 and not yet ended.

The other matter I referred to—had we a head of our State or had we not—has also given rise to controversy. I know that Deputy de Valera took up a strong position and had the strong conviction that the President of Ireland was the head of the State but that was controverted. I am not saying which is right although I have my own point of view, my very strong point of view as a constitutional lawyer. The former Taoiseach, however, took the point of view that the President of Ireland was the head of this State.

But look at the position which arose in that respect by reason of the provisions in the Executive Authority (External Relations) Act, 1936, providing for the position of the Crown. I do not intend to go in detail into this Act or to criticise it in the manner in which it could be criticised from my viewpoint. Under this Act the King was recognised for certain limited specified purposes. That was the intention, at all events. I do not want to go over that controversy again as to whether, when the 27th Amendment took the name of the King and the representative of the Crown out of the Constitution, there was some sort of king hanging round the place still or whether in a State which was declared by the the 1937 Act, which was passed subsequently to meet these criticisms, fully effected its purpose. I do, however, want to underline this again merely to show the position of argument and doubt that we have been in ever since.

#### The British View.

The British stated that they would not regard this Bill as fundamentally affecting our membership of the Commonwealth of Nations. Foreign countries were not going and, I am sure, do not go into the constitutional subtleties on which our case was founded. Under this Act of 1936 the test that I applied to myself when I was asking: "Who is the head of this State? What can people say about us when we have here a President of Ireland in a republican Constitution and



Government at that time to be a republic?" was: "What will foreign jurists say when they find that a foreign King, an outside organ, was the organ who was King in this Act of 1936 to enter into a Heads of State Treaty?" I want to mention that as one of these fundamental matters that cause confusion and difficulty in international affairs when foreign jurists saw that foreign representatives were accredited to this country through the medium of this organ of the King.

It is true that under this Statute it was not necessary, in law at all events or under the provisions of this Act, to accredit our representatives abroad through the medium of the King or this organ of the Crown, although I think that in fact that organ was used in recent years to accredit our representatives from here abroad. Under this Act it was not necessary, because this Act only deals with the accrediting of representatives to countries abroad by us; it was a one-way traffic. Foreign jurists are not going into these constitutional subtleties we had to put forward to justify our position. They found that that was the position as regards what was known in international law as the right of Legation, that that right was exercised through the organ or medium of the Crown and that when we were accrediting representatives to them the Crown was used. It is true that it was permissive. It is true that the provisions of the Act were merely permissive. Nevertheless, that was the practice and what affected my mind most in this whole affair when this matter was tested by putting a question: "If there were a Heads of State Treaty between Ireland and a foreign country who would be the party to that?" The King?

That was one matter of controversy. I know that Deputy de Valera had a strong view on this. Equally, I know there were strong arguments to the contrary and, equally, I know also that we had always, in order to try to keep up, as we did try to do, the standpoint that was being put forward that this country was an independent republican State with the King outside it—whatever it meant—to be arguing and asserting, always keeping our end up, always trying to assert ourselves, put-

ting ourselves in that matter, from one point of view at all events, in the position of trying to keep up an elaborate make-believe on that point.

#### Head of State.

In the Dáil debates of the 20th June, 1947, the question was put: "Who is our head of State?" Mr. McGilligan was speaking at the time and, as reported in Volume 106, column 232, Mr. McGilligan said:—

"With regard to the Constitution, I have often queried whether or not we had an individual known as the head of the State. The Minister for Posts and Telegraphs is so bemused about the situation that he thinks the President is the head of the State. He told me so in a recent debate. I do not think he would claim that he is that. If we had a head of State in this country—

The Taoiseach: We have.

Mr. McGilligan: I say 'no'.

The Taoiseach: The President is the head of the State.

Mr. McGilligan: The President is not the head of the State.

The Taoiseach: He is."

I am pointing out to the Dáil and to the people of the country the kind of thing that was bringing us into disrepute, the kind of thing we want to stop by this Bill.

As regards the question: were we a member of the Commonwealth of Nations or not?—that was a matter of acute controversy also. On the 11th July, 1945, as reported in Volume 97 of the Dáil Debates, column 2116, on the Estimate for the Department of the Taoiseach, Mr. Dillon raised the point as follows:—

"Mr. Dillon: Are we a republic or are we not, for nobody seems to know!

The Taoiseach: We are, if that is all the Deputy wants to know.

Mr. Dillon: This is a republic. That is the greatest news I heard for a long time. Now we know where we are."

As reported in the same volume of the Debates, columns 2568 to 2575, the then Taoiseach said:

#### Conference of 1926.

"The position, as I conceive it to be, is this: We are an independent Republic, associated as a matter of our external policy with the States of the British Commonwealth. To mark this association, we avail ourselves of the procedure of the External Relations Act just quoted, by which the King recognised by the States of the British Commonwealth therein named acts for us, under advice, in certain specified matters in the field of our external relations.

And now, to Deputy Dillon's second question—are we or are we not a member of the British Commonwealth? That is a question for which the material necessary for a conclusive answer is not fully available. It depends on what the essential element is in the Constitution of the British Commonwealth."

So that nine years after the passing of the External Relations Act of 1936 the material necessary for a conclusive answer as to whether we were or were not a member of the Commonwealth of Nations was not available. I look then to the Act itself to find out can we get any material on which to answer that question. I find that in Section 3 the word used is "associated." I am not able to find any satisfactory answer as to what form of association we had with that community of nations since 1936, but I do know that there is a careful avoidance in the Act of 1936 of the statement that we are a member of the Commonwealth of Nations. Sub-section (1) of Section 3 of the Act says:

"It is hereby declared and enacted that, so long as Saorstát Éireann is associated with the following nations (and then they are set out) . . . and so long as the King recognised by those nations as the symbol of their co-operation continues to act on behalf of each of those nations . . . for the purposes of the appointment of diplomatic and consular representatives—"

The words used are "associated" and "co-operation". The King was never, as I said in the debate of 1936, the symbol of co-operation.

