

NATIONAL ARCHIVES

IRELAND



Reference Code:	2011/127/1024
Creation Date(s):	19 October 1981
Extent and medium:	18 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

The Unionist Case
8 October 1989

(on return)

440

1. The Taoiseach welcomed the delegation from Northern Ireland which consisted of Mr. R.L. McCartney Q.C., Sean Hall, Bryan Somers, Gordon Smyth, H.L. McCracken, and Peter Smith Q.C.. The Taoiseach said that the delegation was in a position to present a particular viewpoint. He had recently received views from Unionist politicians. He was glad to meet people from the Unionist community not actively involved in politics.

2. Mr. McCartney began by making some general remarks. The group he was speaking for did not represent any political party. They were not Unionist in any party sense. They were for the Union with Great Britain. The group he represented felt that the policy of successive Irish Governments had been based on a false premise that if some package or formula could be arrived at and made attractive to Unionists it would be possible to bring them into a United Ireland in the short term. It was necessary to remove that premise. Only if it was removed could there be mutual and beneficial contact of a real nature. Mr. McCartney stressed that while his group did not have an elected mandate they did represent a wide cross section of opinion in the business and professional community in Northern Ireland.

Articles 2 and 3

According to Mr. McCartney these two articles gave political legitimacy to the terrorist campaign of the Provisional IRA. The Provisional IRA far from bringing us anywhere nearer unification simply entrenched all Unionist opinion. The constitution gave a spurious legitimacy to the Provisional IRA campaign.

The strength of pro-Union ties among the Unionist community in Northern Ireland was not fully appreciated in the South. Unionists had been brought up with a shared history and involvement in the affairs of the United Kingdom. Many of the majority community in Northern Ireland had fought in the two world wars. They had been brought up in an environment which had as its heroes people such as Nelson and Wellington. The Nationalist and Unionist traditions in Northern Ireland are completely separate and fundamentally different. Until this was fully understood and accepted there could be no real progress in Northern Ireland.

Position of Church and State in the South

It was to be expected in a State whose population consisted of 95% Roman Catholics that the State would reflect the moral values and teaching of that Church. Mr. McCartney referred to Articles 41 and 42 of the Constitution in particular and the control which the Catholic Church exercised over education in Ireland. He stressed that the present dynamic for political movement in the Republic rested in the development and perception of the Taoiseach's recent statement. Mr. McCartney made the point that those who opposed constitutional change have no prospect of ever seeing movement towards unification unless they wish to try and achieve that by force. Mr. McCartney did not say that partition would end if the Constitution was changed but made the point that if you don't change the Constitution partition will never end.

Mr. Peter Smith referred to the present attitude of the majority community in Northern Ireland. It sees itself as being under siege. It sees all around it the forces of terrorism. The territorial claim made by the South is deeply and bitterly resented. The Republic of Ireland simply does not have an aspiration to unity but claims jurisdiction over the North. The Southern State affords legitimacy to the activities of the Provisional IRA. Mr. Smith referred to resentment in the majority community at the burial of another UDR man on that day. Not only was the Southern State essentially hostile but there was also an obvious lack of understanding among the British political parties of the position of the majority community. An international propaganda war was being fought and won against the interests of the majority community. The majority felt besieged on all sides. In this siege situation the political leaders of the Unionist community were "manning the walls 24 hours a day". In this situation of constant pressure no new political initiative could be got off the ground. The first thing a Northern Unionist politician must say when he meets the Secretary of State is improve security. Stop violence was the first priority. People outside the Unionist community would say the political solution must come before the violence can be ended. The majority community hope for a situation where the violence could be ended and the external pressure reduced. Mr. Smith referred to the deep resentment which flowed from the aspiration or claim to

Irish unification contained in Article 2 and 3. He then gave as an example a West German aspiration towards a United Europe which led to a claim by the West Germans to jurisdiction over Denmark. If in this situation pro West German agitators were at work in Denmark with the encouragement of the West German State there would be great resentment among the Danish people at the stance of the West Germans. The political leaders of a large section of the Irish people did not understand the extreme resentment which articles 2 and 3 represented to the Protestant community in Northern Ireland.

