Receipt No: 1

Caroline Plant

Irish citizen - private, no expertise in matters copyright or otherwise.

From the Public Consultation Paper:

"In terms of free speech, placing restrictions around the use of the National Anthem may contravene well established rights within this area. Many other nations choose to explicitly place their National Anthems in the public domain and rely on public opinion to police what is appropriate usage of them. This allows for freedom of speech and expression, but with the caveat that this same freedom of speech will also ensure negative publicity and reaction from the general population for instances of inappropriate usage, in whatever forms this may take."

Why is this even up for debate? Why is it necessary to 'protect' a song? Why would we want to move in the same direction as countries such as Russia, Bangladesh, India, the Philippines and Singapore? None of these countries are shining examples of democracy. Making rules restricting people from causing offence never works in practice. Any rules regarding the National Anthem and offence would just go the same way as our Blasphemy law - unenforceable and pointless. We have enough problems enforcing laws in relation to crimes where people or property are actually harmed or damaged in this country, let alone enforcing a law for something as nebulous as offence.

And that is before we consider the situation that allows a person to perhaps, for example, be prosecuted for changing the lyrics to the anthem to satirize the government of the day. That is how we fall into authoritarianism.

Jimi Hendrix used his version of the American National Anthem to protest his country's involvement in the napalm bombing of civilians in Vietnam. His version stands as a legacy both to his genius but also to the freedom to be allowed to interpret any song in any fashion at any time.

Perhaps some day some musical genius will reinterpret our own anthem, hopefully not in protest, but simply as an expression of artistic freedom.

Keep it in the public domain.

I cannot let this go opportunity go by to plead with the Seanad to please engage with matters of state that more directly affect our country's future. Climate change is the most important one that springs to mind of course. Debating whether to 'protect' a song lest someone be offended is a monumental waste of time and money.

Receipt No: 2

Bríd Ní Bhrian

A chara

RE: FF Senator calls for public views on how to treat out-of-copyright national anthem

I refer to the above article published by Breaking News on social media. In the year 2017 I am amazed to learn that our National Anthem is not protected and is currently out-of-copyright.

Breaking News asked the following question in the headline - **Do you think our national anthem** reflects the country and its people today?

Our National Anthem reflects our country and those who fought for it. Just because we have multinationalities living in this country does not mean we make changes to our heritage. There is not another country in the world would change their Anthem to suit anyone but themselves. If a person wishes to come into Ireland to live then they do so without expecting changes to the Irish Heritage. The UK, USA, Australia, Canada etc will not change their heritage to suit the Irish who live there or any other nationality for that matter.

Our National Anthem should be written into our Constitution if possible or re-copyrighted in such a way it is protected forever without any changes to it and remain Amhrán na bhFiann.

We have lost enough of our Irishness to Europe this should not be lost too.

Receipt No: 3
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Tony Bean

**Dear Sirs** 

The anthem is a well recognised part of our Irish nationality.

to confirm this as our national anthem.

The only time I have ever had any conflict of this belief is at rugby matches when we seem to be unsure whether it is a song contest or a field sport we are watching.

I'm not sure what the current dithering is about but it seems fairly obvious that all measures necessary should be undertaken to enshrine Amhrain na bhFiann as our national anthem. We cannot allow this piece of music to become an ebay commodity and the powers that be must act

Regards

#### Receipt No: 4

Conor Lenihan

The following rules should be legislated for

- the anthem should be sung or player without any musical or verbal deviations from its original words or notes. To do so should be a formal legal offence punishable by a fine.
- guidelines on how it should be played or sung should be published in the official journal of the state.

Receipt No: 5

Sean MacMonagle

Hi Mark.

I am delighted you have asked for comment on our National anthem . The only comment I would like to make is can you write to the President of the GAA and request that both teams including management and mentors 'Stand Still' for the full song and not be breaking away a minute before the end. I think it's a very disrespectful thing to do and I honesty don't think they realise the importance of our Anthem. A penalty should be imposed for either team braking this rule. It's one of the few identities we have left as a nation. Keep up the good work. Eireann Abu.

#### Receipt No: 6

James Mark Plunkett

The relevant legal advisors should copperfasten the copyright. If needs be refer to other countries legal position? If the Govt. brought out a booklet to briefly explain the history involved it would improve awareness. Thank you.

Regards,

#### Receipt No: 7

Francis Dignam MSc

I am emailing about requests on how to treat the national anthem,

What I see is a grand opportunity to have the national anthem reworded ...