The Imperial Conference report of 1926 for the first time purported to define the relations between the various members of the Commonwealth of Nations. It preceded by some five years the declaration of the Statute of Westminster. This is what was said about co-operation: "Free co-operation is its instrument . . . and every Dominion is now, and must always remain, the sole judge of the nature and extent of its co-operation." It is absurd to put on the face of that statute a statement that the Crown was the symbol—the instrument of free co-operation.

We have not been able to find out or to get a specific answer to that question, whether we were or were not a member of the Commonwealth of Nations. The matter was referred to again in the Dáil Debates of last year, Volume 107, column 86. The date is the 24th June, 1947. The then Taoiseach said towards the end:—

"The Constitution is a republican Constitution. That we are a republican State here nobody can deny. We are a republic."

Deputy Morrissey intervened and asked:—

"Within the Commonwealth?"

The Taoiseach replied:—

"I did not say that we are in the Commonwealth. I carefully pointed out that if being in the Commonwealth implied in any way allegiance or acceptance of the British King as King here, we are not in the Commonwealth because the position here is that we do not accept either of those things."

Having regard to all those questions and answers, I do not know whether or not anybody can answer the question whether or not we were in the Commonwealth. Further on, at column 87, the Taoiseach said:—

"As a matter of our external policy, we are associated"—

the word "membership" is avoided "with the States of the British Commonwealth. We are not at the present time regarded as members of

it, but we are regarded as associates."

Nearly two years before that, Deputy de Valera, who was then Taoiseach, said—on the 17th July, 1945—that the materials were not available for the purpose of answering that question. In 1947 he said first that he did not say we were or were not: "I did not say that we are in the Commonwealth". Then he stated specifically, as far as he could be specific, that: "We are not at the present time regarded as members of it, but we are regarded as associates." Deputy Morrissey again intervened and asked: "Does that mean we are inside or outside?", and the Taoiseach replied:—

"It means that we are external to the British Commonwealth so long as the States in it regard the acceptance of allegiance to the King as the necessary link. If that is the bond which they have, we have not that bond and we have made it quite clear that we have not that bond."

Now, I do not know in that state of discussion what lawyer, however erudite he might be in constitutional or international law, could state specifically whether we were inside or outside the Commonwealth, whether we were in or out.

Let me again give a few more of these matters that arose or appeared to arise and that give colour to the extraordinary confusion that has subsisted in consequence of the enactments to which I have referred.

#### Uncertain Status.

Let me summarise. The Crown is stated in the Act of 1936 to be a symbol of co-operation and not free association as is said in the Statute of Westminster. The co-operation was merely the instrument by which the members of the Commonwealth of Nations carried on consultations with each other. The extent of their co-operation was a matter for themselves. The formalities in connection with the issue of full powers to negotiate and sign treaties are ignored in the Act. The statutory provisions deal only with the appointment and not the reception of diplomatic representatives. That statute was, I think, a measure, which,

from the point of view of a British person having sentimental or other affections or loyalties in connection with the Crown, would regard as derogatory to the dignity of the Crown—called a statutory agent to be used only for specific purposes, and not, as has been said recently, by apparently an authoritative legal opinion on the part of the Party opposite, a recognition of the King as King. It introduced confusion and ambiguity into our relations with other States and gave the country a status which defied definition. It was a measure which reflected neither dignity nor advantage upon ourselves or the institution which is used as an organ. It associated the British Crown with our constitutional and legislative machinery in a manner as likely to be hurtful to the national pride of any sensitive Englishman as it was ignominious to ourselves. It, for the first time in all our history, provided in the statute law of Ireland for the law of succession to the Crown.

I have, so far as I can, just dealt with these matters as quickly as I could. As a matter of fact I could go into greater detail. That was the position until the change of Government. Then I was faced with the penetrating questions of Deputy Cowan last July and August. He put down a question on the 5th August, 1948, asking me if I would state on what date, in what circumstances, and by what authority Ireland became associated with the group of nations known as the Commonwealth of Nations—and I did the best I could with that answer, carefully keeping my legal eye on the very words of the statute and the words of the Constitution and, I may say now, I walked very warily. Deputy Cowan came along on the 28th July last and he asked me if I would state when and under what circumstances Ireland ceased to be a member of the Commonwealth of Nations. Again I did the best I could. The result of all these questions and the discussion which took place between the questions, I think on the 21st July on the debate of the Estimate for the Minister for External Affairs, was that both the Minister and myself, having to come down one way or the

other, finally came down on the line that we were not a member of the Commonwealth of Nations—that we were what we were described as being by a combination of the Act of 1936 and Article 5 of the Constitution. The matter was debated on the Estimate for the Department of External Affairs and Deputy de Valera gave his quota of information to this somewhat vexed question. The matter finally came to a head without going into details on the Estimate, if I might put it that way, in the adjournment debate which took place on the 6th August, 1948. In column 2424 of the debate of the 6th August, 1948, Volume 112, No. 13, Deputy de Valera said:

"I say then, if we are looking ahead either to the solution of Partition or to any question of our external relations, the point from which we start at this moment is—that we are an independent republic—or as stated in the Constitution, a sovereign independent democratic State, which, in this instance, is a republic, and that we are associated with the States of the British Commonwealth in the peculiar form in which we are associated, that is, as an external associate."

I ask anybody to tell me what on earth that means because I do not know what it means. At column 2426, during the same debate, Deputy de Valera said:

"If the present Administration wants to do that—that is, get rid of the External Relations Act—they will not find any opposition over here. I should have liked to have had in the past, in reference to a number of things I had to do, an Opposition that would deal with me in that spirit. I think the good that might be done by the Act has been counterbalanced by the mischief of the propaganda that has been carried on in regard to it. Can we now stand here on this, that we are a republic, and that if anybody says that we are not, then I am quite prepared to do anything myself—and I am sure that I speak for every member of the Party."

