

The Sovereign

Constitution



THE CONSTITUTION

VAUGHAN'S OF THE HOTEL

REPUBLIC OF IRELAND

I R B

To Thee, Most Holy Trinity, Father, Son and Holy Ghost, we, the People of Ireland, dedicate our Constitution, and beg the guidance of the Holy Spirit that it may be in consonance with Thy Divine Will and contribute to Thy Greater Glory. Amen.

This Constitution shall be the Constitution of the Republic of Ireland, proclaimed in arms on Easter Monday, April 24th, 1916, and established by the Will of the People of Ireland, on January 21st, 1919.

Article I.

The Sovereignty of the Nation is inalienable. It is therefore not within the competence of any generation of the people to surrender that Sovereignty, which each generation holds in trust for the Nation. The question of Surrender of National Independence may not be submitted to an Electorate.

Subject to that fundamental principle it is hereby declared that

ALL AUTHORITY in Ireland—Legislative, Executive and Judicial—and all powers of Government, are derived solely, under GOD, from the People of Ireland. These powers are inherent in the People ALONE by virtue of their Sovereignty. They must be exercised in accordance with the principles of Liberty, Equality and Justice for all. Any legislation not in accordance with these principles is hereby declared to be null and void.

Article II.

Freedom of Conscience shall be guaranteed to every citizen. No Law shall be made to prohibit or restrain the free exercise of any Religion—subject to public order or morality.

While providing for entire freedom of Conscience for every Citizen, this Constitution takes cognizance of the fact that the population of Ireland being predominantly Catholic, no legislation which is definitely anti-Catholic can be provided for. Hence the indissolubility of marriage is declared.

NOTE. Non-Catholics cannot rightly object that the declaration of the indissolubility of marriage is a denial of Freedom of Conscience, because, though divorce is permitted outside the Catholic Church, it forms no part of definite religious teaching, and its practice is as abhorrent to many Protestants as it is to Catholics.

Article III.

Equal Facilities and Endowments shall be provided for Schools of all religious denominations, but no Child shall be obliged to attend religious instruction contrary to the wishes and beliefs of his, or her, parents.

NOTE. Under this Article, there is no provision made for Godless Schools, but children who hold no religious beliefs shall not be obliged to attend religious instructions.

Private Schools shall be permitted, but no public grants shall be made thereto.

All public Examinations shall be open to the pupils of private schools or of private tutors.

Article IV.

The National and Official Language of the Republic of Ireland shall be the Irish Language. The English Language may be permitted in the Legislature and Courts of the Republic, as long as may be deemed necessary by law.

Article V.

Every person resident in Ireland, who was born in Ireland, or either of whose parents was born in Ireland, shall be deemed a Citizen of the Republic of Ireland. Every person, who has been ordinarily resident in Ireland for a period of not less than ten years, though not of Irish birth or parentage, who within one year of the coming into operation of this Constitution will request to be so enrolled, and who shall have made a declaration on Oath that he, or she, abjures and forswears all allegiance to any foreign power or government, shall be deemed a Citizen of the Republic of Ireland, and shall enjoy the rights and privileges, and be subject to the obligations of such citizenship.

NOTE. Aliens later desiring citizenship in the Republic, shall undergo a probation of five years, and show evidence of usefulness as a citizen.

Article VI.

The Liberty of the person is inviolable, and no person shall be deprived of his liberty except in accordance with the laws made under the principles of Justice declared for all citizens in this Constitution.

NOTE. Every precaution must be taken, before this Constitution shall be finally made law, that liberty of the citizen shall, as far as is humanly possible, be safeguarded against political persecution. It may be taken for granted that once the country is free from foreign control, the likelihood of political persecution will be reduced to a minimum. But freedom will not necessarily make all men just, and the evils consequent on a long period of slavery, and the mean mentality arising therefrom, cannot be ignored.

Article I. of the Constitution, which declares null and void any legislation not in accordance with the principles of Liberty, Equality and Justice for ALL CITIZENS, is one safeguard. By Equality is meant that every citizen of the Republic shall be given an equal opportunity to develop his, or her, natural powers to the best of each one's ability. It does NOT mean a forced and unnatural equality of development.

