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from the office of

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HEARINGS ON NORTHERN IRELAND
TESTIMONY OF SENATOR EDWARD M. KENNEDY
HOUSE OF REPRESENTATIVES COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON EUROPE

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Mr. Chairman, I am honored to have the opportunity to appear before you and the other members of the Subcommittee this morning as you begin these important hearings on the crisis in Northern Ireland.

The long and tragic Irish history is familiar to almost all Americans. For centuries, going back even beyond the settlement of the American colonies, Ireland has endured killing and violence, religious conflict and civil war. For hundreds of years, Ireland has seemed an incurable and interminable plague on Britain, destined to bring constant turmoil to unending generations of British and Irish people and their leaders.

We know that our own century has seen its full share of the terrible death and destruction brought by Britain's inability to deal fairly and justly with the people of Ireland. Half a century ago, the world witnessed the traumatic upheaval and bloodshed that gave birth to the cruel experiment of partition. Now, a new chapter of violence and terror is being written in the history of Ireland, written on the front pages of every newspaper in the world, written in the blood of a new generation of Irish men and women and children. And once again, the people of Ireland are back at the forefront of history's greatest movement. They have joined the search in earnest for the only goal that really matters to people on earth, the search for which countless millions have died since history began, the search for human freedom and for liberty under God.

There are those who say that America should stand silent now in the face of the daily killing and brutality that is taking place in Northern Ireland, just as America stood silent over Bangladesh in the face of weeks and months of some of the worst cruelty and repression in the history of the world.

I do not agree, and I do not think that most Americans agree. Our duty, our heritage, as citizens in a nation that has been the star of liberty in the world for two centuries, require us to speak out. Were I neither Catholic nor of Irish heritage, I would feel compelled to protest against the killing and violence in Northern Ireland, just as I have protested at other times in my years in the Senate against the killing and violence in other parts of the world, in areas like Vietnam, Biafra, the Middle East, and Bangladesh.

The rising concern in Congress and the nation today over the violence in Ulster is a bright new chapter in the long and distinguished record of America's concern for human rights and equal justice in Ireland. Two hundred years ago, the Irish played a major role in securing the independence of the American colonies, a role acknowledged often by

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George Washington and our other great early patriots. And so, it was natural, during the following century, that the Irish struggle for their own self-government attracted wide sympathy and support in the new American nation.

Throughout our history, and especially in periods of intensifying violence in Ireland, Resolutions have been introduced in both Houses of Congress supporting the cause of Irish freedom. The platforms of both the Democratic and Republican parties in 1888 gave strong encouragement to the historic Home Rule campaign for Ireland led by Gladstone and Parnell at the time. Later, in the violence surrounding the Easter Rebellion in 1916 and the subsequent guerrilla war, Congress led the way in urging Woodrow Wilson to use the good offices of the United States to ease the crisis. Responding to the view of Congress and an American public outraged by the violence and brutality of that day, President Wilson took frequent and substantial steps to urge the Government of Britain to end the violence and achieve a peaceful settlement.

Perhaps the high water mark of American concern in the Twenties was the formation of the prestigious Committee of One Hundred Fifty on Conditions in Ireland, a private group of distinguished Americans established by the New York Nation to investigate the situation in Ireland at the height of the violence fifty years ago. From its members, the Committee elected a smaller Commission to conduct a public inquiry, led by Jane Addams, the famous sociologist of Hull House in Chicago, Senator George Norris of Nebraska, and Senator David Walsh of Massachusetts, a man whose Senate seat I hold today.

The Commission held 14 days of public hearings in Washington in the winter of 1920-21. It heard 41 witnesses, almost half of whom had come from Ireland to tell first hand about the violence and repression. The hearings and the Commission's subsequent report had enormous impact in mobilizing American public opinion. The vivid descriptions of cruelty and violence brought home to people throughout the country the awful horror of events in Ireland, and were an important influence leading toward the subsequent settlement of the conflict. As the Manchester Guardian commented in England at the time:

"One can only read the report with a kind of helpless rage. A few leaders in Britain have landed us in the dock, without a defense, before the conscience of mankind."

And so, these committee hearings today follow in a long line of important precedents demonstrating the concern of Congress and the nation for the cause of Irish freedom. The United States has a role to play, and I commend the members of this Subcommittee for acting now to bring the situation in Northern Ireland to the attention of the American people.