Later Deputy de Valera said:

"I feel perfectly sure that there is

not a single member of our Party who will vote against any measure that is brought into this House to clear up any doubts or difficulty that might be in that regard. . . .

My view is one I believe that will stand. If, however, there is anybody on the other side, members of the Government, or other members who are able to influence the Government, if there is anything necessary to make sure that the present position is that we are a republic—and that we are not a member of the British Commonwealth—

Captain Cowan: I accept that.

Mr. de Valera: Then we have one point in common."

#### Left in 1936.

Apparently, then, as a result of all that we had reached the point where everybody said we were not a member of the Commonwealth of Nations. That is the answer to those who are asking us why we are leaving the Commonwealth of Nations. We are not leaving it because we left it long ago. In my view we left it in 1936. These remarks that I have quoted here from various debates are available in the Official Debates and anybody can make up his own mind on that. It is fundamental for those people who are asking that question to consider at least that there is doubt and confusion and that different points of view are held from time to time on that particular and perhaps very vital question. Was that a link with the Crown? Again, those who say that we, by this Bill, are cutting the last link with the Crown—what sort of a link was it? You can make up your mind on that. A link made by a rubber stamp; a link that was regarded by us in this country as confined to limited purposes. However, what was it regarded as outside? My experience has reinforced the view that I have always held, that the British and other foreign countries did not enter into our constitutional subtleties at all but shrugged their shoulders and said: "Oh, the King is there. We are not going to find out or consider how far he is there or what he is there for" and he was regarded as being there all the time. If those were the only

reasons which impelled us to bring in this measure they would be cogent and conclusive reasons but they are not merely the only reasons, they are not even the principal reasons why this Bill has been brought in. Those reasons for the repeal of that measure have existed for some years.

There is no doubt that the irritation and confusion that has been caused by these apparent controversial and legalistic arguments have been accumulating over the years. Some time or another I believe that those reasons alone would have coerced this Government or any other Government to get rid of the situation and the confusion that has been caused by it. As I say, those are not the principal reasons; they are merely supplementary reasons which induced my colleagues and me to bring this measure here at this time and in these circumstances for the approval of the Dáil.

I said at the outset of my remarks that this Bill was recommended as an instrument of domestic peace and international concord and goodwill. What induced me and what induced my colleagues to bring in this measure at this time was the firm purpose of bringing about in this country, so far as we could, an end to that bitterness that has existed in the last 27 years. That is the dominant reason why I have introduced this measure and why my colleagues have backed me in my request that this Bill should be brought in. I could have poured scorn upon the situation and the confusion that existed as a result of that absurd Act in 1936 and the constitutional provisions. But I do not want to base my case for this Bill upon that. I put this Bill to the Dáil and, through the Dáil, to the people, particularly to that section of the people who have a regard for the Crown and a sentimental affection for it and who may think that we are now doing something which will endanger their position or put an end to that association of sentiment and affection which they have for the Crown. I want such people to understand the real reason that coerced both myself and my colleagues into bringing in this Bill.

#### Altered Conditions.

In February of this year conditions

altered completely and absolutely in the entire political sphere of this country. I do not wish to intrude my own personal position into this debate. Everybody knows that I came in reluctantly as head of this Government. I came in on two particular bases. One was that I was selected by all the Parties who form the inter-Party Government as one who was remote from the bitterness and controversy of the civil war and of the first 25 years of this State. They believed that I could be regarded as being some way apart from all that. The purpose that induced me to take the position which I now occupy was to put an end, so far as I could by my own personal efforts or anything that I could do while I remained head of this Government, to that personal bitterness and to take the gun out of Irish politics and bring about unity and domestic concord in our lives. That is the reason for this Bill so far as I am concerned. I want every man and woman in this country to know that and, knowing it, to appreciate it. I want to do all in my power to bring peace to this country and to put an end to that bitterness that was born of the civil war and bring about a position where there shall be no necessity for guns or gunning and where we shall get some symbol around which our people can rally, a symbol which will take its place here in this country similar to that position occupied by the Crown in England and Canada and Australia and New Zealand. That symbol is the ideal of the republic. That is why I asked for this Bill because its result will be to give us a rallying point around which all sections of our people can unite to end the bitterness and personal animosity and sometimes bloody feuds of the last 27 or 28 years. It was because of our sincere conviction that we would be able to achieve that desired and desirable result that before I went to Canada last August we decided upon this Bill. That was our reason. I was forced by no person into introducing this Bill. I came to my own conclusions in this matter because I sincerely believed that it was my duty to do that which I was put in this position to do—namely, to put an end to the bitter-

#### Recurring Cycles.

All through the history of this State from 1922 onwards we have had recurring cycles of violence and repression. We have had one Party with a majority of the people behind it charged with a duty of enforcing law and with the distasteful task of putting Irishmen into jail, of executing Irishmen and of shooting Irishmen because of ideals in which those Irishmen believed. That is a problem which has confronted any Government taking office in this country in the past and charged with the duty of maintaining law and order over the last 26 years. I was determined that never again would I take any part in a Government that had to enforce order by extra-judicial processes. I never will. From February of this year there has existed throughout this country from north to south and from east to west a measure of peace, concord and goodwill between every section of our community—such a measure of peace, concord and goodwill as has not existed in this country for the past 50 years. I want that situation to continue. This Bill is designed to do that. I ask for the verdict of this House on that. I do not ask for a verdict upon the legal subtleties and constitutional arguments to which I have referred. I ask for the verdict of this House and the verdict of that section of our people who are known as the "Protestant Minority" whereby that effort, that ideal and that hope of mine and my colleagues will be achieved. I ask for a verdict on this measure which will put an end to violence, bring into being domestic peace and concord amongst Irishmen so that never again will an Irish Government have to execute an Irishman because he wants a republic and because he takes illegal methods to achieve it. We are going to put an end to that here once and for all. From that stage then this Government, this Dáil, or any other Government or any future Dáil can move forward towards a solution of the remaining political problem that we have—the partition of our country.