Mr. McCartney said that he could promise that there would be no unification as a result of terrorist activity. He posed the question as to what would happen if the terrorist activity was removed. The two traditions would continue to live on the island of Ireland. It was not necessary to redraw the map or to change the border. It was necessary to change peoples attitudes. It would be better to look at the differences and leave out the similarities. He proposed the question as to what was dividing us. If we continue on the present course we will wreck all of Ireland. Look at what has happened to the tourist industry and the amount of money that the Republic had to spend on security in the border areas. Stability can only come if the basic situation is recognised not in terms of the border or drawing lines on a map. What was needed was the ultimate unity of minds in this country. This involved much just Articles 2 and 3 of the Constitution but 41 and 42 also. The people in the South who oppose constitutional change are standing in the way of a dynamic political development. Mr. McCartney did not think it feasible to attract Unionist opinion in the North to join with the Republic. One could not know however what might happen in the future. Sons or grandsons might be interested in a new arrangement.

The Tanaiste said that the Unionist group had presented an interesting case. If they had come seeking a commitment to action against the IRA they had come to the right place. The Republic had done its utmost to deal with IRA terrorism. The IRA has been strongly condemned by the Labour Party and Fine Gael. They are the greatest enemies not only to the people of Northern Ireland

but also to the Irish State. the Tanaiste said that it was a good thing to have a dialogue and he was glad that the delegation had come from Northern Ireland. The Irish constitution reflected the confessional character of the State. The Constitution needed change for its own sake. The Tanaiste referred to the fact that the minority in Northern Ireland had been badly treated for a number of years. Efforts had been made to correct this. He accepted the right however of the delegation to come to the South and say what was wrong with the Constitution. In the Tanaiste's opinion however it was beyond the capacity of a democratic elected Government to unilaterally abandon Articles 2 and 3. There was a difference between that and the confessional aspects of the Constitution. We have to look at the reality of the situation and the reality was that a majority of people on the island had an aspiration to Irish unity. Efforts were being made to develop North South economic cooperation and he hoped that this would continue. In relation to extradition there were internationally recognised difficulties involving the extradition from one country to another of people accused of political offences. The Taoiseach and Tanaiste had both been involved in the creation of the Sunningdale Agreement. It had been a brave endeavour and unfortunately foundered. Insufficient tributes have been paid in this regard to the efforts of Brian Faulkner. We have got to look at the situation anew. There had to be a change in the confessional nature of the southern state. However the delegation could be assured the total opposition of this state to the IRA.

Mr. McCartney queried whether Articles 2 and 3 would ever be changed. He understood and accepted the nationalist aspiration to unity. The Taoiseach referred to the Treaty and the terms under which Northern Ireland was allowed to opt out of the Irish Free State. Despite this background and the way in which Articles 2 and 3 had been framed, the wording used was perceived as a claim to jurisdiction. He felt it was necessary to express however our aspiration to unity in amended terms. Mr. Smith said that Articles 2 and 3 and the claim involved had bedevilled North-South relations. It would be helpful to amend the claim simply to express the peaceful aspiration to unity although this would not change basic Unionist attitudes. The Tanaiste said that no southern constitution

could fail to reflect the aspiration to unity. Mr. Smith said that the claim had not been seen as an aspiration in the eyes of most Unionists.

The Taoiseach said that it was desirable to get an aspiration which would be pursued peacefully. The Taoiseach disagreed with the delegation's perception of the Constitution as conferring legitimacy on the IRA. The IRA did not use the Constitution to confer legitimacy on what they were doing. It could perhaps be said that people were less intolerant of the IRA because of the claim. The IRA however reject the Constitution and do not derive comfort or support from it. It was not relevant to the activities of the Provisional IRA.