In light of these important precedents, it is fair to ask, why is the Administration still so silent over Ulster? Why does it abdicate its responsibility to let the official voice of America speak out to end the killing? A few weeks ago, in the controversy over Britain's base on Malta, America was not so silent. We did not hesitate to intervene. The Administration was quick to prod the British then, when a few square miles of an obsolete island base of no military significance were at stake. Why is it so slow to act on Ulster now, where basic human rights and the lives of innocent people are in the balance?

Indeed, if one is needed, the Administration could easily find a military rationale for action on the Ulster issue. We have a Naval Communications Station in Northern Ireland today that employs 300

U. S. Navy personnel and 150 Ulster citizens. It is located on the outskirts of Londonderry, near the Bogside, so that the potential for its disruption by the violence is all too clear. In addition, the 14,000 British troops now tied down in Ulster could be of obvious value in our effort to reduce American troops in NATO through replacement by European forces.

Moreover, as Dr. Patrick Hillery succinctly put it on his recent visit to Washington, there could be no more gross intervention in the affairs of Ireland than the presence of British troops in Ulster. And, as we know, Britain has never been reticent to intervene on American issues. Indeed, the United States today would be partitioned into separate nations, North and South, if Britain had had her way in our Civil War a century ago.

More important on the issue of intervention, Ulster cannot fairly be called the internal affair of Britain. Not a day goes by without new evidence of the deep involvement of the Republic of Ireland in the crisis -- a separate and independent nation whose affairs and future are intimately bound up with the solution of the Ulster issue. We sent the aircraft carrier Enterprise to the Indian Ocean last December, and we intervened in other ways to try to tilt the balance between India and Pakistan, two nations with whom we have had long and friendly ties. But by some cruel irony today, we are unwilling even to make our good offices available to mediate a crisis over Ulster that involves two of our closest friends, Britain and Ireland.

In sum, America can play a useful and entirely proper role on Ulster, if only we have leaders with the compassion to act and the wisdom to see the way. There is ample precedent in history, law and logic for us to make our good offices available, and I hope that we shall be equal to the task.

That is why I welcome these hearings today. It is long past time for the Congress of the United States to go on record again, to take our stand on Ulster, to lend our voice to the effort to rally the conscience of the world to the cause of peace and liberty. And so I hope that this committee will consider the proposals before it fully, and report a measure that can bring a new call for reason and compassion on the Irish issue, and thereby move us farther along the road to peace.

The measure that I favor is Senate Resolution 180, which I cosponsored with Senator Abe Ribicoff of Connecticut in the Senate last October, and which Congressman Hugh Carey of New York introduced on the same day in the House. Briefly, our Resolution contains a number of principal provisions that I believe deserve immediate implementation.

AN END TO INTERNMENT

First, there must be an end to the cruel and repressive policy of internment. More than six months have passed since internment was adopted, and the soaring daily toll of bloodshed, bullets, and bombing in Ulster is a continuing awful reminder of how wrong that policy was at its inception, how wrong it is today, and how wrong it would be to allow it to continue.

The daily headlines tell us what Britain has done to Ulster, but we are only just beginning to realize what Ulster has done to Britain. It is fair to say, I think, that the launching of internment has brought British justice to her knees. Only last Wednesday, we witnessed the sordid spectacle of the British Parliament in London, sitting in the darkest hours of the night, steamrollered into rushing midnight

● legislation into law to reverse a decision by the High Court of Northern Ireland earlier that day, holding that British troops in Ulster had exceeded their authority under the constitution in carrying out their arrest, internment, and other orders.

Day after day, week after week, month after month, the nation that gave Magna Carta and Habeas Corpus and Due Process to the world imprisons hundreds of innocent citizens of Northern Ireland, without warrant, charge or trial, often on evidence of the rankest hearsay and deception, on grounds so spurious, so obsolete, and so discriminatory against the religious minority that they would be laughable, if the results were not so calamitous for the peace and people of Northern Ireland.