#### **PROPOSAL**

the current anthem is totally and 100% out of date as it's very hard to sing in English almost impossible ...

infact I would suggest a rewording of the national anthem and call it anthem II

using similar music as the music is ok this would make a transition easy

I would some day like to see everyone at social events singing the national anthem with purpose and understanding the words and singing from the heart its time to try and change this situation, this as a good chance to revamp

and of course copywrite the revamped anthem

I am sure this would be popular as most people are mumbling the anthem its making a joke of the public ..english words that make sense and at least rhyme would help a lot .. surly this is the moment to try .. what use is an anthem that people cant sing in English 95% of citizens dont have any Irish and are totally lost plus the translation is not making much sense at all and un singable to the music?

so much so that popular pop songs are taken up to sing instead

the Q is not about copywrite not about restricting its about the english translation ..it was made to sing in Irish but the masses are using English? I have tried to translate and sing its a disaster ..

**Best Regards** 

Receipt No: 8

Patrick Davitt

Sir or Madam,

Today more than ever we need our National Anthem, It is so important when our national identity is being eroded by external and internal influences, by all means embrace all cultures but never dilute or loose our own.

Our beautiful Country our wonderful people what makes us unique our language our national games the Irish tricolour and of course Amhran na Bhfiann. Just because some revisionists want change does not mean it is not hugely important to the majority of Irish people.

The I.R.F.U play Ireland's Call at away matches it does not inspire or make you feel passionate in my opinion, but hearing our stirring National Anthem makes Irish men and women stand tall and proud. It is very important to remember we are today what we were.

As the late lamented Luke Kelly once said

"For what died the sons of Roisin"

When I see the Irish tricolour proudly flying and hear Amhran na Bhfiann I know we are a free nation among the nations of the world, with our own flag and our National Anthem. Yours faithfully,

Receipt No: 9

Mark Shiels

Hi,

I'm not quite sure where this is all coming from?

Perhaps a nervousness that the N.F.L. knee protests might take hold here too?

Personally, for the last few yearsI have started to wonder deeply just exactly what I feel proud about standing in reverence to the "National Anthem"

The Church? The Politicians? The Banks? The Gardai? The HSE?

The way the HSE and Dept of Health treats people they have wronged? It's a lot deeper than those individual groups however.

It's the unelected government that I am least proud of.

The real people in this county I am immensly proud of. I've often stood in Lansdowne Road with hairs on the back of my neck standing .... very emotional.

I think if there is to be a re-shaping of this "National Song" it should be about community, sharing and looking after our most vulnerable.

It should be about hard work and modern family values.

We don't need a military soldiers song to get us going anymore and neither should this emotive nationalism be used anymore by the Political world to rabble rouse or appeal to the knee jerk nationalism. Or maybe the political establishment are afraid to lose that Ace card?

Receipt No: 10

Sean O Haodha

#### Dear Sir Madam

Regarding my view on our anthem it certainly should not be allowed for anyone or company to make money from . And there should be legislation to prevent such acts. And if any change is proposed to change or replace our Anthem they should be a ( Referendum ) to do so .

And we have a situation where by the IRFU play Ireland's call along side Amhran na bh fiann and its seen to be Precedent over Amhran na bhFiann. They should be protocols implemented around our Anthem as they are around our flag to prevent the mentioned and they are no doubt a ilk in our country that want to be rid of (OUR) Anthem.

Receipt No: 11

Charles O, Mahony.

The first line of the chorus in English would be better translated to Saidhuri rather than the version currently in use which has politics all over it in favour of fianna fail. i think it,s time it was amended to a non political word.

I am nearly 80 years listening to the present version .I am not a member of any political party myself having been a civil servant for 45 years.

10/10/2017.

Receipt No: 12

#### Dear Mark.

I am heartened to see that you are actively addressing the current situation regarding our national anthem and its use and misuse.

The anthem should be treated with the highest respect and used appropriately as the occasion demands. It should not be used as background music or as a theme tune or ``catchy jingle``. Copyright, both for the lyrics and the melody must be sorted.

Go n'eiri leat leis an obair tabhachtach seo, Le dea ghui,

Receipt No: 13

Teresa-Maria O'Hara

After reading the article in the Irish World paper on the above, I want to ensure our National Anthem in both languages is given every possible protection. It is a symbol of our identity, beliefs and freedom and should never be altered or lost.

Please ensure this never happens and involve me if I can help.

Yours

Receipt No: 14

Dan Dennehy

#### Regarding

http://www.oireachtas.ie/parliament/media/committees/seanadpublicconsultationcommittee/Consultation-on-the-Status,-Treatment-and-Use-of-the-National-Anthem.pdf

My name is Dan Dennehy, and I am a dual citizen through descent and marriage.

Based on reading the request for opinions, I am submitting my thoughts on the Irish National Anthem, as an individual, a citizen of Ireland and the USA, and these thoughts are my own.

Grateful for the opportunity to weigh in on the matter, I applaud the addressing of protocols on the National Anthem of Ireland to impress on future generations its importance and history. I also feel that protocols on the Flag that were recently introduced are also helpful. As far as commercial use of any anthem, I find that unoffensive, if done with respect.

