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## CONTENTS

1. CIVIL RIGHTS NOT POSSIBLE WITHOUT SOVEREIGNTY
2. THE TEETH OF REPRESSION IN SOUTH
3. PRIEST CONDEMNS SOUTH'S POLITICIANS
4. SOFT WORDS
5. NEWS FROM THE NORTH

### 1. CIVIL RIGHTS NOT POSSIBLE WITHOUT SOVEREIGNTY

There are still many people who believe the six-county state has potential as a social democracy. It was to such an audience that Sinn Fein delegates made the Republican Movement's position clear on Civil Rights. The occasion was a seminar held in Belfast's Europa Hotel on Sunday, October 29th, sponsored by the Northern Ireland Civil Rights Association. Led by Mr. Gerry Adams, Vice-President, Sinn Fein spelled out the Republican belief that Civil Rights and Human Liberties will only come with National sovereignty.

The following was a Sinn Fein paper submitted to the Seminar:

#### Brits Out!

We in the Republican Movement do not believe that it is possible to achieve a just, peaceful and democratic society in Ireland (not just the Six-Counties) while the Brits occupy a part of our country.

We believe that the principles of justice, peace and democracy are socialist principles. Socialism cannot be achieved in Our partitioned country, and partition has been the cause of not just inter-communal division but the division of the Irish working-class.

Thus the struggle for socialism and the settlement of the national question are directly linked. And the settlement of the national question is the only way to obtain full civil rights.

Irish Unity was crushed by fomenting religious discord, and it was the ideology of Orangeism and supremacism which prevented further unity. That is why we maintain that the history of Protestant republicanism has been destroyed by Orangeism.

In the general elections from 1885 to 1910 the nationalists never had less than 91 of the 103 seats for all Ireland; and in the two elections of 1910 they held 84 seats leaving but 19 in the whole country for those against an All-Ireland Parliament. But, MORE IMPORTANTLY, on the eve of the Home Rule Bill of 1912 the majority representation of Ulster itself as well as of Ireland was nationalist.

This last point is vitally important when one considers the abortive struggle for Civil Rights here since 1968. The Northern Ireland State was created out of Six Counties, not because of geographical barriers, culture, language or colour, the norms for determining national boundaries, but because it contained the biggest population of Protestants. The Protestant Parliament for a Protestant People was a Protestant State, and to state that and to realise that that will always be the case is not to be sectarian.

#### Working-class Divided

Principle Number One for us is that the Brits have no right to be here, and our struggle is against the British presence. IRA activity has not forced the two communities apart, for they have always been divided and deliberately divided. Middle-class elements can cross the divide and collaborate but there is no real working-class unity and never was.

The response of the RUC to the Civil Rights Movement, which had many Protestant marchers, was vicious. The RUC's response was the response of the State and NICRA's demands were, after exasperation, increasingly translated and reduced by the nationalist people to the old questioning of the existence of the State. This development was bound to force many liberal Protestants into a defensive position, but that is a hurdle to be overcome not one to cave into.

Outside of NICRA any Protestant and Catholic unity was superficial, in contrast to the inbred disunity and polarising base of the State.

The struggle against British Imperialism has been portrayed as elitist and sectarian gang warfare being manipulated by Godfathers. But it is a sobering fact that the Republican Movement can march thousands of people on the streets against the State, as opposed to the much easier task of marching in the interests of the State. The real Godfathers are the Godfathers of State Terrorism, Mason, Creasey and Newman, who can only control the Six Counties by the use of force and torture.

#### The Basis for Resistance

Over one thousand people from the nationalist ghettos and country areas are in jail. 350 men lie naked, solitary confinement locked up by criminals

dressed in uniforms. The only reason why the British rule in Ireland is because they were prepared to use more force and spill much more blood than our grandparents.

Of course, there are easier ways of obtaining less than full Civil Rights. There are easier ways of serving time in jail than living for years wrapped in a blanket in filthy conditions to which some so-called moral leaders have responded with thinly-veiled hatred, mouthing phrases invented by our local British dictator.

It is no use denying or scaling down the effects of national dispossession on the oppressed nationalist community. That dispossession has meant no civil rights and is the basis for the civil resistance.