The notion of detention without trial is an abomination to democratic nations throughout the world, and it ought to be anathema to the British Government. Of all the great traditions of American liberty, we are proudest, perhaps, of the tradition of Anglo-Saxon law and justice, handed down to us from the pillars of British jurisprudence. And yet, by an historic irony, a far less drastic policy of preventive detention in the United States was instituted in the District of Columbia in recent years, but only after months of bitter debate in Congress, and then only with safeguards to prevent the worst abuses. By contrast, Britain's far more outrageous internment policy in Ulster was launched in the dead of night last August, without advance debate in Parliament, a quid pro quo, they say, for Brian Faulkner's agreement to ban the Orange marches. The decision was made without any notice at all, except the knock on the door in the dead of night in hundreds of Ulster homes, with the victims chosen as though by some cruel and irrational lottery and hauled away to places of detention that bore the hallmarks of concentration camps.

The Protestants in Northern Ireland are fond of saying that Belfast is as British as Birmingham or Bristol, but does anyone doubt that if they tried to launch internment in Britain today, the Government itself would fall?

And then, compounding the crime of internment, we saw the early reports of how the prisoners were treated in the camps. We read the reports of torture in the camps with horror, as they described the efforts of British intelligence to learn the secrets of the IPA by methods no civilized people can countenance.

On the heels of the first reports of torture we heard the outraged British denials. But many of the worst fears were confirmed in all but name by the report of the Compton Inquiry. Yes, said the Compton report, the prisoners were deprived of food and sleep. Yes, said the Report, the prisoners were spread-eagled against a wall for up to 48 hours at a time. Yes, the prisoners were shrouded in heavy black hoods, to induce a sense of desperate isolation. Yes, they were forced to suffer through the intense loud hissing noise of machines designed to surpass human endurance.

Again and again, the Compton Report found the immoral and inhuman facts of torture. Yet, it whitewashed their meaning by Alice-in-Wonderland logic, by obscure and hypocritical phrases that denied brutality and spoke only of "ill treatment" and "deep interrogation," and by rhetoric that sought to justify obviously barbarous means by resort to a higher end.

Over forty years ago, the distinguished American jurist, Louis Brandeis, dealt with the heart of the Compton argument in these words:

"Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means -- to declare that the Government may commit crimes in order to secure the conviction of a private criminal -- would bring terrible retribution."

A generation later, in one of the great passages of British law, Lord Atkin stated the relevant principle clearly in his famous opinion in Liversidge v. Anderson, in words directly applicable to the logic of the Compton Report and its attempt to blur the difference between torture and "ill treatment":

"I know of only one authority," said Lord Atkin, "which might justify the suggested method of construction: 'When I use a word,' Humpty Dumpty said in a rather scornful tone, 'it means just what I choose it to mean, neither more nor less.' 'The question is,' said Alice, 'whether you can make words mean so many different things.' 'The question is,' said Humpty Dumpty, 'which is to be master -- that's all.'"

No nation that calls itself a democracy can justify a policy of internment for its citizens. And so the first step I urge Britain to take at once on Ulster is to end the police state policy of internment, and thereby bring back to Ulster the evenhanded justice for which Britain has always been renowned.

WITHDRAWAL OF BRITISH TROOPS

The second major element of our Congressional Resolution is the call for the withdrawal of British forces from Northern Ireland, and the institution of appropriate procedures for law enforcement and criminal justice under local control acceptable to all the parties.

This provision of our Resolution produced substantial controversy when we introduced it last October. But today, as the unending killing and violence continue, it is also a provision that, I feel, has been vindicated by subsequent events. At Londonderry on Bloody Sunday last month, thirteen Ulster Catholics, participants in a civil rights demonstration, were killed by gunfire from a battalion of British paratroops. In light of that appalling massacre, can anyone now deny that the presence of British troops in Ulster is compounding the violence instead of contributing to peace?

To be sure, when the troops arrived in 1969, they were welcomed as protectors by the Catholic minority in many parts of Northern Ireland. But in 1972 the affection has turned to hate, the protection has turned to violence. The British army has now become the ominous representative of Unionist tyranny, the symbol of Protestant supremacy and oppression in Ulster.