As a longtime AOH National Officer, County Cork Association of NY Past President, Irish Immigration advocate, lobbyist and an active member of the American Irish community, I am particularly proud of my role in events which begin with the display of both the US and Irish Flags, the singing of our Anthems and Prayer of Thanksgiving.

I have learned protocol from my late father, a US Korean War Combat Veteran, from Irish family members who served the State, from DFA and US government officials and my fellow Hibernians and Irish American leaders and my Irish born wife, Siobhan and my Irish immigrant Mother.

I worked in close consultation with the DFA and AOH National Board as cochair of the 2016 New York Commemoration of the Easter Rising Centennial at St. Patrick's Cathedral and Consulate General of Ireland NY and as Hudson Valley Irish Fest chair for the 2015 Centennial of the passing of Jeremiah O'Donovan Rossa, which was the Official Inaugural Global event of the Centennial. I have attended the Dublin Commemorations of the Easter Rising as a guest of the DFA and witnessed the Griffin Collins Commemorations at Glasnevin Cemetery.

The current protocols displayed at these events are suitable, but need to be better understood by all.

Unlike here in the US, the protocols on flags and anthem, may not clear to the Irish public. I also feel that sporting events are definitely a place that understanding of these these protocols benefits all.

I also understand that the Anthem has been put on the side in Rugby and other sports, I disagree with the continuation of that policy by teams. If the match is a National match, the anthem must be played.

I feel strongly, as an Irish Citizen, that **Amhrán na bhFiann or** 'The Soldiers Song' should remain the National Anthem.

I also feel it should be sung in Irish at all times, if possible.

I think that ireland should creat infographics and better online and print explanation of the Anthem, its historyy and protocol at public events, funerals and sporting events, to benefit all.

#### **Borrowing From Protocol on US National Anthem:**

During a rendition of the National Anthem, when the flag is displayed, (a) **all present should stand at attention facing the flag with arms at their side**; (b) men not in uniform should remove their headdress with their right hand and hold in right hand at their side; and (c) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note; and (d) **when the flag is not displayed, all present should face toward the music and act in the same manner they would if the flag were displayed.** 

However, in the US National Defense Authorization Act of 2008, an amendment allowed non-uniformed service members, military retirees, and veterans to render a hand salute during the hoisting, lowering, and passing of the Flag. In a later amendment in 2009, it authorized a hand-salute during the National Anthem by veterans and out-of-uniform military personnel. Thus part (b) above was modified to include "members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform."

For the National Anthem, if not in active military uniform, men's hats should be removed and held,, or may be left intact and a military-style salute given.

Women are not required to remove their hat, whether in uniform or not, but should still hold their hands firmly at their sides (non-military or veteran) or present a military salute (if in uniform or a veteran).

Sincerely,

Receipt No: 15

**Dolores Maher** 

A duine uaisle, I completely support having rules and guidelines put in place to protect the music and lyrics of Amhran na bhFiann. It is our national anthem. I don't live in Ireland – I'm a citizen of Canada for the past 40 years now – but I still look at Amhran na bhFiann as more my national anthem than Oh Canada. I was brought up, educated and worked in Ireland and sang the anthem at concerts, GAA hurling and football matches in Croker and Internationals in Landsdowne (sorry Aviva has never worked for me?). It's a stirring anthem, made the more special because it is in our native tongue. And yes, there are elements in there that may upset people (guns, battles, etc.), but that's our heritage whether people like it or not. That's what made Ireland what it is. And as they say "if you don't know where you came from, you can't know where you're going".

I hope the Government does what needs to be done to protect this anthem. It's impossible to listen to it – the last time I heard it was in Chicago when Ireland beat the All Blacks – without feeling emotional. It brings back memories of home and that's the nicest thing to happen to someone living far from Ireland. Every country needs a unique national anthem. Ireland has one, don't let it slip away. And for goodness sake don't let the discussion open about whether Ireland should adopt that other awful 'Rugby national anthem' as the Irish national anthem. That would be too awful to contemplate!

I'm delighted to government has supplied this email address so we can have input into this important discussion.

Mise le meas

Receipt No: 16

John W. Condon

I have the honour to submit my comments and recommendations to the Committee on the above matter. Along with such comments and recommendations I have taken the opportunity to enclose a copy of a "New Anthem for Ireland" of which I am the author and copyright holder, but more on this at the end of this communication.

#### COMMENTS

In line with most national anthems the tone of the Amhran is not just patriotic but militaristic. Indeed Amrhan na bhFiann is much less militaristic than most. One has only to look at the English translation of "The Marseilles" to see how bloodthirty is the French National Anthem. Given the temper of the times when Kearney composed the anthem, the militaristic tone is understandable. I am disapointed that Kearney and Heeney received such measley compensation for their copyright, but then governments are not known for their generosity to those of a creative bent.