At an early stage to-day I referred to the fact that there were meetings in Chequers and in Paris between representatives of this Government, representatives of the British Govern-

ment and conflict between sections of our people and give them some symbol around which they could unite without discord or disunity.

I want Deputies, the citizens of this State and the peoples abroad to know that those are the compelling motives coercing me into coming into this Dáil and recommending this measure to the House. Those were the reasons that I gave to Mr. Mackenzie King in Ottawa in September last. I have lived through the years from 1922 to 1932 and from 1932 to 1948. It has been my lot to assist at the birth of two Constitutions of this State. It has been my misfortune, if I may put it that way, during the six years when I was Attorney-General, to devise and put into operation here measures which were and which were admitted to be oppressive in order to try to combat acts of violence of one kind or another, many of which acts were committed by people in the sincere conviction that what they were doing was right and for the benefit of the country. That was the time when the then Government had to bring in the Public Safety Act and Article 2A of the Constitution providing for the Constitution (Special Powers) Tribunal and for the internment of people without trial and for all sorts of paraphernalia of extra-legal jurisdiction which tended to bring into disrepute the ordinary processes of law and which prevented the first Government from doing what they wanted to do in teaching the Irish people that they had at last achieved an Irish Legislature and that their courts were Irish courts administering Irish law. I took no pleasure in carrying out the functions thrust upon me at that time. But the experience that I had then left its mark upon me. I went into opposition in this House and back to my own profession. Then from 1932 to 1948 I was on the other side of the road. I was defending people who were being prosecuted before the Special Powers Tribunal and who were being pursued by the then Government, perfectly properly, for acts of violence. The then Government were forced to use those very methods of extra legal jurisdiction to which they had objected so violently in the years from 1922 to 1948.



ment, and representatives of the Governments of Canada, Australia and New Zealand. My colleague, the Minister for External Affairs, who was present at these meetings, will give you such account as is necessary with regard to those meetings. I am merely giving you the result. I have said already that when we were taking this step we believed that we would create no problems, legal or political, which a fraction of the goodwill we ourselves had for Great Britain, Canada, New Zealand and Australia, would not solve and which we had good reason to expect would be given in return and that we are justified in that belief.

#### Newspaper Bogeys.

These sections of the Press which were spreading their poison throughout this country during the past few weeks raised the bogey that we had not considered what we were going to do when we decided upon this Bill, that we had no notion of the awful difficulties we were going to land the country into; they told us that this country would be a foreign country, that our people were to be aliens in England and that we were going to be deprived of the preferences which, if you please, Great Britain was giving to us. I always understood that the fight which has gone on here for 700 years had as its express object to make us aliens in England, to assert our Irish nationality, and if I could achieve the purpose which my colleagues and myself hope and believe will be achieved by this Bill, of bringing peace and concord and unity here, then neither King nor Empire nor Commonwealth, nor the fact that there are little bits of inconvenience caused by having a passport instead of a permit or a residence permit instead of a free passage will deflect us from our resolve to continue with this measure in the interests of peace, concord and unity in our own country. Not even the question of preferences or trade rights would have done it and, as regards that bogey preached through the newspapers to cause uneasiness and unrest among the decent people who are anxious to support us and have goodwill towards us, it is a matter of profound satisfaction

to us to be able to snap our fingers at their villainous faces and tell them that we have succeeded where they said we would have failed.

We will have our Irish nationality, and from 1926, when the representatives of the last Government were fighting the constitutional battle of this country in Great Britain—in 1926, 1929 and 1930—we asserted, and never let up on, our right to have a separate Irish nationality. Never at any stage did we admit we were British subjects or that we had anything other than the nationality born to us and handed down to us by our forefathers. We will still have that when this Bill goes through; we will have it in a better way than we had it before.

Deputies are perhaps familiar, to some extent at least, with the difficulties that have arisen between this country and Great Britain during the last 20 years on the subject of nationality. We have our own Nationality and Citizenship Act, but throughout all that time the British people and legislature have insisted upon regarding us as British subjects and so far we have been unable to deal with British or Commonwealth subjects by means of the appropriate provisions of our Nationality Act. The appropriate provisions are those contained in Section 23 of our Irish Nationality and Citizenship Act of 1935, which provides that where a country grants to our citizens certain rights we may grant to their citizens like rights in our country. Inasmuch as Irish citizenship was not recognised in Britain, the provisions of Section 23 were inapplicable and various devices had to be adopted to afford British and Commonwealth subjects the rights which they enjoyed and which we intend to continue. Reciprocity is, of course, the basis of all exchanges of citizenship and trade preference rights. Accordingly, we propose, as and when the Commonwealth countries grant our citizens recognition and rights, to make Orders provisionally under Section 23 (2) giving their citizens comparable rights.

#### Nationality Law.

At a later stage—but in the near future, I hope—it is the Government's intention to review our whole nation-

ality law and to bring before the Dáil a comprehensive measure to rectify many of the anomalies that exist under the Act of 1935. In the new Bill provisions will be made to ensure that Commonwealth citizens shall be afforded rights comparable to those afforded our citizens in the Commonwealth of Nations.

There is one thing I should like to make clear to our friends in Britain and the Commonwealth generally. It is that after the passage of this Bill we will continue, provided they so desire, the exchange of citizenship rights and privileges. Ireland does not now, and when the Executive Authority (External Relations) Act of 1936 is repealed, does not intend to regard their citizens as "foreigners" or their countries as "foreign" countries. Throughout, the position of the Irish Government is that while Ireland is not a member of the Commonwealth, it recognises and confirms the existence of a specially close relationship arising not only from ties of friendship and kinship but from traditional and long-established economic, social and trade relations, based on common interest with the nations that form the Commonwealth of Nations. This exchange of rights and privileges, which it is our firm desire and intention to maintain and strengthen, in our view constitutes a special relationship which negates the view that other countries could raise valid objections on the ground that Ireland should be treated as a "foreign" country by Britain and the Commonwealth countries for the purpose of this exchange of rights and privileges.