Further safeguards for the liberty of the Citizen may be secured in legislation. Two such safeguards would be:

- (a) The right of the citizen accused of any crime to challenge any member of the Jury Panel should be equal in every respect to the right of challenge exercised by the State.
- (b) Restriction should be placed on the power of the State acting as prosecutor to change the venue of a trial.

Article VII.

The dwelling of each citizen is inviolable and shall not be entered forcibly, except in accordance with the Laws made in the spirit as well as the letter of the Constitution.

NOTE. What has been said in the Note to Article VI. applies equally here.

Article VIII.

The Right of Free Assembly is guaranteed, without any restriction on grounds of religious, political or class distinctions.

Provided that no Assembly, Union or Association be tolerated which has for its object the subordination of the Republic to an Alien Power.

NOTE. This Article must be clearly understood. It is a perverted idea of toleration which would make it seem incumbent on the Republic to permit a continuance of the teaching of British imperialism in Ireland.

No imperial organizations of any kind shall be permitted. No international affiliations of Boy Scouts, or similar associations, may be considered, as long as there is any danger of such affiliations tending to, or being used for, the purpose of Anglicization.

Article IX.

Right of Free Expression of Opinion is guaranteed to every citizen in so far as such is not opposed to Christian Morality, and does not advocate the subversion or infringement of National Sovereignty.

Article X.

The Nation guarantees to every Irish citizen opportunity for service, a just and adequate share of the National Wealth, right to the National Service, and living and working conditions conducive to the moral and material well-being of the Workers.

The Nation shall provide such control of the National Wealth and Resources, and secure such development thereof, as may be necessary to fulfil these obligations.

The Nation shall demand from each of its citizens the performance of his duties to the best of his ability.

Article XI.

ALL the National Possessions of the Republic of Ireland, the Nation's soil and all its resources, all the wealth and all the wealth-producing processes within the Nation, belong of right to all the citizens. Private property is sanctioned as a natural right, but shall be subordinate to the public right and welfare.

NOTES ON ARTICLES X. AND XI.

Economic Policy of the Republic

The aim of the Economic Policy of the Republic shall be to free Ireland from the commercial domination of England, and to make the Nation a self-supporting economic unit.

To do this, some drastic changes will be necessary, and the co-operation of all citizens must be gained by making clear to them how this economic policy will serve the Nation, and that it is founded on Justice and sound common-sense.

It may be noted that the smallness of the population at present in the country, which if rightly developed could support four times the number, will render the initial task of the Government of the Republic less difficult than it might otherwise be. Full advantage should be taken of this factor by getting every able-bodied citizen to work immediately.

The Land

The Land of Ireland belongs to all the Citizens of Ireland, and TO THEM ALONE.

Those citizens who hold certain portions thereof hold it in trust for the Nation, and shall use it for the best interests of the citizens as a whole. While so doing each Landholder shall be guaranteed security of tenure, with the right of succession to a member of his family who shall be qualified to use it in the same manner.

The Government of the Republic shall have the right of inspection of the land, and shall ensure that it is maintained at its full level of productivity.

No land shall be sold or expropriated, except under licence.

The Department of Government dealing with all matters of Land Tenure shall be such as to command the confidence of the Agricultural Community.

Land shall be taxed on productivity value, not on acreage.

Uneconomic Holdings shall not be subject to taxation. Steps shall be taken at the earliest possible moment to deal with the question of such holdings.

While very large estates or holdings should not be considered desirable, in certain cases they may be permitted, provided that every such holding supports, in comfort, as many people as could be supported on the same land if it were divided into smaller economic holdings. This system may be necessary over a term of years, until a larger proportion of the citizens have gained experience and self-confidence.

The Ranches

The large Ranches shall be divided into economic holdings, but such land as may be found more suitable for the feeding and grazing of cattle, may be so used under licence, and under certain specified conditions.

Housing

A National Housing Scheme shall be undertaken without delay, which shall provide adequate accommodation for all citizens. The Gaedhealtacht, and the poorest classes of citizens in the urban districts, shall be the first supplied.

Nationalization

While ultimately it may be deemed desirable that the State or the Municipality should control all agricultural and industrial production, power, and means of transport, it should be evident that all these services could not with advantage to the Nation be taken over immediately, or without due consideration of the National interest.