Mr. McCartney intervened to say that this was not well understood in Northern Ireland. Mr. McCartney referred to the attitude of the minority to the British army. Political legitimacy was vital to the IRA and the Irish Constitution did not help in this situation. It was what the people thought was important. The Taoiseach said that ^{perception} was reality if it was believed and led to violent action.

Mr. McCartney said it would also be helpful if the extradition issue could be tackled. The Attorney General said that the provisions of the Constitution in this regard follow the precepts of international law. The view was widely held outside Ireland that extradition for political offences was not permissible. The European convention on Terrorism had been an attempt to deal with this but had not been successful. There was however a developing theory that political offences could perhaps be distinguished from purely terrorist offences. It was essential to understand that there was no tolerance down here to the activities of the Provisional IRA. There was not a tacit acceptance of this situation and there was an attitude of flexibility on our part in efforts to find a solution. He referred to a court judgment two days previously which established new ground. The Taoiseach said that the situation could not be changed in relation to international law. The situation would never come about where civilised countries were prepared to extradite political offenders to Idi Amin or to the USSR. In relation to the European Convention on Terrorism,

France would not extradite political offenders to Spain. Initially he had thought that the failure of the Criminal Law Jurisdiction Act to make progress had been deliberately orchestrated by the British authorities and that they were deliberately not proceeding against people in an effort to get us to agree to extradite. We were suffering in the South from Provisional IRA bank raids. A large number of people in the Republic committing offences were from Northern Ireland. He had hoped that when the Criminal Law Jurisdiction Act had been passed people would be sent back to Northern Ireland and the banks would be left alone. It had been explained to him by a senior British Minister however and he accepted the explanation in good faith that the Criminal Law Jurisdiction Act can only operate where sufficient evidence has been produced by the DPP to charge a person. The DPP can only act however if he has the evidence. Grounds for suspicion are not enough and interrogation that might enable the evidence to be obtained is not possible. Requests for prosecution under the Criminal Law Jurisdiction Act were not therefore being sought. It might be possible to make some progress under the Backing of Warrants Act for even though there might not be prima facie evidence interrogation could take place which would produce that evidence. However, there were difficulties in the South in going to the people and saying interrogation should take place in Northern Ireland to produce this evidence. There had been clear evidence in recent and in former years of interrogation procedures being abused in Northern Ireland. He had been approached in relation to what was happening in Castlereagh in 1977 by Church leaders. He had brought the abuse of the interrogation procedures to the attention of the then British Government. On more than one occasion he had taken up the matter with Margaret Thatcher. However the RUC continued to engage in these tactics and it led to the Bennet report and the matter being made public. The Attorney General mentioned the possibility of an All-Ireland Court as a solution. It was very hard to deal with this situation when the police on both sides were inhibited by the border. The Northern Ireland DPP had been consistently asked to bring forward cases but was unable to do so because of lack of evidence.

The Taoiseach expressed some surprise that the delegation had mentioned Article 42 of the Constitution which prevented a situation where the Church could interfere in educational matters. They could not intervene and could not impose education which was unacceptable. The Taoiseach asked the delegation to develop their views on this. Mr. McCartney said Articles 41 and 42 were related. Indeed you could not deal with the Constitution without looking at the context in which the Constitution was drafted and put to the electorate. It was well known that Archbishop McQuaid and Eamonn de Valera consulted frequently on the drafting of the Constitution. It was natural in a State which was 95% Roman Catholic that the Constitution which was drafted would be heavily influenced by that Church. Mr. McCartney referred to Article 44 paragraph 2 sub section 1 and took exception to the use of the phrase "public order and morality" in relation to what was a matter of conscience. One had to look at this in the context of a society which was 95% Roman Catholic. The Family Planning Act which had been brought into force exposed the prevailing atmosphere which he was speaking of. The Attorney General intervened to say that while both articles may have been influenced by Church teaching, both articles properly applied supported the concept of pluralism in society. The problem that the delegation was referring to was one of ambience. He did not see the point that was being made in relation to Article 42. The Taoiseach asked the delegation to look at Article 42 again and perhaps come back with more detailed views.