These are the considerations which we put forward to Britain and the Commonwealth countries. We found that they on their part were equally determined not to regard the passage of this Bill as placing Ireland in the category of "foreign" countries or our citizens in the category of "foreigners", but were prepared to continue the exchange of citizenship and trade preference rights. Accordingly, the factual exchange of rights that has existed hitherto will continue unimpaired. By reason of the fact that we have eliminated from this exchange controversial forms we may reasonably

hope that a greater spirit of goodwill and co-operation will actuate this factual relationship.

I have given the reasons for this Bill and what will be the results of this Bill, and I hope that those people who tried to foment disunion amongst sections of this country, the Protestant section and the rest of them will make amends for their efforts to poison the relationships between the Catholic section of this country and our Protestant people. That Protestant section of our country has played a great part and has a great part to play in the future of this country, and I think it is a shame that any effort should be made by any person whatever his position may be to foment disturbance between the Catholics and the Protestants of this country. They have their part to play here and when this Bill has become law they will find that the position, so far from being in any way impaired, will be very considerably improved.

I have given an account, a very short account because I could spend quite a time on the subject, of the subtleties and controversial constitutionalities that arose out of this External Relations Act of 1936. I have explained my real reason and when this Bill has passed, I at all events will not have to face what I thought I would have to face from February to July. When Deputy Cowan was putting down his questions to me as to whether we were a republic or not and whether we were a member of the British Commonwealth of Nations or not, and when these things were being discussed, I foresaw that there was an unending vista of barren controversy facing us and I must admit that I recoiled from the prospect of a constitutional Purgatory, wherein I should spend an indefinite period of my time in perilous pirouetting on constitutional pin-points. We are going to put an end to that, but we are going to do more.

#### Foundation of Unity.

I repeat that I believe that we are going to lay upon the passing of this Bill a foundation upon which unity and peace and domestic concord will be built and that we can move from that

without the distractions which have so long affected our work here in connection with the problems we have to face and can work for the solution of our economic, financial and social problems without having these perpetual constitutional arguments impeding our progress and barring our path in our efforts to better the lot of our people, and to give them an increased standard of living and such a measure of material prosperity as is within the designs of God's Providence. I have given, I hope, cogent reasons for the passage of this Bill.

What about Partition? What about its effect on Partition? When this Bill has passed, every section of this community in Ireland, every section of the Irish people, can unite with all their energies directed and not distracted towards a solution of this last political problem. When we have passed this Bill into law, we will have removed one of the two remaining causes of friction between this country and Great Britain. We will have given that further contribution of goodwill towards the betterment of our relations. We can have a complete measure of goodwill with the ending of Partition.

A foul Press campaign was engineered, why we do not know, to the effect that one of the awful effects of this Bill if passed into law would be to end for ever and make impossible any hope of achieving the unity of our country. The External Relations Act has, however, been on the Statute Book of this country for 11 years. Neither during that period nor in the previous years, has a single approach been made or a single friendly gesture advanced by the Government of Northern Ireland towards any Government of this State with a view to securing the union of our 32 counties. Why then should we continue the national indignity of perpetuating the External Relations Act in the vain and vague hope that our ambiguous constitutional status under that Act would prepare the way for co-operation from the Government of the six north-eastern counties of Ireland? Indeed, it is quite clear, that if that Act had remained on the Statute Book, friendly overtures by this Government

or any Government in this part of the country to the Northern Ireland Government would still be opposed by the same cascade of scorn and derision as has been directed by the northern ruling classes towards every constructive suggestion from Irish leaders for the ending of Partition. The people of this country and I think every Government of this country since 1921, have travelled far more than halfway along the road of conciliation with the Government of the six north-eastern counties and at no time and at no part of that road has there been even a friendly representative of that intractable ruling class of the six north-eastern counties. When northern spokesmen to-day and for the past few weeks shed, as they purported to shed, tears over our decision to break with the Crown, we are justified in questioning the sincerity of these men, these men who are the heirs of those who in the lifetime of many of us in this House endeavoured by a show of force to intimidate the British Government and threatened to discard the British Crown for the sceptre of a German Kaiser.

#### No Impossibilities.

We are told by these spokesmen of the six north-eastern counties that this Bill will make it absolutely impossible to end Partition. They have said for 20 years that it is impossible and I do not know the difference between "impossible" and "absolutely impossible"; but I do know this that in the political and national dictionary of Ireland the word "impossible" does not occur because if it did occur, this nation would never have been free. If that word did occur, we would not have got to the position in which we are to-day. I repudiate that suggestion, that propaganda suggestion, that this will have any effect whatever. We are told that the passage of this repeal Bill, in the words of Sir Basil Brooke, as quoted in the *Irish Independent* of the 20th of this month, ends any faint hope which I or my colleagues "might have cherished that Northern Ireland will agree to renounce her position as an integral part of the United Kingdom and reunite herself with the Eire Republic." "The Eire Republic"—

that is a term that has been applied by the north-eastern Ministers of this country since 1936 or 1938 or thereabouts, since the time when the then Taoiseach, Deputy de Valera, proclaimed that we were a republic, with the use of the King outside. That was what he called us at that time—an Eire Republic, a term of derision and scorn. Does that show any indication that this External Relations Act, 1936, leaves any hope whatever—even such a faint hope as Sir Basil Brooke referred to in the speech from which I have quoted?