Transport

Transport should be controlled as quickly as possible, and all forms of it co-ordinated in the interests of the community.

Shipping

Lines of Steamers, e.g., the one-time Cork Steam Packet Company, must be brought under Irish control—or boycotted. The State must control, or subsidize if necessary, shipping for Irish exports, or England will still have the whip hand economically.

Banks

A State Bank, providing long term loans at a low rate of interest is a prime essential. The foreign-controlled banks could then be dealt with as follows:

- I. The Government shall decide how much Capital the country can productively absorb during the ensuing twelve months.
- II. The Banks have large sums of Irish money invested abroad. They shall
 - (a) Place at the disposal of the Government of the Republic the capital needed for development, or in default of that,
 - (b) have the exported capital taxed to the amount required.

Industries

Industries started with the help of the National resources, either by loan or bounty, shall be on a co-operative basis; and under expert and efficient management.

Government control of prices will probably be necessary to guard against profiteering, and strict inspection to prevent any lowering of the standard of the goods produced.

Food Exports

No export of food will be permitted until the home population is supplied. Imports of food, or food-stuffs shall be prohibited, with the exception of wheat, temporarily.

Insurance

A System of State Insurance to be inaugurated, obligatory on all citizens. State and individual contributions to be equal. This Insurance shall cover:

- I. Sickness.
- II. Unemployment.
- III. Death of Breadwinner, where there are dependents.

Pensions

No Pension shall be payable to any English citizen from Irish funds.

No Pension shall be payable to any Irish citizen, otherwise qualified to receive one, who is ordinarily resident outside Ireland, except such citizen is excused for reasons of health.

Pensions shall not be payable to able-bodied citizens under 65 years of age, provided that no pension at present declared or acknowledged to be justly payable to a citizen, shall be withdrawn, unless or until suitable work shall be provided, which will guarantee an equal remuneration.

Old Age Pensions to be payable at the age of 65 years.

No pension shall be payable to any able-bodied citizen for services rendered to the Nation.

Soldiers of the Republic, disabled, or otherwise suffering as a result of their defence of their country's freedom, shall be adequately provided for.

The Dependents of Volunteers who lost their lives in the defence of the Republic shall be provided for.

In the future it may be found that an adequate Insurance System, and fair remuneration would obviate the necessity for the payment of pensions in any branch of the public service.

Article XII.

No Alien shall be permitted to purchase or hold land in Ireland.

NOTE—Such Holdings as may have been secured in recent years for industrial purposes and the continuance of them, shall be considered in the light of their usefulness to the Nation.

Article XIII.

All Citizens of the Republic shall have the right to free elementary education, which shall be compulsory, and facilities shall be provided to enable all citizens capable of profiting by the Higher Education, to proceed through Secondary Schools and University, by means of adequate Scholarships.

NOTE—Such provision should secure that all really gifted children shall receive as a right the advantages of a University Degree.

There must, however, be no attempt to lower the standard of University Education to the level of the merely mediocre student.

A University should be for the attainment of real Scholarship and Research, and should not be reduced to the Status of a Higher Technical School.

Article XIV

All Citizens of the Republic, without distinction of sex, who have reached the age of twenty-one years, and who can produce evidence of having passed through the Elementary School Course, shall have the right to vote for the President, and for the members of the Legislature of the Government of the Republic.

NOTE—As Education is compulsory, it is time that the illiterate voter should be eliminated. The Higher Grades of the Elementary Schools, during the last year of compulsory School Attendance, shall provide for all pupils a course of simple lessons in Civics—on the Constitution of the Republic; the meaning of Citizenship; its privileges and duties; the meaning and value of a Vote; the duty of voting.

No one shall be admitted to the Franchise who has not passed through this course.

A written examination shall not be obligatory.

A similar course shall be provided in all Secondary and Technical Schools.

Article XV.

The Government of the Republic of Ireland shall consist of:

- I. A President elected by the People.
- II. A National Legislature to be called DAIL EIREANN.
- III. A National Economic Council.

Article XVI.

DAIL EIREANN shall consist of not more than 100 Representatives from all Ireland, elected on a system of proportional representation. Every citizen who is qualified to vote is eligible for election to DAIL EIREANN.

Article XVII.