#### RECOMMENDATIONS

- 1. Now that the copyright has expired, the Amrhan should remain "in the public domain". Indeed given the ubiquitous coverage of the Internet, the public/global domain is the correct place for the anthem.
- 2. Legislation to protect usage of the anthem is not needed. It would only provoke litigation from cultural extremists.
- 3. The anthem is handicapped currently by the national fetish of transliteration, i.e. the Roman alphabet attached to Gaelic with no guidelines as to the correct pronunciation.
- 4. The Roman alphabet should be written, attached and printed alongside the translated verses so that Amrhan na bhFiann can be correctly and PHONETICALLY pronounced: OWRAWN NA VEEN. I have observed Irish born people all over the world struggling with the pronunciation. They usually end up mouthing the words "lip sync fashion". Not good enough, in my opinion.
- 5. Please find a different Presidential Salute instead of the opening bars of the Amrhan which erroneously brings crowds to their feet at Croke Park and the Aviva, thinking the Anthem is about to be played. The United States has "Hail to the Chief" for a Presidential salute, a tune based on old Scottish song. Surely Ireland can create something joyful and distinctive in this area!!

A few years ago I remember reading several articles in the Irish media referring to the possiblity of a new national anthem. There was no inherent criticism of the Amrhan itself, rather a negative reaction on the part of may people to "Should to Shoulder" played at international rugby games when Ireland is participating. I understand this "so called anthem" was created in deference to the Irish players who come from Northern Ireland and bear no allegiance to the Amrhan anthem. When Ireland play South Africa at the Aviva on November 11th look closely at the Irish players lined up: some will sing the alternative anthem, some with ignore it, some will sing the Amrahn and some more will ignore it.

Typically Irish, you might say!!. However, I know we can do better.

I composed the following lines, as a possible alternative anthem. It has not seen the light of day, but I did "due diligence" and copyrighted the words just in case something might come of this at a future date. The song is to be sung to the air of the American marching song "The Marine Hymn". The original music for this song comes from the <u>Gendarmes Duet</u> from the opera <u>Genevieve de Brabant</u> by the composer Jacques Offenbach. The U.S. Marine Corps secured a copyright on this song in August 1919.

The song is more popularly known as "From the Halls of Montezuma, To the Shores of Tripoli". It is a wonderful bouncy marching tune and a favourite of the U.S. Marines. Just imagine the publicity

among the Irish at home and the Irish-American diaspora if this song were to become popular in Ireland. Translated into Gaelic and sung by schoolchildren north and south would be awesome

This song is now in the public domain. To confirm that it is in the public domain I contacted the U.S. Marine Corp and here is their reply to me:

Quote Dear Mr. Condon, this is in reponse to your correspondence of May 9, 2008, regarding copyright information concerning "The Marines Hymn". Your letter was forwarded to this office, since such matters are under the cognizance of the Marine Band Branch, Headquarters Marine Corps (PAD).

The information that you presented from your internet research is correct. The song, "The Marines Hymn" is in the public domain (free and clear of copyright encumbrances, and therefore available for your use). Thank you for your inquiry and your interest in "The President's Own". Sincerely, Dennis R. Burian, Head, Marine Band Branch, HQMC (PAB), 3000 Marine Corps Pentagon, Rm. 4A532,

Washington, DC20350-3000 Unquote.

In this new anthem I have outlined the following:

- (a) Ireland's location viz-a-viz Europe.
- (b) Ireland's role is keeping the flame of Christianity alive during the Dark Ages.
- (c)The Cead Mile Failte concept.
- (d) Celebrates all Ireland's children North and South

#### A NEW ANTHEM FOR IRELAND

Settled down by God and Nature
Far on Europe's western rim,
Our Nation, Europe's saviour
When all light of knowledge dimmed.
Stand we now at new beginnings
For the bright new days ahead
When brothers, north and south, unite
As Ireland onward treads.

(Chorus)

Oh Ireland of the Welcomes

There are no strangers here,
Our children scattered far and wide
Come home to warmest cheer.
Where once the scourge of conflict
Laid waste our precious lease,
There gleams the light of gladness
Prosperity and peace.

In strength and fairness we wll strive to love our native isle, When Ireland's sons and daughters Rejoice in healthful toil, No longer by divisions rent But with warm respect for all We now go forward hand in hand To answer Ireland's Call.

Now some biographical information concerning J.W. Condon -

Born in Kilkenny. Resident in California. Lived in and worked in many countries. U.S. Citizen. Recently retired from full time employment at age of 80.

Former Global Telecom Executive, former Hospital Administrator. Paralegal background in Intellectual Property (copyrights)

Receipt No: 17

Des Gunning

The status, treatment and use of the national anthem

Input for the consideration of Seanad Éireann's Consultation on the Status, Treatment and Use of the National Anthem.