Mr. Smith brought up the question of interdenominational teaching and asked whether there would be a problem in easing the clerical hold in the teaching area. Senator Dooge said that there were great differences between North and South in this area. The issue had not arisen in the South to the same extent as in Northern Ireland. The great majority of people in the South preferred denominational education. The situation in the Dublin area had changed considerably in recent years. It was quite common for Catholic families to send their children to interdenominational schools. Mr. Smith said that in Northern Ireland every survey in the past twelve years had indicated people were in favour in principle of interdenominational education but in practice this

did not work out. One only had to look at the recent experiment being carried out in Belfast which had not attracted very many students. It would be very difficult however for the State to intervene and lay down specific guidelines. Senator Dooge said that the minority in the South had perhaps suffered to some extent but not as a result of any ill intent on the part of Government but as a result of bureaucratic delays and financial difficulties. Efforts were being made to rectify the situation.

Senator Alexis Fitzgerald indicated that there were a few points which he would like to make. He felt that the delegation from Northern Ireland was not correct in its judgment of the dynamics of roman catholicism. We should bear in mind the longterm impact and influence of Vatican II. Mr. Fitzgerald referred to Church intervention in relation to the hunger strike. The Church was the strongest supporter against virulent republicanism which was evident North and South. The Church may however have failed to be prophetic in relation to developments in recent years. Violent republicanism was a danger not only to the Irish Republic but to the Church in Ireland. Mr. Fitzgerald said he had agreed with what the Tanaiste had said namely that there was a complete identity of interest within this State in seeing Republican violence eradicated. There was an identity of interest between the people of this State and the people represented by the delegation from Northern Ireland. Both elements were under threat. The Northern Unionists were / ^{under} immediate threat and the Irish Government was next on the list for the final solution. It was important for the delegation to understand that the nature of the Southern State was more fragile than appreciated. It was important to them to have a democratically elected Government pursuing its objectives by peaceful means in the South. The objective was to see peace in Ireland. Mr. Fitzgerald referred to the aspiration to unity and the feeling that Articles 2 and 3 should not be in the Southern Constitution. Mr. Fitzgerald then referred to a quotation from Oliver W. Holmes - "framing a Constitution to enable fundamentally different aspirations to live peacefully together". In this case he suggested substitution of the word institution for constitution. If such an institution could be developed democracy on the island would be strengthened. It was necessary to get institutional arrangements on the island to enable

the different traditions to live peacefully together. Democracy had been established in the South and it had had success. It had solved the civil war, it had had economic success and now needed another success not only for the South's sake but for the sake of Northern Ireland. The ordinary person on this island wanted peace. Mr. Fitzgerald referred to the passion for peace in the South and in particular to the 1922 pact election which had resulted in a very close vote in the Mansion House on the treaty. Three months later the percentage voting anti treaty was only 21%.

Mr. McCartney said that he found Mr. Fitzgerald's views illuminating. He was personally aware of the dynamic for peace and good on this island. Many catholic churchmen in the North had been open in their condemnation of the IRA. He did not dispute the right of people on the island to have an aspiration towards unity. It should be borne in mind however that while it was possible for people such as he and his colleagues to analyse this situation and comprehend it - it was not understood by the average man in Ballymena. There were problems in this situation. He referred in particular to Bishop Daly of Derry who was a sincere man but in private correspondence with Mr. MacCartney had indicated that he had no real understanding of what he was saying. If he had published his correspondence with him it would be political "dynamite". He had agreed with everything that Mr. Fitzgerald said and thought that the two communities must be allowed to exist peacefully together. The aspiration could be maintained but not in a way which made it impossible in the longterm to achieve Irish unity. Up to this the South had been going further away from a solution. How was it expected that 1 million Protestants could be kept down. The approach of this Irish Government was the only way forward.