You can bastardise history all you want, apportion blame according to where your interests lie, but what we have stated is the case, and the only way forward for all the people, despite the apparent paradoxes, is to break the connection with England, "the never failing source of all our political ills."

#### Republican Involvement in NICRA

Gerry Adams outlined to a degree the involvement of the Republican Movement in NICRA.

"I first attended a gathering of this nature in 1968 in the International Hotel. That meeting was of course the inaugural meeting of NICRA. As an active Republican I joined NICRA at that time because I believed that by active, united public opposition to the Stormont regime, we could bring out the contradictions within this statelet. I never believed at any time that we could democratise such a partitionist state but nonetheless I remained active as a member of NICRA, as chairman of the Belfast Housing Action Committee and as a committee member of West Belfast CRA.

"The official attitude of the Republican Movement during that period was that given basic reforms, Republicans could articulate their objectives. Without these reforms our party would remain illegal, our paper banned, and our members open to harassment under the Special Powers Act. It was hoped that Civil Rights activity would assist us in coming together with other elements to our mutual benefit in pursuance of basic civil rights. The Civil Rights demand for the repeal of the above legislation plus other basic demands were absolutely just, reasonable, easy to fulfill, placed nobody at any disadvantage and were made in an open, lawful and non-violent way."

He said that the reaction of the state showed that civil rights could not be obtained inside the state and the real demand then became national rights: "It is a question of whether the sover-

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eighty of Ireland is vested as of right in Westminster or in the people of Ireland. Republicans maintain that civil rights and human liberties will only come when this question of sovereignty is resolved."

Alistair Logan, an English solicitor involved in the defence of Irish prisoners' rights in English jails, said that "You are only window dressing if you try to graft on human rights to a sectarian state. You defeat the whole object and will end up with worse than what you had."

## 2. THE TEETH OF REPRESSION IN SOUTH

Since the partition of Ireland into two states in 1921 there has never been civil rights either in the six counties of the north-east or in the twenty-six counties of the South. Taking the history of British repression in Ireland it does not surprise many to read of sic-couty repression. However, under the twenty-six county so-called "native" government the extent of repression comes as a surprise to some.

Since 1937 the Constitution of the twenty-six counties has recognised that the national territory of Ireland is the thirty-two counties. Yet under the guise of Emergency legislation the Dublin government have special political courts (called "Special Criminal Courts") to deal with Republicans who try to give reality to this Constitutional claim. Although for years the Special Courts did not sit, after the 1968 uprising within the territory of the six-counties they were opened again.

The "Special Criminal Court" was reopened by Fianna Fail, the Government party, after the pogroms against the Catholic ghettos in 1968 after the introduction of internment without trial in 1971, after the massacre of 13 Civil Rights marchers in Derry, after the fall of Stormont. Its purpose is to deal with Republican opposition to the state but any political opponents of the state may be tried there. It does not deal with profiteers, racketeers, collaborators with the British Government or British spies. It has dealt softly with SAS men (returning their sawn-off shotguns) but brutally with Republicans.

The 'Special' nature of the court lies in there being no jury. The ordinary laws of evidence do not apply. It has special judges who do not need legal qualifications. It shows favouritism to the Gardai and their evidence. The judges are appointed by the government and if they do not do as they are told they are dismissed. It is not an independent court but a sentencing tribunal for the government and both Fianna Fail and the Coalition have used it this way.

The six counties has Diplock Courts introduced in 1973 to keep up with the 26 counties. They have no juries, convict people on the basis of statements extorted under torture, impose savage sentences on Republicans whilst dealing leniently with Protestants, e.g. Loyalist

youth who bombed Rose and Crown in which six civilians lost their lives got suspended sentence. A Republican youth convicted of robbing £1,000 got ten years.

And speaking of prisons: While Britain's Long Kesh Concentration Camp outside Belfast is full of innocent men convicted on trump-up charges and statement extracted by torture, so also, Portlaoise Prison in the South is full of Republicans, mostly from the North. These were convicted by the special political courts in Dublin, framed by what has become known as "Heavy Gang" police torturers and sworn "guilty" by a police officer whose "evidence" cannot be challenged. Such so-called "trials" are daily in progress in Dublin. The following is a short resume of political legislation in the 26 Counties.