Deputy de Valera, when he was Taoiseach, stated on the 19th April, 1946, as reported in Volume 101 of the Dáil Debates, column 2194-5, from which I am quoting only this one phrase:

"I have said several times I was quite satisfied with the present arrangement if it would include the whole of Ireland."

Now we know and can recognise and appreciate what political hostages Deputy de Valera and the members of his Party must have given to their political fortunes, to make use of this organ of the Crown. We can appreciate what it meant to them, with their republican attitude and what it must have meant in the derision and scorn that was poured upon them in the years gone by. Deputy de Valera, two and a half years ago, made that offer or that statement regarding the six north-eastern counties of Ulster. In effect, it meant this: there is the statement, there is the External Relations Act and I am prepared to regard that as permanent, as a permanent arrangement, if it provides the unity for Ireland. Was there anything said in answer to that, for two and a half years? Was there any approach when this Government, representing as it does a cross-section of the Irish people, came into office last February, or from February to the present moment? Not a single approach. Our offers and our efforts were couched in more courteous terms than those of our predecessors, but we were laughed at—and we are not going to be held upon a string any longer. Let me say that I believe firmly that there is a growing feeling of goodwill towards us in the

six north-eastern counties, where this ruling class is hanging on there with its class privileges and social and other conditions which no other country in the world would allow to continue. If they could pass from the political scene, good Irishmen and Irishwomen of goodwill on both sides of the Border could be found to bring about a solution of this difficulty.

#### Act No Help.

At all events, appreciating what it must have meant for the Leader of the Party opposite and its members to make that offer and to stand upon that position, as a permanent arrangement in the interests of removing Partition, I can say that the Act of 1936 which we are repealing, having been there for 11 years, and that offer having stood for two and half years, there is nothing but contumely and derision and scorn put upon it by the Ministers of the six north-eastern counties. It cannot be regarded as in any way an instrument by which the unity of Ireland can be achieved.

I do not have to give my view on the subject. I have the view of Sir Basil Brooke. This is what he says, in the same speech from which I have quoted, as reported in the *Irish Independent* of the 20th of this month:

"Sir Basil Brooke addressing the Yorkshire Ulster Society in Leeds last night said: The people of Ulster feel that this final step of the Eire Government is the vindication."

I ask Deputies to listen to this, regarding this step we are taking—

"of the decision"—

I underline that word "decision"—

"to which we have adhered through many troubled and difficult years"—

What is the decision?—

"to move not an inch towards compromise with a people whose historical association and political loyalties are so different from our own, a people whose ultimate aim has been their renunciation of the Union Jack and Crown."

There is the decision that was in force for many difficult years, according to Sir Basil Brooke. That is still in force,

in spite of the External Relations Act, in spite of what Deputy de Valera said two and a half years ago—that if they came in under the provisions of this Act he would regard it as permanent. I have said, and I repeat, that I fully realise what that must have meant for that Party opposite, but no answering word of sympathy came even to that offer.

Let us go back a bit. Men died in this country to maintain the position of the Crown here from 1922 to 1932. Those people who supported the Treaty during those ten difficult and trying years did so, not merely that the signatures of Collins and Griffith should be honoured, not merely that the word of the Irish people should be kept, but because they hoped that that instrument would be one by means of which the unity of Ireland could be achieved. There we had, under that instrument, the Treaty of 1921, the Crown in all its glory here in this country. We had it at the end of 1931 in the Statute of Westminster, declared to be the symbol of the free association of countries of the Commonwealth. That has been recognised by statesmen the world over. It had been a tremendous achievement. The crowning glory of that great community of nations, the Commonwealth of Nations, is that they can be His Majesty's Government in each of those countries and still be free. We had it there all that time. Men have died—Collins died, O'Higgins was murdered—because of it. Many men and women whose names are unknown and never will be known, humble people, lived in circumstances of poverty and in conditions of misery, because of the help that they gave to maintain that Treaty and to maintain the position under the Treaty, in the hope that thereby the unity of Ireland would be achieved.

During all that period of stress and strain, when scorn and derision was poured upon the people who upheld that Treaty and the instruments and institutions under the Treaty, when people hoped that it might lead ultimately to the unity of Ireland, there was never a sympathetic word, never a single approach—there was their unalterable decision, a decision reached 25 years ago—"not an inch". Our

people have died, our people have suffered and are living in misery, poor people, humble people. We know of the heroes, Collins and Griffith and all the others. There are many people in the Party to which I belong who, despite the derision and the scorn, poured upon them by their political opponents, stuck to the Treaty and everything it stood for because they hoped that one day it would enable them to bring about the unity of Ireland. Their loyalty to Collins and Griffith and their belief in the Treaty were founded on the hope that one day we would achieve the unity of Ireland. Nothing that has been done by any Government or any Party in this State since 1932 has in any way affected these people. Therefore we can say and assert that the passage of this measure will in no way impede our progress towards what is inevitable—the unity of our country.

#### Hand of Friendship.

While I am speaking here I want to say emphatically on this subject of Partition that I, and I believe my colleagues in the Government and those who support us, will still hold out the hand of friendship to the people of the northern counties who regard themselves as Irishmen and Irishwomen. We want to see the unity of our country, not for what we can get out of it, not for any material benefit, not that we want their factories or their industries but for the fact that we want to end this unnatural division between the Irish people, the Irish race. Look at what it would mean to us and to the peace-loving nations of the world if we could have the unity of our country. You have only to look at the map, or to ask any soldier to look at the map, to realise how the unity of Ireland would serve the cause of the maintenance of peace. Look at what it would mean to the cause of peace in this country; look at what a bulwark a united country would be to any menacing horde that might threaten the peace of the world. Look at what we could do with our millions scattered throughout the world in our contribution to the cause of peace if we had a united Ireland. Look at what it would mean if the millions of our race in America were satisfied that they

had no longer to preoccupy themselves with our problems here at home, that there was no need for them to give us any further help in the solution of these problems, that Partition was ended and that we were satisfied. Look at what it would mean in the promotion of friendly relations between the United States and Great Britain. Look at what we could do with a small country but a country which has a large spiritual empire throughout the world. Look at what we could do in international affairs, as a country that has no axe to grind, in bringing peoples and nations together who at the moment are suspicious of one another. European nations are suspicious of Great Britain at present. If we had a united Ireland so that we could live on terms of complete friendship with Great Britain, if we had the opportunities to enhance our prestige internationally, as our prestige has been enhanced by our Minister for External Affairs during the past seven or eight months, look at what it would mean towards the cause of peace and goodwill in the world. I ask people of goodwill in Northern Ireland to remember this, to forget the claims of privilege, to remember that we are all Irish people and, if I may use a homely phrase, that if we were united we could beat the world.