As we know from first hand experience in the United States, military forces are not trained police. They do not know how to keep the peace on a continuing daily basis. Inevitably, their presence becomes a constant irritant to the local population. On several tragic occasions in the Sixties, President Johnson was obliged to order Federal troops into American cities to maintain law and order. But always, whether in Detroit or Baltimore, in Chicago or Washington, D. C., the troops were deployed to deal with a sudden crisis, and they were removed as soon as the emergency was over and the local peace had been restored.

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Today, the British troops in Ulster have become an army of occupation instead of a peace-keeping force, and the explanation is not far to seek. For months, the Army weapons searches were aimed at the Catholic homes, but they never searched the Protestants. The Army helps to maintain the internment policy, but of the hundreds who have been detained, there has never been a Protestant.

In short, thanks in large part to the British military presence, life for the minority in Ulster today is one long nightmare of sudden arrest, of house-to-house searches, doors broken down, and furniture smashed. It is a life of the smell of riot gas in the air, bruises from military batons, and wounds from rubber bullets or more deadly bullets. It is a life of barbed wire roadblocks in the alleys and armored Saracens racing through the streets. In the midst of all the terror, it is small wonder that the question they ask in Ulster today is one that cries, "Is there a life before death?"

If any hope at all remained that the Catholic population in Northern Ireland had not yet turned irrevocably against the British troops, if any hope remained that the Army might again become a helpful presence in Ulster, that hope was destroyed by the escalating military violence that culminated in the wanton killings of Bloody Sunday at Londonderry -- killings that recalled other cruel and bloody days in British history, like the massacres in the Gordon Riots, and at Amritstar and Peterloo and Dublin.

And now, just as the injustice of internment was compounded by the torture of the men imprisoned, so the slaughter at Londonderry is being compounded by the arbitrary limits on the scope of the inquiry being carried out by Lord Widgery. Just as Ulster is Britain's Vietnam, so Londonderry is Britain's My Lai, and the killings on Bloody Sunday deserve the widest and fullest investigation, in an inquiry capable of insuring that such a tragedy will not recur.

Cardinal Conway's medical observer at the post-mortems on the victims has already reported that many of those who died were shot in the back while running away. We also know, for example, that long before the events of Bloody Sunday, the paratroops had earned a reputation for unnecessary brutality in troubled Catholic areas. Calls were raised, even by other Army units in Ulster, to withdraw the Parachute Regiment before a tragedy occurred.

Now, the tragedy has happened, and the people deserve to know the facts through a full and fair investigation. Yet, the inquiry by Lord Widgery has the hallmarks of our own narrow and ineffective investigation of My Lai. It is limited in time to the few moments between the beginning of the violence at the demonstration and the end of the shooting by the troops. It is limited in space to the streets of the Bogside, where the killings took place. Just as at My Lai, there will perhaps be microscopic scrutiny of the soldiers at the scene, but the generals will go free.

Such limits can insure only one result -- that Lord Widgery's report will not and cannot be the full account. And so, I hope that, while time remains, Britain may yet act to expand the scope of the inquiry, so that at last, in this tragic new chapter in the history of Irish bloodshed, the people will know that justice has been done.

The events of Bloody Sunday were a watershed for many who have now begun to advocate the withdrawal of British troops as an essential step toward restoring peace in Ulster. Dr. Conor Cruise O'Brien, for example, whose views against troop withdrawal were widely quoted

when we introduced our Congressional Resolution last fall, is now a convert to the cause of such withdrawal.

Yet, just as the British Government blindly argues that it cannot end internment because it would mean the return of the gunmen to the streets, so the Government also argues that it cannot withdraw the troops because of the bloodbath that would follow. And so, for months, we have had a policy that condemns hundreds of innocent men and women and children to die in the streets of Londonderry and Belfast and the other cities, towns and villages of Northern Ireland, because the Governments in London and Belfast fear that even more may die in the future if the policy is changed. In other words, to prevent some very hypothetical bloodbaths of tomorrow, the leaders of Britain and Northern Ireland seek to justify the very real bloodbaths of today.

I believe that policy is wrong, and that the withdrawal of troops from Ulster is the most important single step that can now be taken by Britain to reverse the failure of its Ulster policy. It is the most realistic step that can be taken to put Ulster on the road to peace and a solution to the crisis. Only by removing the cruel and constant and continuing irritation of British troops can we buy the time we need to do all the other things that must be done to extinguish the flames of hate and terror in Northern Ireland.