20 October 2017

"From Spain, and especially Catalonia, comes the idea of the plurinational state in which different nations and regions can coexist on the basis of shared norms and a common democracy."

- Paul Gillespie, The Irish Times, Saturday 14 October 2017
- "-- But do you know what a nation means? says John Wyse.
- -- Yes, says Bloom.
- -- What is it? says John Wyse.
- -- A nation? says Bloom. A nation is the same people living in the same place.
- -- By God, then, says Ned, laughing, if that's so I'm a nation for I'm living in the same place for the past five years.

So of course everyone had a laugh at Bloom and says he, trying to muck out of it:

- -- Or also living in different places.
- -- That covers my case, says Joe."
  - Ulysses (the 'Cyclops' episode), James Joyce, 1922

"Product placement is an advertising technique used to subtly promote products or services through non-traditional advertising techniques, usually through appearances in r other media."

Business Dictionary

"Brands still count"

Professor Tim Bale, Irish Times, Friday 20 October 2017

"What do Irish people stand for – apart from the National Anthem?"

- Anon

#### **Standing for the National Anthem**

Conventionally, we stand for the national anthem – those who can.

In the abstract, standing for something means identifying with principles, distinguishing the sway of the crowd from some internalised standard or reference-point. The bedrock of principles or values

contributes to a sense of self-respect over time as they are applied, expressed as a natural extension of who we understand ourselves to be.

It's a reciprocal dynamic: the dignity of the anthem is enhanced by our standing for it — and joining in the singing, and our dignity as citizens is enhance by having access to a shared symbol of national identity. It is a symbol to which we give our own, individual, voices and this we repeatedly embody it, repeatedly 're-create' it.

We also, many of us, stand up for the boys in green. 'Shoulder to shoulder' the sentiment is the same: "God save Ireland!" The Soldiers Song 'Amhrann na bhFiann' both is and is not "Ireland's call." Against that, Declan Kiberd's recently published 'After Ireland' infers that the anthem must, of necessity be an elegy, a form that is close to a 'caoineadh' or lament.

The national anthem stands for something and it packs considerable complexity into its eleven short lines, but then it emerged at a complicated moment in our nation's history.

In general terms, a national anthem is a patriotic musical composition, usually with lyrics, evocative of the history, traditions, and struggles of its peoples, and recognized either by a nation's government as the official national song, or by convention through use by the people.

Even before the revolutionary period of 1916 – 1923, Ireland was one of those peculiar cases where nationhood and statehood existed on, so to speak, separate wavelengths, different valences. We had a comprehensive system of National Schools from 1831; Daniel's O'Connell's National Bank was constituted in 1835, a National Agricultural Training Institution in 1853, a Department of Agriculture and Technical Instruction [DATI] from 1900, a National Theatre Society from 1903 and a National University from 1908 and, from 1909, a Women's National Health Association campaigning against Tuberculosis. Our National Volunteers (1914-16) supported the Allies in what we remember as the Great War, while their counterparts, the Irish Volunteers engaged with the Central Powers in fomenting the rising that shaped the experience of sovereignty and national identity.

The Government of Ireland Act 1920, followed by the enactment of the constitution and parliament of the treaty –based state, meant the nation to be served by these enduring institutions came into being as more than one state.

We know that the Government of Ireland Act granted 'Home Rule' to Northern Ireland in June 1921, and that its principal institution, the Stormont parliament was already in place a few weeks before the Anglo Irish War, or War of Independence, ended in a negotiated truce effective from July 11th. The Truce facilitated negotiations, formulated as a 'Peace Conference'. The conference produced a Treaty. The Treaty was discussed and approved by the Cabinet of the provisional government ( by a single vote) and the by Dáil Éireann ( by a fairly slim margin).

The treaty became the essential issue in a General Election (16 June 1922) in which advocates of a Treaty-based state won a handsome electoral majority, while its opponents chose to boycott the constituent assembly which emerged from the election as the core element of the parliament of the newly created state.

The constitution of the Treaty based state included the following:

"All powers of government and all authority, legislative, executive, and judicial, in Ireland are derived from the people of Ireland, and the same shall be exercised in the Irish Free State (Saorstát Eireann) through the organisations [which is to say, those national institutions] established by or under, and in accord with, this Constitution."

Senator Mark Daly recently said, concerning the National Anthem:

"It was adopted in the early years of the State in 1926, back in the foundation of the State but it was sang in the GPO during Easter Week 1916, so it's history goes back a long way.... it is a key symbol of the State."

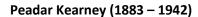
'Amhran na Bhfiann' was not sung in the GPO, but the claim, or rather, the belief that it was, illustrates something of it protean quality, its plasticity; the scope there is for reverse-engineering it into the distinctly-coloured threads of a complexly interwoven narrative. Senator Daly added:

"The national anthem belongs to everyone ..."