### The Treaty

Under the Treaty of 1922 between the Republican forces and Republican Government and the British forces there was set up two states: a 26 county state and the 6 county in the north-east. Within the 26 county state the Treaty and the Treaty position was opposed by the Republican Movement and the country split into a fratricidal war. Politicians will argue as to whether this was a continuation of the old war against the Republic or whether it was a new civil war, but at any rate those who supported the Free State set up a government ruled by Emergency legislation and by public safety acts. A situation of armed conflict continued to exist spasmodically until 1926 when there was a defection from the Republican Movement in the form of the Fianna Fail party under Mr. de Valera.

There was a brief period of common interest between Fianna Fail and the Republican Movement which lasted until 1932 or 1933. During that time the Free State government as it then was continued to operate the legislation under the public safety acts. Elections were fought on this issue and Fianna Fail came into power and the public safety legislation was put into cold storage for some time. In 1937 under the Fianna Fail government the constitution was passed which provided an escape clause to allow the Government within three years to introduce emergency legislation. Taking advantage of that escape clause the Offences Against the State Act was passed in 1939. One would have to look at the contexts and history, the war in Europe was about to begin. There was a campaign by expeditionary forces of the Republican Movement being waged in England. Against that background and with the propaganda effect of the war in Europe, the Offences Against the State Act was cast specifically to outlaw the Irish Republican Army. It was passed and the debates in the Dublin parliament at the time indicated that virtually everybody concerned, certainly everyone who spoke, considered the Act an emergency Act to continue during the continuance of the emergency which, again in popular parlance, was equated with the war in Europe. The strange thing is that in 1945 the war ended for most of

Europe and somewhat later it ended in the Far East, in Japan, but the emergency never terminated in Ireland. We are the only country in Western Europe that has continued its emergency from 1939. Using that situation the Offences Against the State Act was again (in 1948) put into cold storage. It was forgotten about until things again began to happen within the six counties and there was a reactivated campaign by the Republican Movement within the six counties in the early fifties. A question arose and serious lawyers were in some doubt as to whether the Offences Against the State Act was still operative as statute law. Questions were asked within the Leinster House (Dublin) administration and vague and evasive answers were given by no less a legal authority than the late John A. Costello who was then Taoiseach.

### Pressure on Media

The Government then made up its mind that the Act was still operative. That was in 1954 after Republican Forces had raided British army barracks in Armagh and in Omagh. The first people to feel the last on that occasion were the newspaper editors. The newspapers tended to look on the exploits of the Republican Movement in a romantic way and to romanticise what was being done and to equate the young men of that time with the young men of other generations at other stages of the struggle. Mr. Costello, the then Taoiseach, possibly the most eminent lawyer that the state has produced, summoned the newspaper editors together, reminded them that the Offences Against the State Act was still operative as permanent statute law and reminded them that the provisions of that Act made it an offence to use the term Irish Republican Army, IRA or anything associated with these terms.

That gave rise to the euphuism that "an unlawful organisation" was used instead of the term IRA. The newspaper editors, perhaps to their shame, succumbed to this pressure, they were the first to feel the last of the Offences Against the State Act in post-war times. The next to feel it, strange as it might seem, were the night telephonist members of the Post Office Workers' Union, who were on strike. As part of their campaign they assembled at Andrew Street Post Office and then marched to Leinster House where the government was in session. They were arrested and charged with causing an assembly within 880 yards of the gates of Leinster House. I am sure to them it was a surprise that that was an offence, but they were charged and jailed. Another group that was affected at the time was the National Farmers' Association, who were carrying out a campaign in regard to prices of agricultural products. To understand the situation within the 26 counties at that time in regard to repressive legislation, it is not sufficient to look purely at the political aspects of the Republican Movement; it goes deep down into Trade Unionism, into the press, into ordinary activities of people pursuing ordinary agitation with regard to prices. It demonstrates its real teeth when it comes to deal with the political op-