Mr. Smith referred to the short term problem of how one could get people to face up to the reality of the situation. Unionist politicians had been given a mandate which was dictated by a siege mentality. If "doomsday" approaches on the horizon it prevents a more rational approach. This situation holds grave risks for the South. The Taoiseach said that the wording in the present Constitution in relation to the aspiration to unity was not helpful. The present situation was blocked by this. A change in the Constitution could open up the road to more civilised behaviour

and positive dialogue between North and South. Mr. McCartney said that politics was the art of the possible. If the aspiration was framed in a more positive form in a changed Constitution, there was some possibility of eventual movement. Mr. Smith intervened to say however, that there was no possibility or sign of people in the majority community contemplating a United Ireland. The Taoiseach said that he had indications from a section of the majority community in Northern Ireland which was sympathetic. He referred to the complexity of the North/South and East/West relationship. He felt that if some change was not made in the South the problem would never end. The Taoiseach made reference to the fact that the delegation had at certain times during the meeting referred to the fact that if the Southern Constitution was not changed there was no possibility of any eventual movement towards a United Ireland. He wondered whether the delegation could not make this view known in its public statements. Mr. McCartney said that this would not be possible. They had to protect themselves and be careful at this early stage otherwise they would be discredited by politicians and others in the unionist community.

Martin Burke

Martin Burke

19 October 1981

Annex-Document handed over by the delegation.

THE UNIONIST CASE

On Thursday 8th October 1981 a group of people from Northern Ireland will present a document stating the Northern unionist attitude to the Irish Republic and to members of the Irish Government and opposition. The group will meet the Taoiseach of the Republic, Dr. Garrett FitzGerald and ministerial colleagues at 11.00 a.m. at Government Buildings, and the leaders of the opposition, Mr. C.J. Haughey, T.D. and colleagues at Leinster House at 3.30 p.m. The document will be made public at a Press Conference at the Royal Hibernian Hotel, Dublin, at 5.00 p.m.

The group presenting the unionist case does not consist of elected representatives of any section of the Northern Ireland community, nor of members of any political party. However, its members are people who live and work in Northern Ireland and who are fully committed to seeing a prosperous and stable society here, freed forever from the pseudo-politics of the gun. They are as follows:

R.L. McCartney, Q.C. Senior Counsel Northern Ireland Bar.
Sean Hall, Businessman.
Bryan Somers, Businessman
Gordon Smyth, Businessman.
H.L. McCracken, Solicitor
Peter Smith, Q.C. Senior Counsel Northern Ireland Bar.

The recent initiative expressed by the Southern Government for the review of those matters which are fundamentally at issue in North/South relations and the traditional and predictable response from a variety of quarters requires that the viewpoint of the Northern Unionists be placed publicly before the people of the Republic of Ireland; its Government and its main Opposition Party. In making this statement of the Unionist case we are not acting as elected representatives of any section of the Northern Ireland community, nor are we members of any political party; but we consider that the views and opinions we express are representative of many Northern Unionists who believe in the democratic process. If our views lack party political authority, they are also untrammelled by its obligations.

The real causes of division have been neglected and obscured in a frenetic search for an instant political package solution unrooted in any understanding of the Irish situation. Though lip service has often been paid to it, what is ignored in reality, is that over one million Northern Unionists are totally opposed to the concept of a United Ireland and the activities of the Provisional I.F.A. have done nothing but entrench them in such opposition. For any politician or party to seriously canvas even the possibility of a United Ireland in the foreseeable future as the result of any political deal or package is quite irresponsible; nor, in our view, is there the remotest prospect of such an objective being obtained by force. Paradoxically, those parties in the Republic who sympathise or give credence to unity on the above terms guarantee the continuance of partition in its most mutually destructive form.

The people of the Republic are entitled to know what is the basis of the Unionist objection to a United Ireland and it is for them, in the light of that knowledge, to decide the policy they wish to pursue. The Southern Government has courageously indicated the course it proposes to adopt. Whether, if successful such a course will ever produce a United Ireland is seriously open to question; that it will vastly improve relations is undoubted and that, in our view, is justification enough. The alternative is an increasingly bloody stalemate.