The last topic I have to deal with, apart from referring to one or two items in the Bill, is the charge that by taking this step we are adopting a policy which is referred to as a policy of isolation. I have dealt with that in the opening sentences of my statement here to-day. All the observations I have made use of lead to the one conclusion, that once we are enabled to take our place unambiguously amongst the free nations of the earth, as a free and independent Irish Republic, we can play our part and we will play our part. We shall, even pending the reintegration of our national territory, do the best we can to assist in the solution of the problems of the world. People may not perhaps agree, or fully agree with the aphorism of the late Tom Kettle when he said that to become Irish one must become more European but at least we can agree with another aphorism of his by slightly changing the context and say with him that a

national policy—he was speaking of a national literature but I am adapting his words in this connection—that seeks to found itself in isolation can only produce the pale waxen growth of a plant isolated from the sunlight.

#### Emmet's Epitaph.

While Partition persists we cannot claim that Emmet's epitaph can be written in full but it can be claimed and I do claim that, under this Bill, the establishment of the Irish Republic constitutes the most important step yet taken to enable Ireland to take its place among the nations of the earth. That we are taking that step to put ourselves right internationally, to free our constitutional and international status from ambiguity, can in no way connote unwillingness on our part to accept international responsibility, such international responsibility as devolves on every country to-day. We are not, as is suggested, looking inwards at ourselves instead of retaining contact with the Christian nations throughout the world. Our record in the last seven or eight months belies that allegation.

The clarification of our constitutional status achieved by the Bill will enable us to partake in international relations in a way that has not heretofore been possible. No other small country in the world has such ramifications internationally as Ireland has, as a great mother country. No other nation has sent forth so many exiles and no other exiles have retained, through good times and bad times, such unshakable devotion and loyalty to the mother country. It is therefore ridiculous and absurd to suggest that isolation would be the fate or the choice of a country which has so many ties with practically every other country on the face of the globe. At the moment there are 40 million people of Irish blood scattered throughout the world, each and every one of whom is at all times conscious that this small island is his or her spiritual home. Isolationism is absolutely impossible to a country connected by such links of spirit and sentiment with the countries of the earth.

Archbishop Cushing last September in Boston at a function given in my honour as a representative of this



nation described Ireland as a nation that, in the Providence of Almighty God, has been chosen to extend the spiritual Kingdom of Christ to the ends of the earth, and that, like the grace of God, the Irish are everywhere and everywhere they go they do good. That is my answer to those people who charge us with isolationism.

We are a small country. Our material wealth is comparatively insignificant, and we have no acquisitive or imperialistic ambitions. In our Constitution Ireland affirms its devotion to the ideal of peace and friendly co-operation amongst nations, founded on international justice and morality. Though we are a small nation, we wield an influence in the world far in excess of what our mere physical size and the smallness of our population might warrant. We are sometimes accused of acting as if we were a big nation. But, in fact, we are a big nation. Our exiles have gone to practically every part of the world and have created for their motherland a spiritual dominion which more than compensates for her lack of size or material wealth. The Irish at home are only one section of a great race which has spread itself throughout the world, particularly in the great countries of North America and the Pacific area. More than ever to-day we conceive the need of the world for spiritual fortification when the dark forces of materialism are threatening the foundations on which the great Christian nations of the earth have endeavoured to build for their people peace and concord.

#### Ireland's Task.

Before the American continent was discovered, Irishmen were bringing religion to the barbaric tribes of Eastern Europe and teaching philosophy in the Court of Charlemagne. St. Columcille brought tidings of Christianity to the Pict, the Briton and the Scandinavian. He laid the foundations of the great monastic citadel of Iona which was to become the source from which missionaries carried the faith to Britain and Iceland. St. Columbanus dedicated his life to spreading the faith in France, Switzer-

land and Italy, and students from every part of Europe were welcomed to the famous Irish seminaries and colleges. All our national instincts urge us to co-operate with democratic countries and our missionaries still labour in the darkest parts of the world.

Is that a country that is going to indulge, as a mere manifestation of nationalistic egoism, in this policy of isolationism? We have a task and a duty to fulfil. We are, as I said earlier to-night, a small nation, requiring friends in the world. Every small nation has need of friends and, above all, has need for the maintenance of peace, and our duty and task is to contribute what we can and how we can to the maintenance of peace. We hope and pray God that there will never be another war in this world, so long as it can be avoided, but our task and our duty is to help to maintain peace and prevent war. This manifestation of our national desire and our national ideal is in no way inconsistent with our efforts and our duty to take our place amongst the nations of the earth.

There has been much talk in recent months about a United States of Europe and a united Europe. We can only have a united Europe on the basis of diversity of national institutions. Institutions which are satisfactory to and evoke the loyalties of our people—that is the kind of institution we are setting up here under this Bill, that will enable us to take our part in the international affairs of the world.

One of the great characteristics of European civilisation has been that it has been able to combine within itself at once cultural unity and political diversity. It is only on the solid basis of national or local patriotism that the lasting structure of a united Europe can be achieved and, therefore, what we are doing to-day is in strict conformity with the ideals of those who wish for a united Europe, for a union of people to maintain peace and in the cause of peace.

