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20 June, 1980.

Mr. Nally
Mr. O'Riordan
Mr. Hurley
Mr. Murray

Mr. Paul F. Sweetnam,
7 The Rise,
Clondalkin,
Co. Dublin.

To see, please
Inquire

20.6.80.

Dear Mr. Sweetnam,

I have been asked by the Taoiseach, Mr. Charles J. Haughey, to thank you for your letter of 27th May about the upbringing of children of mixed marriages.

The Taoiseach agrees that the Protestant community has made an important contribution to Irish society. As a mark of his appreciation of their role he was happy to attend the enthronement of His Grace, Dr. John Armstrong, as Archbishop of Armagh and subsequently to host a reception in his honour in Dublin Castle. It is fair to say that since the State was founded, successive governments have ensured, in accordance with the Constitution, that there was no question of discrimination against Protestants on grounds of religion.

With regard to the controversy about the upbringing of the children of mixed marriages, the matter in issue is a rule which the Catholic Church lays down for its members. Their observance of that rule is a matter solely for themselves and it is not enforced by the State in any way. It is true that the Courts, relying on Article 42 of the Constitution to which you refer, have held ante-nuptial agreements on the upbringing of children to be effective and binding. If, however, persons who make such agreements and subsequently wish to avoid their obligations under them, feel they are being denied Constitutional rights, it is open to them to seek redress through the Courts. In these circumstances, it would be inappropriate for the Taoiseach or the Government to intervene and, were they to do so, it could well be argued that such an action would itself violate the Constitutional provisions on religious freedom.

As you state in your letter, the Taoiseach has made it clear that, in the context of a United Ireland, his Government would be prepared to go to great lengths to give the guarantees and undertakings which may be necessary to protect the interests and traditions of the Protestant

community. This would, of course, involve any aspects of marriage which are regulated by the State. However, I think you may agree, having considered the points made in this letter, that there is extremely limited scope for relieving in a political context any difficulties that Protestants may experience in the upbringing of children of mixed marriages.

The Taoiseach has asked me to thank you for writing and to assure you that he and the Government will exert every effort, within their competence, to safeguard the position of Irish Protestants.

Yours sincerely,

Walter P. Kirwan

Walter P. Kirwan.

Anglo-Irish Section
Department of Foreign Affairs

Copy transmitted for information.
Mrs C Nolan
Private Office

Copy for information

7 The Rise,
Kingswood Heights,
Belgard Road,
Clondalkin,
Co. Dublin.

27th May 1980

Dear Sir,

It was with great interest that I followed your recent meeting with the British Prime Minister, Mrs Thatcher, MP. Of particular interest to me was your statement at the press conference following, regarding the steps you were prepared to take, to safeguard the interest of the majority in the North, in the context of a United Ireland.

It is coincidental that as your meeting was taking place, a speaker at the Church of Ireland Synod was reported as saying " the contentious business of mixed marriages was the greatest single obstacle to establishing easy and trusting relationships between the Churches and to the ending of the contagion of suspicion and fear which sprang from this source and had stultifying effects on virtually every aspect of Irish life." It was further pointed out that this matter was related to the sheer survival of the Church of Ireland in some instances.

As a member of the Church of Ireland in the Republic, I ask you as a first step towards unity, to enter into discussions with Church Leaders with a view to removing the present situation where the Roman Catholic Church presumes itself to have the right to dominate in marriage. This presumption seemingly justifies it in requiring promises, often in writing, that children will be reared in the Roman Catholic faith. This situation is obviously unacceptable to all non-Roman Catholic communities in the Republic.

My asking you to intervene in what seems to be a religious affair is not for theological reasons. I believe, as do many others, that the present position is contrary to Article 42(1) of the Constitution, in that " the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.", is not respected by the Roman Catholic Church, which insists, despite the parents wishes, that the children be reared in the Roman Catholic faith.

Your resolving of this problem quickly would have many far-reaching results. Firstly, it would prevent a further injustice being carried out by a Church, although not now given special constitutional recognition, is the Church of 95% of the population, against the remaining 5%.

Secondly, it would prevent the possibility of a case being taken to test the unconstitutionality of the present practice, with the subsequent international embarrassment to both State and Church, should the ruling be against the Roman Catholic Church.

Thirdly, it would be seen by all reasonable people as a step to protecting and safeguarding the interests and traditions of the Northern majority, which you seem anxious to do, even prior to their discussing such matters with you.

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Fourthly, it would ensure the continued existence of the Protestant minority in the South which I believe has a definite contribution to make, as it has in the past, to Irish society.

Fifthly, by ensuring minorities existences, it would encourage greater integration between the communities in the South, and hopefully, North and South, as the fear of domination would be largely removed.

As you can see, what appears to be purely a theological question has many ramifications in the future social and political structure of our Country. Because of this, and because it appears that such a practice may be legally unconstitutional, and in conscience, unjust, I urge you to give this matter your most careful attention.

I await your views on the subject.

Yours faithfully,

Paul F. Sweetnam.

Paul F. Sweetnam.