The Northern Unionist believes that it is inevitable that in a country where 95% of the population subscribes to the Roman Catholic faith, the teaching of that Church as reflecting the views of the overwhelming majority will be mirrored in the laws of the State. Such has been the homogeneous nature of the Republic's political, moral and religious parts that anything approaching a pluralist society neither exists, nor to date, has been required to exist. The diminishing Protestant minority was and continues to be politically impotent; while such radical influences towards pluralism as may be exerted by the country's progressive intellectuals are hardly discernible. To this situation the Northern Unionist is, to a degree, indifferent until it is sought to absorb

him into it. The national aspiration of the Republic, its people and its parties is claimed to be the absorption of the North into a United Ireland. This objective is given legal validity by Articles 2 and 3 of the Constitution. This claim is a fundamental source of offence to the Northern Unionist since it belies his most basic political belief and heritage. Such claims, while understandable in the irredentist atmosphere of the Republic's emergence, are increasingly an obstruction to any form of peaceful co-existence, and give a spurious legitimacy to the worst excesses of the Provisional I.R.A.

The Northern Unionist objects not only to the fundamental nature of the claim to the territory of Northern Ireland, but to the pseudo-legality which it affords to the Provisional I.R.A.'s campaign of violence in the North. The success of any revolutionary group depends on more than the degree of violence which it employs. Apart from the power which grows out of the gun barrel, the most important power is that authority said to derive from a political legitimacy. This claim to legitimacy only succeeds if it is couched in terms that most people within its ambit can be brought to accept. In Northern Ireland, the Provisional I.R.A. has claimed such legitimacy for its activities on the basis that they fulfil the national aspiration for a United Ireland; in this sense its claim can be no less valid than the constitutional claim of the Republic. The fact that the minority in the North share in general a common political and religious view has also been seized upon by the Provisional I.R.A. to project its image of protector of the Roman Catholic minority against extreme Protestantism. This self-conferred politico/religious legitimacy has been reinforced by the behaviour of some priests and not a few Southern politicians. We do not think it unfair to suggest that the objective of a United Ireland is favoured by the Irish Hierarchy. With both the State and the Church supporting the same objective of unity as the Provisional I.R.A. claim, it is hardly surprising that the great mass of Roman Catholics in Ireland find that the legitimacy of the Provisional I.R.A. campaign can be couched in terms which they find difficult to reject. The Provisional I.R.A. need only pervert a few if they can pervade many.

The significance of the Provisional I.R.A. claim to legitimacy and its success is nowhere more strikingly illustrated than in the recent utterances of Mr. Tony Benn in the Irish Times. Apparently a major and influential British politician, reputed to be an intellectual, has swallowed Provisional legitimacy hook, line and sinker. The H. Block campaign for political status was but another aspect of the legitimacy claim, to which the difference

between a common murderer and a political freedom fighter was vital. The territorial claim is also fundamental to the Provisional I.R.A. campaign for its withdrawal of the British Army from Northern Ireland. The whole concept of the British Army as one of occupation is founded on the premise that Northern Ireland is not legitimately part of the United Kingdom despite the Northern Unionist's total identification with the British Army being as much his as it is that of a Yorkshire man. The contesting of elections in the Republic is even more ominous than in the North for it is a testing of Provisional legitimacy against that of the democratic parties by the democratic means, as Engels said of the revolutionary process -

"the parties of order, as they call themselves,
are perishing under the legal conditions created
by themselves"

The most significant blow that can be struck by the Republic against the pseudo-legitimacy of the Provisional I.R.A. is the abandonment of the territorial claim in the Constitution of the Republic.

In the politics of Ireland, the validity of views or opinions has often meant less than the fact that such views are sincerely held and acted upon. Nowhere is this principle more manifest than in the attitude of the Northern Unionist to the alleged objectives and methods of the institutions of the Roman Catholic Church, rather than its laity. The fact that Republicanism and Roman Catholicism are virtually co-extensive in Ireland inevitably means that Catholic and Republican are, for all practical purposes, synonymous; - Roman Catholicism equates with Republicanism. It is our opinion that few Southern politicians or members of the Irish Hierarchy have done much to dispel this view.