ponents of the various regimes who have occupied Leinster House, principally those connected with and concerned with the Republican Movement. Under the continuing legislation and to give effect and to give teeth to the repression of that legislation, powers are contained within the Act enabling the Government by mere declaration to set up the Special Criminal Court. This was done at a time during the world war and the court was then manned by military officers with no legal training. The court was prorogued after the war and lay dormant until 1961 when it was reconstituted again by resolution of the Government, acting under the powers contained in the Offences Against the State Act. On that occasion it was again constituted by members of the defence forces, army officers without legal training. Men were sentenced and were jailed for long terms (men in the 40's were sentenced to death and executed by the Special Criminal Court under the powers conferred by the Offences Against the State Act).

#### Present Situation

In 1971 by Government decree the Special Criminal Court was revived. It is now constituted by lawyers and judges. Generally speaking it contains a High Court Judge, a Circuit Court Judge and a District Court Justice without a jury to hear cases of persons charged before it on the direction of the Director of Public Prosecutions. It sits because in the opinion of the Government the ordinary courts are inadequate to deal with the charges and to deal with the persons appearing before it. That was the basis of the Government resolution, it was the Government's only excuse for setting up the Special Political Courts, the ordinary courts being considered inadequate to deal with certain offences.

To see the practical results in purely legal terms we need to quote but one case, the case of a man called James Lockhead who was charged with involvement in two armed bank robberies. The *modus operandi* was roughly the same, the degree of evidence linking Mr. Lockhead with the events was roughly similar, it was a finger print on a detached matter somewhat associated loosely with the robbery. He was returned for trial from the District Court in respect of both these charges. In regard to robbery A he was returned to the Special Criminal Court as in the opinion of the Director of Public Prosecutions the ordinary courts were inadequate to deal with the person and the charge. In regard to Robbery B he was returned to the ordinary courts without any stricture or impediment being placed in the way by the Attorney General or the Director of Public Prosecutions. This of course highlights the absurdity of allowing any Government official, any law officer or anyone whose only information can come from the police and from the prosecution the right to make such a vital decision fundamental to the concept of human rights. That official under recommendation decides whether one is entitled to a trial by jury or whether one is entitled to a

trial by Special Criminal Court, set up specifically and publicly stated to be set up for the purpose of defeating, as they would have it, "subversion". Now the Court of Criminal Appeal has held as proposition that because the law officer has decided that a person ought to be tried by the Special Criminal Court, the Special Criminal Court is entitled to impose a special sentence. So that the law officer directs not only that an accused person be denied trial by jury but that he is also to be dealt with in a special way and to be in receipt, on conviction, of a special sentence. Practising lawyers know well what a special sentence means in these contexts.

A Dublin Solicitor, Mr. Myles Shevlin, has this to say: "I dealt with 95% of the political cases that preceded the setting up of the Special Criminal Court, cases mainly dealing with charges of incitement from public meetings. At the beginning of the present troubles, public meetings were monitored by the police and people were charged on the basis of statements made by them at these meetings and charged with incitement. In all these instances (and this was immediately prior to the setting up of the Special Criminal Court) the case was withdrawn from the jury by the judge at the end of the prosecution's evidence on the basis that the prosecution did not establish a *prima facie* case and that the accused had no case to answer. The judge involved in that was Mr. Justice Butler who sat during that term as a judge of the Central Criminal Court. Later a similar type group were brought before the Special Criminal Court, charged with the same offence, found guilty and sentenced".

The Offences Against the State Act provides for internment without trial, it provides for detention in police stations for 48 hours and questioning within that 48 hours. Under Section 52 of the Offences Against the State Act, which is the offence for not making a statement to the police while in custody, an extraordinary anomolous situation arises. A person is taken into custody under Section 30 of the Offences Against the State Act. He is asked to make a statement in regard to some offence that is being investigated. He is told solemnly that he is not obliged to say anything unless he wishes to do so but that if he does say anything it will be used in evidence against him. That caution having been given to him and if the accused then says he does not wish to say anything, he is then told that under Section 52 if he does not tell the police all they want to know, he is committing an offence and liable to imprisonment for six months!