The National Economic Council shall consist of Delegates representative of the various industrial and economic interests of the Republic, and the number of delegates from the Employers and the Employed shall be equal.

Article XVIII.

The Interests to be represented on the National Economic Council shall be:

- I. Agriculture.
- II. Fisheries.
- III. Minerals.
- IV. Manufacturing.
- V. Distributing (of home produce).
- VI. Transport (including Highways, Railways, Canals, Shipping, Aviation).
- VII. Banking.
- VIII. The Gaedhealtacht.

Article XIX.

DAIL EIREANN shall provide for a temporary Special Council to protect the Gaedhealtacht, and promote its interests.

NOTE—The preservation and care of the Gaedhealtacht should be one of the first concerns of the Government. Emigration from any part of the Gaedhealtacht should be stopped, suitable houses erected, and the advisability of transplanting in large numbers from the congested districts should be considered. Every young boy and girl capable of training should be aided and encouraged to become a teacher. Special attention should be paid to the Fishing Industry, up-to-date boats and gear supplied on long term loans to the Fishermen, and adequate protection given from foreign poachers. A committee of Republicans, cognizant of the needs of the various districts, should be formed without delay, to formulate a scheme, and budget for the probable cost.

Article XX.

DAIL EIREANN shall provide for a Special Council of Education, to advise the Minister for Education. This Council shall be presided over by the Minister for Education, and shall be representative of the Universities, the Secondary, Technical and Elementary Schools, and the Lay Assistant Teachers.

Article XXI.

The Executive Authority of the Republic of Ireland shall be vested in the President of the Republic, assisted by a Council of State. The Council of State shall consist of Ministers, elected by An Dail, and subject to the approval of the President. The Ministers for Defence, Justice, and Finance, shall be elected directly by An Dail, from amongst the members of An Dail. Ministers for Departments dealing with the Industrial and Economic Life of the Country shall be elected by An Dail from a Panel, submitted to An Dail by the National Economic Council, through its President, who shall be the Minister for Finance. Such Panel may include names of Citizens who are not members of An Dail. If elected, such Ministers shall become ex-officio members of An Dail, and All Ministers shall be directly responsible to An Dail for their Departments.

NOTES on this and the succeeding Articles will follow Article XXVIII.

Article XXII.

A Bill shall be deemed to have passed and shall become Law, when it has been passed by Dail Eireann and has been signed by the President of the Republic.

Article XXIII.

The National Economic Council shall have no Legislative Power. It shall act in an advisory capacity to Dail Eireann on all matters dealing with the Industrial Interests and the Economic Development of the country, and any scheme which shall have the approval of two-thirds of the members of the National Economic Council shall be considered by An Dail.

Article XXIV.

By a two-thirds majority vote of its members the National Economic Council may stay any Bill involving Social and Economic changes for a period not exceeding three months.

Article XXV.

The National Economic Council, on a vote of not less than three-fourths of its members, may demand that any such Bill, passed by An Dail, be referred to the people before becoming law.

Article XXVI.

Any Bill, passed by An Dail, may be suspended for a period not exceeding three months, if two-fifths of An Dail so demand, provided that notice to that effect is served on the President of the Republic, and the Chairman of An Dail, within eight days after the passing of the Bill.

NOTE—The power of suspension vested in the National Economic Council, in Article XXIV, is confined strictly to Bills involving economic or social-economic changes.

Article XXVII.

If before the expiration of eight days from the passing of a Bill by An Dail, one-twentieth of the voters on the Register of Voters at that time so demand, the question shall be referred to the People, and a majority decision so taken shall be binding.

Article XXVIII.

The People may themselves initiate legislation, either through the National Economic Council, or by a direct vote of fifty thousand Voters, expressed through machinery to be set up by Dail Eireann within three years after the passing of this Constitution.

FURTHER NOTES ON THE LEGISLATURE AND ECONOMIC COUNCIL

Articles XV-XXVIII

It will be noted that, under this Constitution, there is no Second House in the Parliament. The National Economic Council is not, and is not meant to be, a Senate. At the same time it is designed to afford all the safeguards, and to be free from the main objections, which are generally attributed to a Second House, while being constituted on a much sounder basis.