The census figures in 1961 showed that the population of the Republic was 94.9% Roman Catholic. The country was overwhelmingly and increasingly homogeneous in religion; moreover, unlike even the Latin countries of Europe, Ireland is unusual in having a large majority of not just Roman Catholics but committed and practising Catholics. Northern Unionists hold the view that the Roman Catholic Church is in such a position of entrenched power because of the control it exercises indirectly through the minds and attitudes of the faithful, as to be able to dictate policy to the State on matters which the Church considers essential to the maintenance of its position. Such is the extent of this power that conflict between State and Church barely arises, and the power is so effective in real terms that the badges of it such as the special position of the Church in the Constitution are no longer necessary and can be dispensed with. It is for this reason

that the Northern Unionist considered that the amendment of the Constitution to remove the special position clause was of no significance. Since the source of this power is the sum of the individual Catholic's commitment to the Church's teaching, education is essential for its maintenance. The Roman Catholic Church has been described by a leading authority on the subject as having "a grip on education of unique strength". While there are other countries in the world having educational systems which are denominationally controlled, only in the Republic of Ireland is it clerically controlled. The determination with which the Roman Catholic Church has defended the separateness of education for its members including teacher training colleges in Northern Ireland has proved totally divisive. Many Northern Unionists are convinced that the separate system of education in Northern Ireland has been a significant factor in the polarisation of the communities which led to the continuing instability in this part of Ireland.

This is not the place for an academic analysis of Church and State relationships in the Republic of Ireland, but there is no doubt that the Catholic moral code has been enshrined in the Law of the State. Article 41 of your Constitution is such that, to legalise divorce would require not merely the passing of a statute but the amendment of the Constitution. Article 42 dealing with education actually stresses the limited nature of the State's rights and thereby places the education of 95% of the population effectively in the hands of the Roman Catholic Church. The historical evidence is overwhelming that this was consciously and deliberately done.

The evolution of any sort of pluralist state is inconceivable while the machinery for perpetuating a Roman Catholic theocracy is built into the Constitution. The position could not have been more explicitly put than it was by Mr. de Valera (Dail Debates 4th June 1937).

"there are" he said "93 per cent of the people in this part of Ireland and 75 per cent of the people of Ireland as a whole who belong to the Catholic Church; who believe in its teachings and whose whole philosophy of life is the philosophy which comes from its teachings. If we are going to have a democratic State, if we are going to be ruled by the representatives of the people, it is clear their whole philosophy of life is going to reflect that and that has to be borne in mind and the recognition of it is important".

One million Protestants would find the above expression of opinion close to anathema. It expresses exactly what they fear, that in a United Ireland the will of the majority would be a Roman Catholic will in circumstances where the Constitution not only did not recognise their rights to divorce, contraception, State schools, uncensored reading, and other matters involving the exercise of individual conscience; but might require constitutional amendment to secure them.

The aspect of the Republic's present arrangements which reinforces Northern Unionist opposition to any form of unification is the absence of any real prospect or possibility of change. Radical influences are weak and the circumstances in which even the Health (Family Planning) Act was put on the statute book and the difficulties evident in its implementation because of the Catholic conscience of doctors and chemists is but an example.

The process of transforming the Republic from something bordering on a theocracy to a pluralist society (if such is thought to be desirable) will be a long and difficult journey, but if there is to be hope that the two traditions in Ireland might ultimately meet upon the same road, then the first steps, however faltering, must soon be taken.