I propose to discuss that idea further below, noting that its proprietorship is certainly plural.



Liam O'Rinn (1886 - 1943)





#### The national anthem belongs to everyone

'Amhran na Bhfiann' was first published in 1923, the year the Irish civil war ended and the first full year of the existence of the treaty-based state.

Thy lyric, in Irish, by Liam O'Rinn took as its source material Peadar Kearney's 'Soldier's Song' which various accounts date to with 1907 or 1910. It was first published by Bulmer Hobson in the newspaper 'Irish Freedom' in 1912.

Kearney had been a member of the IRB Supreme Council prior to the 1916 Rising and in November 1913 he'd been a founder of the Irish Volunteers. In the Rising Kearney fought under Thomas MacDonagh at Jacob's biscuit factory in Bishop Street. McDonagh had joined the IRB in 1915, was the last recruit to the IRB Military Council and had been the prime mover in Eamon de Valera's brief career in that organisation.

Like Kearney, O'Rinn was a veteran of the 1916 Easter Rising who supported the establishment of the treaty-based state, which development substituted the treaty and the Free State Constitution in place of the Proclamation as the basis of national self-determination.

The original musical setting, composed on a melodeon, was by Patrick Heeney (1882 -1911). Incidentally, the place of composition, Mecklenburgh Street, Dublin, is now James Joyce St. The Treaty-based state came into being on 6 December 1922. The revolutionary Dáil Éireann became the Oireachtas, the national parliament, a bicameral legislature with a written constitution, its government comprised of surviving Pro Treaty Sinn Fein TDs. Those TDs formally organised themselves as a political party from April 1923 and adopted the name 'Cumann na nGaedhal'. This name had been used previously by a group which had become a constituent part the 'dual monarchy' Sinn Fein that Arthur Griffith led from 1905 to October 1917.

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On 20 July 1926, Peter Hughes, Cumann na Gaedhal TD and Minister for Defence, indicated to Dáil Éireann by that 'The Soldier's Song, in effect the chorus of O'Rinn's 'Amhrann na bhFiann", had been adopted as the national anthem of the Treaty-based state. Patrick Heeney's tune had been invested with pomp and circumstance appropriate to the band of the National Army by Colonel Friedrich Wilhelm Anton "Fritz" Brase, who'd been appointed head of military music by Minister for Defence, Richard Mulcahy on 1 March 1923. The tune seems to have been one of those that formed the Army No 1 band's repertoire, *ab initio*.



The cap badge of National Army officers already bore the insignia 'FF' which informed O'Rinn's translation of 'Soldier's are we' in Irish as 'Sinne Fianna Fáil'; not mere soldiers then, but 'soldiers od destiny' mythically linked to the standing stone, the 'Lia Fáil' (coronation stone) which stands on the Hill of Tara.



Just a few month before Minister Hughes' announcement in the Dáil (on the Friday before Good Friday 1926, in the La Scala theatre, just yards from the GPO), Eamon de Valera had broken with Anti Treaty Sinn Féin (of which he had been leader) and established his own Anti Treaty party. Harking back to the East Clare By-election campaign of 1917, he called the organisation "Fianna Fáil" or 'The Soldiers of Destiny' and he presented it as a 'national movement' rather than as a mere political party. Many of its senior personnel, including Frank Aiken and Sean Lemass, had been combatants in the recent civil war in which the soldiers of the regular National Army had prevailed.



The formation of Fianna Fáil crystallised the issue of who had the most resonant claim to be legitimate inheritors of the mantle of those who'd sung 'The Soldiers Song' in the GPO in 1916; of the IRB Military Council, turned provisional government of the proclaimed republic.

The issue was perhaps coloured by the fact that WT Cosgrave, President of the Executive Council, had served with de Valera in the revolutionary Dail Éireann's provisional government and who, as an member of Dublin Corporation, had been one of the very few 1916 combatants to have gone into the rising with an electoral mandate.

De Valera meanwhile, subsequent to the death of Tomás Ashe in September 1917, could present himself as the senior surviving commandant of 1916. Both had been elected to Westminster as abstentionist Sinn Féin MPs, within a few weeks of each other, in by-elections in 1917.

#### The IRB

Our anthem's original (English-language) composer, publisher and translator had in common is that they were all members of the of Irish Volunteers, the remnant that remained after John Redmond's National Volunteers opted to participate in the Great War. In addition, Kearney and Hobson were members of the Irish Republican (or Revolutionary) Brotherhood, the IRB. Indeed it was Hobson who'd inducted Patrick Pearse into the IRB in 1913.