I have not brought Deputies down through the various sections of the Bill, as is usual on the Second Reading of a Bill. The Bill is a simple Bill but it has tremendous and, I believe and hope, very beneficial results. The first

section repeals the External Relations Act. I have dealt fully with that. Section 2 provides: "It is hereby declared that the description of the State shall be the Republic of Ireland." That section is so obviously necessary that it requires no advocacy on my part to commend it to the Dáil. Deputies will recall that under the Constitution the name of the State is Eire or, according to Article 4, the name of the State is Eire or, in the English language, Ireland. Now, this section does not purport, as it could not, to repeal the Constitution. There is the name of the State and there is the description of the State. The name of the State is Ireland and the description of the State is the Republic of Ireland. That is the description of its constitutional and international status. Deputies are probably aware of the fact that tremendous confusion has been caused by the use of that word "Eire" in Article 4. By a misuse by malicious people of that word, "Eire", they have identified it with the Twenty-Six Counties and not with the State that was set up under this Constitution of 1937.

#### Legal Direction.

In documents of a legal character, such as, for instance, policies of insurance, there is always difficulty in putting in what word one wants to describe the State referred to. Section 2 provides a solution for these difficulties, and those malicious newspapers who want to refer in derogatory tones to this country as "Eire" and who have coined these contemptuous adjectives about it, such as "Eireannish" and "Eirish", and all the rest of it, will have to conform to the legal direction here in this Bill.

Section 2 does these subsidiary things but it does more than that. It does something fundamental. It declares to the world that when this Bill is passed this State is unequivocally a republic. It states that as something that cannot be controverted or argued about and we can rely, I think and I hope, on international courtesy to prevent in future this contemptuous reference to us and the name of our State being used for contemptuous purposes, as it has been, by some people

and by some organs in the last few years.

Section 3 merely provides that the President, on the authority and on the advice of the Government, may exercise the executive power or any executive function of the State in or in connection with its external relations. We now, and we will under this clause and under this Bill, have clarified our international position. No longer will there be letters of credence sent furtively across to Buckingham Palace. Diplomatic representatives will be received by the President of Ireland, the head of the State. We now have the unambiguous position that the President is head of the State and, if there are heads of State treaties to be entered into, if he goes abroad, he will go abroad as the head of this State, the head of the Republic of Ireland.

Section 4 says:

"This Act shall come into operation on such day as the Government may by Order appoint."

When this Bill is enacted there will be no reason for those fears, those apprehensions which have been so assiduously set abroad by the poisonous sections of the Press, but there will be certain difficulties though not of a major character. I can hardly call them difficulties because they are not difficulties but merely legal matters that have to be cleared up and which may necessitate legislation here perhaps or perhaps in Canada, Australia, or Great Britain and we must provide a time limit, a breathing space within which these matters of detail can be carried out in concord and agreement. There are no very important matters; they are matters of detail, legal technicalities, not matters of difficulty or controversy. They will take some little time. I cannot say how long it will take to have these details brought into operation and accordingly, however much we would like to see this Bill come into immediate operation, we will have to have a breathing space for the various Parliaments to settle up the details which require to be settled up. They are not matters of difficulty.

As I said before and now repeat, I recommend this Bill to the Dáil and ask for its unanimous acceptance by the

Dáil. It will, I believe, if it is passed in a spirit of goodwill, if it is passed unanimously, do and achieve what its primary purpose hopes for: to bring peace here in this part of our country and by bringing this country well on to the international stage, by lifting this problem of Partition from the domestic arena and putting it on the international scene, give us not a faint hope but a clear prospect of bringing about the unity of Ireland.

### **Created by British.**

I should like to say one more thing in conclusion. There have been sometimes smug, sometimes fearsome declarations by British Ministers or British Governments that the problem of Partition is an Irish problem, that must be settled between Irishmen. That Pilate-like attitude can no longer be held by statesmen with the courage and decency to look facts in the face. This problem was created by an Act of the British Parliament, the Government of Ireland Act, 1920. It may be insisting on the obvious, but I have had occasion to insist very strongly on the obvious in recent months. That Act of 1920 was passed before the Treaty of 1921 and it is surprising how many people think that the Partition of our country was effected by the Treaty of 1921. The problem was created by the British Government and the British Parliament and it is for them to solve the problem. They cannot wash their hands of it and clear themselves of responsibility for it. The Act of 1920 is a very poor title for a claim which is not based upon morality and justice. The Government of the six north-eastern counties claim that and assert it by virtue of a

majority, a statutorily created majority, a majority created deliberately under the Act of 1920 to coerce and keep within the bounds of their so-called State masses of our Catholic people and fellow Irishmen who do not want to be there. That Act of 1920 was put on the Statute Book and brought into operation without a single vote cast in its favour by any Irish representative in the British Parliament or without anybody North or South wanting it. Therefore the problem of undoing that wrong devolves upon the British Government. We are doing our part down here. We are doing our part by this Bill.

The whole basis of the case I make for this Bill is founded on good-will, is founded on the end of bitterness. It is founded on a sincere desire to have greater good-will with Great Britain. We hope through the creation of that good-will, through fostering further good-will, that that will help materially to induce the British Government and Great Britain to take a hand in the undoing of the wrong for which their predecessors were responsible in 1920. We believe that this Bill, by creating conditions on which that good-will can increase, will help towards the solution of the problem of Partition. We hold out, as I said here earlier to-day, the hand of friendship to the decent people of Northern Ireland and they can be assured if they come in here, end this great wrong and come into a unified Ireland, they will be doing good work for themselves, for the whole of Ireland and for that country to which they proclaim their intense loyalty, Great Britain, and the Commonwealth of Nations and be giving a lasting contribution to the peace of the world.