### 3. PRIEST CONDEMNNS SOUTH'S POLITICIANS

Speaking at a meeting in Dublin's Liberty Hall, organised by the Committee Against Special Courts, which took place on Wednesday, November

1st, Fr. Piaras O Duill of Dublin criticised 26-county politicians in particular for stifling civil rights and neglecting their fellow Irishmen in the H-Blocks of Long Kesh.

He said: "Looking back a year ago exactly one remembers the sense of hope and encouragement at the time at the prospect of a Dublin government response to the report of Amnesty International on the extent of repression and repressive measures and methods here in the South. Of course there were some of us who placed very little faith in what the government would offer—we who are experienced and old enough to glean the mummery and skulduggery of governments and politicians when they are concerned. But to many others it was encouraging to see that the new government was, at the very least, sensitive to a degree to the findings and strictures of the world wide respected and influential organisation for human rights.

"The previous government had for long enough basked in its customary bumptious way in the sunshine of self-righteousness. With the Coalition many were disposed to thinking that only countries like Russia and South Africa would have any cause to fear or be sensitive to outside opinion such as that of Amnesty.

#### Public Opinion

"It is strange, is it not, that governments, while remaining stubbornly intolerable to public opinion at home can be brought to heel so quickly by the force of outside opinion and foreign scrutiny. Governments have means and sometimes vicious means of dealing with the opinions of their own population. Modern techniques of media and media manipulation assure that the whims and desires of politicians are carried out. Measures are easily harnessed to stifle civil rights opinion at home, by eroding the law to deal with the troublesome and then by mobilising the corrupted areas of the law against leaders of civil rights and those who draw attention to aspects of repression and torture. It will be of interest to future students of history that this process of turning the law against those who criticise the law, of harassing them by the very corrupted areas of the law they criticise is something more of a reality in the 26 counties than in the British-controlled North-east.

"By this process the rule of law is made to benefit the law-makers and they alone. The rule of law thereby fails to embrace all persons as it should, but is mobilised to benefit the very system that has corrupted the law in the first place. And also it is very easy for governments to deal with and handle domestic opinions, utilise them, twist and bend them to suit the occasion and themselves. Those who complain are made out to be subversives and these 'subversives' are seen or made to be seen as their own worst enemy.

"However, when foreign opinion is brought to bear on the situation and when that opinion finds its leadership

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in reputable international research organisations, then the government begins to realise it is time to act differently or find a way to gloss over the facts. Preferably the latter. But above all—retrieve one's 'Good' name and respect while avoiding AT ALL COSTS any action that would give credence to these terrible 'subversives' who criticise governments. Better to smooth the situation and meet it by setting up any kind of sham activity that would 'weather the storm'. Most important of all, thinks the government: We must not allow ourselves to fall into the same situation as Britain did—and land in Strasbourg; nor (which is still more important for them) must we underestimate the general public, as the last government did to their bitter detriment.

#### Whitewashing

"So softly, softly is the policy. Veneering and whitewashing efforts, such as the suspension (not deletion) of Section 2 of the Emergency Powers Act—the Seven Day Wonder—and of course, the setting up of the Safeguards Committee which fell short by far of what was needed—and indeed, of what Amnesty International called for, namely, an independent inquiry into all the hoary happenings under officialdom of our times. If the setting up of this committee was evil in its intent, it was futile in its effect.

"What is particularly disturbing for me as a priest is, not only that men are incarcerated so easily by juryless courts on the word of a single police officer, not only that men (including myself) and women are harassed and abused on the streets of Dublin, not only that some have been physically abused and brutalised without the culprits having been brought to trial. But the greatest disturbing factor for me is that men have been injured for life in mind and body—and some of these are pitiful to see—from the effects of their cruel treatment.