As our Congressional Resolution makes clear, the withdrawal of British troops does not mean that the people of Ulster will be without adequate procedures for the enforcement of law and order and the administration of criminal justice. I believe that entirely appropriate manpower and machinery to keep the peace can be established by the local population, with representation and procedures that are fair to the Protestant majority and the Catholic minority alike.

Our resolution would also be entirely consistent with the use of other peacekeeping methods, such as an international peace force under the auspices of the United Nations. The essential point is that some alternative must be found, and found now, to the presence of British troops if there is to be any hope of an early end to the killing and violence. As British history in general, and the history of Britain in Ireland in particular, make clear, no amount of outside force can keep the peace for long in Ulster, if the forces of law and order are too closely identified with brutality and oppression in the eyes of a significant part of the population. The bloody impasse in Northern Ireland today can be broken only by a clear commitment to British troop withdrawal, and that, I hope, will be the essence of whatever new initiative that Britain is rumored to be planning.

One more point should be made on the question of troop withdrawal. For nearly a hundred years, ever since Lord Randolph Churchill played the abominable Orange Card against Gladstone in the nineteenth century, British policy toward Ireland has been paralyzed by fear that the Protestants of Ulster will fight to the death to preserve their British tie. Whatever the reality of such fears a hundred years ago -- or even at the time of the Home Rule debate before World War I or the partition in the Twenties -- I believe those fears are a myth today, and the lesson of recent Ulster history tells us why.

We know that the extremists of the IRA failed to capture the hearts and minds of the Catholic minority in their brutal campaign of 1955-62. They have succeeded now, but only because the peculiar blindness of the Ulster Protestant leadership makes it totally resistant to the movement for civil rights and the demands of the Catholic minority for legitimate reforms. If the Catholics of the Republic of Ireland demonstrate their willingness and ability to protect the political, economic, and social rights of the Ulster Protestants in a united

● Ireland, the extremists on the Protestant side in the North will never succeed in any campaign of violence designed to play the Orange Card today.

Thanks to the impetus of their new membership in the Common Market, basic change is already well under way for both Britain and Ireland in modern Europe. That is why I strongly hope that the Republic of Ireland will now begin the process, as Prime Minister Lynch has so eloquently suggested, for genuine constitutional reform on all the great issues that divide the North and South, so that Protestants and Catholics alike may see the most rapid and dramatic progress possible toward the reconciliation we know must come.

In sum, I do not believe that the majority of Ulster Protestants are prepared to plunge their homeland into civil war to preserve the British tie. Ulster is not about to commit suicide when the British troops withdraw, and the sooner Britain learns that lesson, the sooner there will be peace in Ireland.

DISSOLUTION OF STORMONT

The third major aspect of our Congressional Resolution is the call for the dissolution of Stormont, the Parliament of Northern Ireland, and the institution of direct rule of Ulster from Westminster, the Parliament of Great Britain. So long as Ulster is ruled by Britain, it makes no sense to interpose the additional layer of Stormont between the people and their government. No other part of Great Britain lives today under this sort of arbitrary constitutional device, and there is no reason why the people of Ulster must endure it.

Moreover, apart from the presence of British troops, there is no more obvious symbol of the half century of massive tyranny and injustice in Ulster than the Parliament at Stormont. Throughout its history, the paramount function of Stormont has been as a tool for the oppression of the minority. In recent months, since the beginning of internment, Stormont has failed to function as an effective legislature, because the representatives of the minority have refused to participate any longer in the parliamentary charade the Unionists wish to play. Stormont is now defunct in all but name, and it is time for Britain to deliver the coup de grace. And when that happens, all the people of Ulster, Protestant and Catholic alike, will be closer to the peace they want.

UNIFICATION OF IRELAND

The fourth major aspect of our Congressional Resolution is the call for a conference of all the parties to prepare the way for the unification of Ireland. For countless generations, Irish martyrs have spilled their blood for the cause of freedom for all of Ireland, and the momentum for unification now is much too great to be denied. The other reforms I have urged are important short-run steps, but unification is the only step that can secure the permanent peace that Ireland has sought throughout her history.