The terms upon which we address this statement to you are largely dictated by what the people and government of the Republic might willingly accomplish themselves. We are aware, however, that there is much to be done within our own community. The position of the Northern Unionists is dependent neither on the guarantee of the British Government (which is also a guarantee of the minority's safety) or the posturings of loyalist extremists, but on his identification of interest with Britain in peace and in war. He is psychologically bound to her with bonds of blood, history and common adversity which cannot be bartered away in some logical package no matter how attractive that might seem. Even more importantly, he embodies theological, philosophical, cultural and political principles and ideas that materially affect his attitude to government, clerical authority, and morality; so that his views on these matters are profoundly different from his Roman Catholic neighbour. The real partition is not a line drawn upon the map of Ireland but in the hearts and minds of men. Northern Ireland too must emerge from the shackles of its own history and out of the shades of the past and assume her own identity. We have no doubt that such emergence will be equally as painful as that which we call upon you to initiate.

The people of the Republic must decide whether they are willing to abandon a claim to the territory of Northern Ireland which is used by the Provisional I.R.A. as a licence to murder. They must decide whether the current relationship between Church and State and the power which the Church exercises in the areas of education and health is to be drastically modified so that the State becomes a pluralist and non-sectarian one; the alternative to this course is to underwrite partition on a permanent basis and make any normal relationship between North and South impossible.

It would be wrong to suggest that even if such changes were to be made the Northern Unionist would consent to any unification of Ireland. The people and Government of the Republic must first decide whether the proposed changes are of value in themselves whatever benefit may flow from them in the context of unity. We as Northern Unionists believe that much benefit apart from unity would come. The process whereby first of all fear is dispelled and then trust is engendered is a slow one; but out of it may emerge co-operation in areas of mutual interest and advantage. If this is accompanied by a simultaneous and gradual process of re-examination of differences then future generations, North and South, may benefit from these beginnings.

We are sensitive to the point that the people of the Republic may, quite properly, decide that such is the homogeneity of their State and of their majority religion, and the concomitant isolation from influences considered undesirable, that they are not prepared to open the Pandora's Box of the pluralist society. If such should be the case, the Unionists of the North and the bar of world opinion are entitled to be told that this is so. Those parties or groups who allege that there is no requirement for constitutional change both relating to the territorial claim and the creation of a pluralist society, must face the challenge head-on and accept that this means their endorsement of either partition or the unification of Ireland by force.

We wish to conclude by stating that we can think of nothing more likely to induce the goodwill of all reasonable people of the Unionist tradition than a comprehensive programme by the Government of the Republic to deny any colour of legitimacy to the activities of the Provisional I.R.A. The continuance of the Provisional I.R.A. campaign of murder and terror in Northern Ireland which, in certain areas of Fermanagh and Armagh, bordering directly on the Republic, has decimated the Unionist male population in some villages, make the differences between North and South almost unbridgeable.

The ambivalent attitude of successive governments of the Republic to the issue of extradition and the more recent decision not to implement the European Convention on Terrorism are seen by the ordinary Northern Unionist as evidence of a real unwillingness to do what is morally right unless it is also expedient in terms of the South's domestic politics. If your Government is sincere in wishing to lay down foundations for the future peaceful co-existence of the two traditions in Ireland then it must ensure that the Republic emerges from its irredentist and theocratic chrysalis into the sort of egalitarian State in which Tone, Davis and Connolly, might have been content to live.

The defensive attitude of the Northern Unionist to the Roman Catholic minority is exacerbated by the activities of the Provisional I.R.A. and the external threat from what he sees as a sectarian Republic which not only claims his territory but to which the minority look for support. This external pressure so polarises the communities as to make meaningful discussion and rational concession impossible. We have no doubt that the prospect of an internal solution within Northern Ireland would be greatly advanced if the initiative suggested by the Taoiseach is successful. Failure to remove the territorial claim and the consequences which we have sought to show inevitably flow from it, almost totally precludes the necessary pre-conditions for any settlement of the minority's claim within Northern Ireland and the United Kingdom.

North and South may find it impossible to unite but that does not mean that there are not many things upon which they can be united. There is abroad in Ireland a viciousness and intolerance which threatens all and against which North and South must unite. In this respect the words of Thomas Davis are almost prophetic:

"What matter that at different shrines
We pray' unto one God?
What matter that at different times our fathers won this sod
In fortune and in name we're bound
By stronger links than steel;
And neither can be safe or sound but in the other's weal"