"There is no compensation for them except the knowledge that they have fought a good fight. No guarantees for the future, in law or fact, no safeguards against similar happenings in the future. Mr. Garvey will not be back, nor will Cooney. But the agents of torture are still roaming the streets, still at large, enjoying the freedom of their special powers. As long as such legislation exists as allows for special courts where juries and ordinary laws of evidence do not apply, statements will be extorted from subjects under torture and innocent men will be convicted on trumped up charges. Nor can peace ever reign under these circumstances. In fact, these have been the circumstances since the two states were set up in 1921. Since then there has never been Civil Rights in Ireland. Nor will there ever be civil rights in Ireland until Partition is dismantled. Civil Rights, north and south, is bound hand and foot with that problem. The lack of civil rights is the fruit of division—is it not farcical the fact that the 6-county's Diplock Courts, upholder of British torture and brutality, was introduced in 1973 to keep up with the

legislation of the 26 counties. Indeed, the south will have a lot for which to answer on the bar of history."

Of the situation in H-Block Fr. O Duill said: "I frequently meet families and relatives of these prisoners and they are just as pitiful because of their concern. They fail to understand the Southern indifference, especially on the part of our politicians.

"The British government are using crude dungeon-type tortures to break the spirit of the H-Block men. Inhuman conditions have deliberately been created to suit the political purposes of British administration as in many previous periods of Irish history. Violations of basic human rights are being used to create conditions suitable for the imposition on the Irish people of a British solution. Leaders in the south remain silent in face of it all".

#### 4. SOFT WORDS

The Fianna Fail Government has moderated its language on what should be Britain's approach to the Northern Ireland problem. It has been a gradual process which has been going on throughout the summer. The point has now been reached where the Minister for Foreign Affairs, Michael O'Kennedy, has stated in San Francisco that what is being sought from Britain is "long-term support for Irish unity".

A few days earlier addressing the United Nations general assembly, he said that Britain "should indicate their interest in the unity of Ireland by agreement", while later in Los Angeles he was even more vague still. He said he hoped that Britain "will recognise the need to encourage" a coming together by Irish people of all historical traditions.

While this may not be the intention, statements of this kind sound like vague platitudes. They contrast with the firm and positive line which was being taken by Jack Lynch right up to last May. But, since then, he too has become less specific in his choice of words on this subject.

The other day in the Dail, the leader of the Opposition, Dr. Garret FitzGerald, found that he could unstage Fianna Fail. He accused the Government of letting Britain "off the hook".

It is ironic that this easing-off should coincide with increasing evidence that the vast majority of people in Britain want withdrawal from Northern Ireland. In such a situation surely the logic would be for Dublin to firm up its demands. Instead, we appear to be having a Dublin version of a phased withdrawal. If this, in fact, is the case, then it is a very serious situation indeed.

If there is any lesson to be learned from the past ten years it is that only events in Ireland prod politicians in Britain into action on the North. In recent

years the level of violence in the North has been "acceptable" by British Government standards. As was evidenced at the recent party conferences, neither Labour nor the Tories are thinking in terms of any new approach. This puts an even greater responsibility on Dublin to show that it, at least, has a policy—not a vague, pious policy but one which is willing to pursue with conviction and confidence.

Fianna Fail seemed to have such a policy. It is hoped they haven't lost it.

—*The Irish Post*, the "voice" of the Irish in Britain.

#### 5. NEWS FROM THE NORTH

##### South Armagh — October 22nd

The joint British Army/RUC base at Crossmaglen was breached when a bomb was smuggled into the heavily fortified barracks. The local unit of the IRA accepted responsibility, denying a claim by the British Army that the bomb had been thrown from a passing car.

##### South Armagh — October 23rd

There was a bomb attack on a British Army patrol on the Dundalk Crossmaglen road. One British soldier was seriously hurt. IRA Crossmaglen Unit accepted responsibility.

##### Belfast — October 23rd

A three-man IRA unit planted several bombs in the firm of SPD on the Springfield Road. The bombs exploded causing over one million pounds worth of damage.

##### Belfast — October 24th

An active service unit attached to the Belfast Brigade IRA carried out shooting on a senior prison officer's home in Lynhurst Gardens. As the unit was withdrawing from the area they encountered a British Army patrol. About thirty shots were exchanged but the unit returned safely to base.

##### Derry — October 25th

An IRA sniper fired three high-velocity shots at a British Army land-rover patrol at the junction of Northlands Road and Fairway Road. The patrol narrowly escaped injury.

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