Need for An Economic Council

Since National Independence is the first essential for Ireland, it follows that for a considerable time after the Republic is again functioning, the elected Representatives will be chosen mainly with a view to maintaining that Independence. Anglicizing influences will hardly cease immediately, and there will be need to be very wary of many even of those who

may render lip service to the Republic. But, one may be an earnest and watchful Republican without necessarily being an expert economist, and an intelligent understanding of Ireland's economic ills—their cause and their remedy—will be as necessary as the determination to end them. Hence the need for consultation—for an Economic Council, which from its nature will be free from religious or political bias—to envisage the whole situation, and see what is best for the development of the country.

Possible Dangers

A possible danger may be suggested. Are not the "big business men" in Ireland nearly all pro-British, and wedded to the British system. Would not their influence predominate on such a council, and result, at most, in the petty tinkering with protection which obtains at present?

Safeguards

The "big business men" in Ireland may be roughly divided into the Manufacturers, who are woefully few, and the big Distributors, mostly importers, and these are deplorably many. But the representation of these interests on the National Economic Council would be in direct proportion to, their relative importance to the economic development of the country, and here the importers' place would be practically nil.

Terms of Reference

The Terms of Reference of the National Economic Council should be very clear and well defined on one point. Their task will be to show how this country can be made, as speedily, and with as little disturbance of the normal course of trade as possible, a self-contained, self-supporting, prosperous nation.

To achieve this the natural, normal attitude towards Protection would be as follows:

- I. Complete embargo on all such commodities as this country can produce here and now, in sufficient quantities to supply the needs of her population.
- II. Free import of all raw materials necessary and not obtainable in the country.
- III. Graduated protection for manufactures not yet equal to coping with the needs of the population.
- IV. Grants or State loans on easy terms for the establishment of industries which modern life makes almost a necessity—such as artificial silk—and the re-establishment of formerly flourishing industries, which have ceased or nearly ceased—tanning, glass-making, etc.

The control of prices, and of profiteering has been already mentioned, in the Notes on Articles X. and XI.

Vocational Councils

There is a modern tendency to make the National Government arise out of Vocational Councils.

It is a system which may be well worth considering for Ireland later on. For the present a central Government standing firmly for National Independence, and for an economic system suitable to the condition of the country, seems to be most desirable, and likely to command most confidence.

National Economic Council

The National Economic Council is a useful step in this direction, and the degree of success which will attend this departure will be the best indication as to how far it may, with advantage, be extended. Rightly used, this Council should regulate the economic life of the Nation, and the system of choosing its personnel will lead to the co-operative organization of that economic life.

Moreover, this Council should be a powerful aid in securing a speedy and voluntary union of all Ireland. Representation on the Council would be from the whole of Ireland. The Government of the Republic will not recognize the Partition of the country, but its aim will be to end it peacefully, and with the good-will of all the citizens of the country. The very nature of the National Economic Council would help to this end.

Representatives to this body would not be chosen by election on either a popular or a restricted franchise, in the ordinary sense, but rather by the bodies concerned, on the same plan as the delegates to a Convention. The details as to the mode of selection and the number of delegates could be arranged without difficulty.

The election of such representatives shall be carried out without any expense to the State, but the Government would be responsible for:

1. Travelling expenses of the members in connection with the meetings of the Economic

2. A fixed sum per day per member for the period of each Session.
3. All expenses necessary to carry out effectively the duties of the Council.

Salaries

Apart from these allowances, no salary shall be paid to the members of the National Economic Council.

Article XXIX.

Members of Dail Eireann shall be paid a fixed salary of £300 per annum, for regular attendance while An Dail is in session.

Absence from meetings of An Dail shall entail a fine of £1 per day, except in case of illness, or special circumstances for which leave of absence may be granted by An Ceann Comhairle and the Priomh-Aire of Dail Eireann. Ordinary business affairs shall not be considered sufficient ground for leave of absence.

The President of the Republic shall receive a personal allowance of £1200 a year, together with such other allowances for official duties and expenses as may be deemed suitable.

Ministers shall receive each a personal allowance of £800 a year, and in addition the necessary allowance for official expenditure.

The salary of the Chief Justice of the Supreme Court shall be £1200 per annum.

All salaries in the higher branches of the Civil Service shall be brought into a scale corresponding to the above, provided that no salary of £200 or less shall be subject to any reduction.