The Prime Minister complains about American misunderstanding of Britain over Ireland. In a weekend interview, he says that unity for Ireland has no more historical or logical justification than the absorption of Portugal by Spain. Surely, that comment shows where the misunderstanding really lies. It is a gratuitous insult to millions of Irish, Spanish, and Portuguese people alike, a remark that shows a surprising lack of history and logic in a leader of Great Britain.

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There are those who say that some middle ground for Ulster is still a possibility, that unification is not the only road to peace. The rumored new British initiative, they say, may propose a reconstituted Stormont, with fresh and more effective assurances of adequate representation for the minority.

To me, such proposals would be just another example of years of British blindness and delay toward Ulster. With Ireland exhausted by civil war in the 1920's, partition worked for forty years, but it cannot work today. Perhaps, even a few years ago, in the early period of the civil rights movement of the Sixties, political and social and economic reforms in Ulster and a new approach to Stormont might have kept the peace, and enabled the majority and minority to live together as part of the United Kingdom.

But such steps today would just be more of the "too little and too late" approach that Britain has taken toward Northern Ireland throughout the present crisis. It is not enough to end internment, to withdraw the troops, to reconstitute Stormont and the Cabinet, to offer massive economic aid, or to adopt all the other reforms proposed in years gone by. It is not enough even to redraw the Ulster boundary, as some have proposed in recent weeks in a desperate and doomed attempt to find a formula that will keep some corner of Ulster forever British.

No, the goal of unification is now too close for Ireland to turn back. There must be a commitment to unification, to an end to British rule in Ireland, to an end to the unnatural partition that Britain forced on Ireland in the 1920's. If Ian Paisley is willing to contemplate a united Ireland, can the rest of Ulster be far behind?

Given the history of partition, the resort today to the Atlee Declaration and the talk of a plebiscite on self-determination for Ulster is a travesty of a noble principle. If there is to be self-determination for Ulster, then why not self-determination for Londonderry and County Tyrone?

We know the calculated and cynical gerrymander that produced Ulster fifty years ago. The only self-determination applicable today is self-determination for all of Ireland, not just for the uncouth entity that Britain spawned in the 1920's. Half a century is not enough to stamp the Ulster State with any acceptable seal of legitimacy in the eyes of those who truly believe in self-determination, unless there is full agreement by both the minority that is Catholic and the majority that is Protestant.

In closing, let me affirm again my view that I condemn the terrible violence and brutality in Northern Ireland. I condemn the violence of the IRA. I condemn the violence of the British troops. I condemn the ominous new violence at Aldershot last week and the murderous assault on John Taylor, just as I condemn the wanton killings on Bloody Sunday. I share the words of Cardinal Conway, who spoke so eloquently on this central issue in his Christmas message last year:

"To kill a man deliberately -- to snuff out an innocent life -- is a terrible deed. The person who can do it is already less than a man: some part of his human nature has been frozen to death. And this is true, no matter who does it, no matter what side he is on."

But I also recognize that neither urgent protests against the violence nor the use of overwhelming military force to contain it is enough alone to end the crisis. So long as Britain pursues the

phantom of military victory over the IRA in Ulster, the violence will continue, and the search for peace will be in vain. Fifty thousand Americans died before we learned that tragic lesson in Vietnam, and there can be no excuse for Britain to have to learn that lesson now in Ulster.

In my testimony today, I have attempted to state the principles I believe we must pursue to end the violence in Northern Ireland. I urge the Committee, the Congress and the nation to join the cause of peace in Ulster, the cause of Irish unity, the cause of justice and freedom. It is time for the Administration to end its policy of silence. It is time to speak out against the rising toll of death and violence in Northern Ireland. It is time to do all we can to help the victims of the tragedy, and to make our good offices available to mediate the crisis.

We know the unconscionable price America paid for its months of silence over the brutality in Bangladesh. Now, we have an opportunity to resume our moral leadership in the world, and to encourage men of good will everywhere in their efforts to bring a new and more lasting peace to all the people of Ireland.

The eloquent words of Padraig Pearse are as relevant today as when he spoke them at an Irish hero's grave over half a century ago:

"Life springs from death," he said, "and from the graves of patriot men and women spring living nations.... They think that they have pacified Ireland.... They think that they have provided against everything; but the fools, the fools, the fools!.... While Ireland holds these graves, Ireland unfree shall never be at peace."