These rates shall hold until the country has become more prosperous, and a fair standard of living for all citizens has been secured. As soon as the economic standard of the Nation justifies it this article shall be revised.

NOTE—It is objected that with salaries so low it will be impossible to secure for the Nation the services of its best citizens, and that the national service will offer no inducements to those looking for a career. While that objection would hold in most cases, in normal times it may be ignored, and in justice to the mass of the people it must be ignored, in Ireland, until destitution is eliminated from the country, and a fair degree of comfort is attainable for all. There will be no dearth of patriotic men and women, capable and energetic, and fully alive to the needs of the Nation, who will give their best services to bringing about the prosperity that will render a more generous scale of remuneration just and right. There will be need for unselfish service and sacrifice on the part of those who are entrusted with the government of the Republic for a fairly long time after that Republic is again functioning.

What constitutes "official expenses" must be clearly defined and carefully checked in all Departments.

Article XXX.

It is hereby declared that the Republic of Ireland shall not engage, either as principal or auxiliary, in any war of aggression against the Rights of another nation, but the Government shall provide for the adequate defence of the Republic against all enemies, foreign or domestic. To this end every male citizen of the Republic, on reaching the age of eighteen years, shall undergo a course of military training, and shall be further liable for a period of training at such times and places as shall be ordained by law.

NOTE—When universal disarmament becomes a practical proposition, and the nations are really sincere in their efforts to eliminate war, Ireland will not be behind-hand in doing her share to attain that desirable end. Meanwhile, unless the Republic is to be at the mercy of warring and covetous empires, its citizens must be ready to defend it when necessary.

The choice of means lies between a standing army, larger and more expensive than the country could, or should, be called upon to support; and an army of citizens all trained for the defence of the country when necessary, but for whom war will not be a profession, nor their first care. Every adult citizen shall be trained in some part of the work necessary for national defence, but women citizens shall not be liable to military training in the use of arms.

Article XXXI.

In time of Peace the Republic of Ireland shall maintain no Standing Army, except such forces as will suffice for training purposes in all Units, and for the care and maintenance of the equipment of the Defence Forces. This permanent Training and Maintenance Corps shall be the only National Military Force in receipt of regular pay. During periods of training, maintenance and such other allowance as may be deemed necessary, shall be given to each citizen.

If a State of War should threaten the Republic the Government shall have power to enrol all the manhood of military age in the Defence Forces

Article XXXII.

The Defence Forces of the Republic shall comprise:

- I. Land Forces.
- II. Air Forces, and means of defence against attack by air.
- III. Submarines and such other coastal defence as may be necessary to guard against hostile invasion, or any such other methods of defence as may be deemed most suitable.

Article XXXIII.

The Judicial powers of the Republic shall be vested in and shall be exercised by Courts comprised of Judges to be appointed by the Executive.

Subject to the provisions of the Constitution, and pending the issue of a code of laws by Dail Eireann, the Courts shall administer the law, as it existed and was accepted by Dail Eireann in 1919, during the first Session of An Dail, provided that, for a period of one year from the coming into operation of this Constitution, Dail Eireann may by resolution suspend and amend any statute, or part of a statute, which An Dail may see fit to suspend or amend on the ground of urgency, pending the revision of existing law.

NOTE—It will be easily understood that in accepting the laws already in existence the Government of the Republic is accepting only such laws as are based on the principles of justice, i.e., on the Law of God. Any legislation inconsistent with the complete sovereignty of the Republic, and the economic independence of Ireland shall be immediately suspended or amended.

Police Force

This body shall be confined to the duty of keeping the Peace and safeguarding the citizens against evildoers. In a free country it will no longer be used as a political force to ensure alien supremacy. It will not need to be as large or as expensive a force as the various British Governments maintained in the country.

Article XXXIV.

This Constitution may be amended over a period of ten years from the date of its coming into operation by a majority vote of Dail Eireann, provided that no amendment may become law which would take from the People the right of the Referendum, or of the Initiative, or tend to subvert the Nation's Sovereignty. After a period of ten years from the coming into operation of this Constitution, any amendment proposed must receive a two-thirds majority vote of Dail Eireann, and must be submitted to a Referendum before becoming law.