The IRB, which was founded on St Patrick's Day 1858, had declared an Irish republic in 1867. On Easter Monday 1916, the IRB's seven-member military council usurped the supreme council and proclaimed themselves to constitute the provisional government, administering the civil and military affairs of the Republic in trust for the people of the newly-proclaimed republic "until our arms have brought the opportune moment for the establishment of a permanent National Government, representative of the whole people of Ireland and elected by the suffrages of all her men and women"

No member of the provisional government proclaimed in 1916 survived the rising and its aftermath, but the IRB was reconstituted with Michael Collins and Dick Mulcahy as a central figures, together with Sean O'Muirthile and Diarmuid O'Hegarty who played critical roles in establishing the post-revolutionary Dáil Éireann as a national parliament with a democratically accountable government. Eamnon de Valera, Cathal Brugha and Austin Stack all disassociated themselves from the IRB in the aftermath of the rising. This was significant in part because the IRB recognised Dail Éireann as the expression of the people's will, whereas the IRA of the time gave expression to its 'proclamationist' nationalist analysis by declining to do so <sup>i</sup>.

The IRB seems to have been formally wound up in late 1924 - in the wake of the 'army mutiny' of March that year. Nevertheless, two very senior IRB men of the period from Easter 1916 to the establishment of the Treaty-based state on 6 December 1922, namely Sean McEoin and Dick Mulcahy, were members of John A Costello's cabinet, when, with Eamon de Valera as leader of the Opposition, the Irish republic was declared for the (so far) final time, on 18 April 1949. On that occasion in 1939, minds must turned to 26 August 1921, just a few weeks after the Truce, when upon the nomination of Sean McEoin, seconded by Dick Mulcahy, Mr de Valera had been elected by the revolutionary Dáil Éireann as 'President of the Irish Republic' (the republic of the Easter 1916 proclamation) on the same day as the Dáil confirmed its readiness to appoint representatives "with plenary powers" to meet and arrange with Prime Minister Lloyd George "a peace that will be just and honourable to all, and fruitful of concord and enduring amity." Some may also have remembered the subsequent, essentially rhetorical, republic declared by de Valera on 22 October 1922, with himself as 'Chief Executive'.

#### "Soldiers are we..."

The vacancy that allowed Eamon de Valera's initial election to public office in the East Clare By-Election of 1917 was created by the death in Flanders of Captain William Redmond MP, brother of the leader of the Irish Parliamentary Party. De Valera campaigned in the uniform of the Irish Volunteers, with Eoin McNeill, the founder of that organisation, by his side. The campaign slogan: "Soldiers are we, whose live are pledged to Ireland"

It has been noted that 'The Soldier's Song' was sung by the rebels in the GPO during the Easter Rising, and later in the internment camps, which gave it a particular status. What this narrative omits is that, prior to 1916, as one of the repertory of marching songs of the Irish volunteers, it was sung by thousands of men who subsequently responded to John Redmond's Woodenbridge speech and who, via the National Volunteers, enlisted for military service in what we remember as the Great War.

Captain William Redmond, Francis Ledwidge and Lieutenant Tom Kettle were prominent figures who died soldiering, having pledged their lives to Ireland. Their names are remembered while there is no popular memory of the hundreds of Irishmen of the 16th (Irish) Division who died from gas poisoning at Hulluch during Easter Week 1916. The men who died, some 540 in number, were mostly former National Volunteers who had enlisted in the 6th Battalion Royal Irish Regiment, the 6th Battalion the Connaught Rangers, the 7th Battalion the Leinster Regiment, 8th and 9th Battalions the Royal Munster Fusiliers, the 8th and 9th Battalions the Royal Dublin Fusiliers, the 7th Battalion the Royal Irish Rifles, the 7th and 8th Battalions the Royal Irish Fusiliers.

The tradition of those 'Easter dead' of 1916 was reflected in the electoral success of seven of the 'other' (non Sinn Fein) election candidates in the General Election of December 1918. The surviving IPP contingent, whose song was "God Save Ireland".

#### "Atá faoi gheall ag Eireann / who are promised to Ireland"

The image of a massed rank of people whose lives are promised to Ireland, or in any event, whose lives are affected by Ireland's national fortunes and public policy, prompts a reflection that, at the date of the adoption of the anthem, various cohorts of the Irish population found themselves living in one Ireland and promised to another:

- To the Ireland of the constitutional settlement pursued by John Redmond's Irish Parliamentary Party and its successor the National League party
- To the near-equivalent Ireland that Lord Aberdeen and the Vicerine Lady Ishbel had invested so much of their energies in bringing into being
- The Ireland of the geopolitical chessboard of the Vatican, where the pieces included the decrees: 'Regnans in Excelsis', Papal Infallibility and 'Ne Temere.'
- The Ireland of the Anglo Norman tradition of 'Laudabiliter', Strongbow, the Angevin Commonwealth and the Fitzgeralds
- To the Ireland of the Pre '16 IRB Supreme Council, which was informed by the republic as declared in 1967
- To the Ireland of participants and supporters of the 1916 Easter Rising
- To the Ireland of the more than 100,000 Irish veterans of the Great War, the 50,000 who died in that conflict and their families
- The feminist Ireland anticipated by Helena Molony, Hannah Sheehy Skeffington, Margaret Cousins, Margaret Skinnider, Kathleen Lynn, Madeleine ffrench-Mullen and others. (Unlike the Citizen Army, the Irish Volunteers did not admit women members. Neither did its successor, the National Army / Irish Defence Forces until 1980
- To the Ireland of the Act of Union a group referred to as 'the southern unionists' given particular representation in the Senate of the treaty-based state.
- To the Ireland shaped by the Government of Ireland Act, which established the Stormont parliament.
- To the Ireland as envisaged by the occupiers of the Four Courts between April and late June 1922
- To the Ireland of the republic declared by Eamon de Valera in October 1922
- To the Irish state founded upon the Anglo Irish Treaty, which had been ratified by the Cabinet of the provisional government, by Dail Éireann and by the electorate

It is also the case that people's personal and family prospects are affected by the extent to which, and the means by which Ireland delivered on its promise as a place in which to grow up, to settle, to migrate or to emigrate —as so many did — or to grow old.

The third Dáil Éireann, the one that brought the Treaty-based state into being and adopted 'Amhrann na bhFiann' as tits (and our) national anthem, had a radically different composition and political programme than the first and second Dáileanna, whose members had been pledged:

"to work for the establishment of an independent Irish republic", accepting "nothing less than complete separation from England in settlement of Ireland's claims..."

A proposal by Cathal Brugha, seconded by Terence MacSwiney and adopted on 20 August 1919 distilled the politics of TDs in the first/second Dáil as follows:

"I will support and defend the Irish Republic and the Government of the Irish Republic, which is Dáil Eireann ..."

The third Dáil was not the government of the Irish Republic as proclaimed in 1916, but rather the freely elected constituent assembly of the treaty-based state as inaugurated in December 1922. The Treaty oath proved to be the 'casus belli' in the civil war that cost the lives of Cathal Brugha, Harry Boland, Michael Collins, Tom Hales, Seamus Dwyer and Liam Mellowes – all members of the first Dáil – and many others, including Kevin O'Higgins who was shot dead five years later. The oath read as follows:

"I \_\_\_\_\_\_\_ do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to H. M. King George V., his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations."

The advocates of the Treaty-based state that prevailed in the General Election of 16 June 1922 and within a year, its national army was 'informally' playing the 'Amhrann na bhFiann' tune as a national anthem and in another two years, its status would be formally (if somewhat brusquely) confirmed. It is a remarkable fact that both traditions accept the same song as being appropriate for use as a national anthem.

Pic: Colonel Fritz Brase



#### Conclusion

For thirteen months, from July 1926 to August 1927, when members of Dáil Éireann sang "Sinne Fianna Fáil" they were making an assertion that the abstentionist TDs could not readily rebut. To be a member of parliament, about one's country's business, was to be a 'soldier of destiny.' Elected abstentionist TDs had a sense of destiny too, of course.

In August 1927, Fianna Fáil came into the Dáil. It is interesting to reflect on what how the terms of the anthem were understood on either side of the house: to one side the song speaks of the Republic proclaimed in arms at Easter 1916 and subsequently (December 1918) ratified by the people in the creation of the revolutionary Dáil Éireann.

To the other, 'Amhrann na bhFiann' as first performed by the National Army under Colonel Brase's direction in the Summer of 1923 speaks of the decision of the electorate (16 June 1922) to institute 'pending the realisation of the goals of the IRB Military Council in 1916' (so to speak) a functioning treaty-based state, recognised by its neighbours and the world and underpinned by the Anglo Irish Treaty of 1921.

The Executive Council of the treaty-based state had taken the trouble to register the treaty as an international document, with the Council of the League of Nations on 11 July 1924, the third anniversary of the end of the Anglo Irish War or Irish War of Independence . Accordingly, the Irish national anthem stood formally as one anthem among the anthems of the many co-equal member states of the League of Nations, as it stood among the anthems of the Commonwealth and indeed the world.



League of Nations representatives, 1926

When I became interested in this issue, my sentiment was that the National Anthem's ambiguity was a weakness – and although my father had been secretary of a Fianna Fáil cumann, in a rural community, for over twenty years, it seemed to me unreasonable those affiliated or inclined towards other political parties, or traditions other than the Irish nationalist one, were required to pay obeisance to FF ( or so it seemed to my immature understanding). The anthem was sung – one could say 'religioulsy' - at the end of football matches, carnival dances, school concerts, fleadhanna

ceoil and so forth and so on. Almost every social occasion in my youth ended with a community-voiced rendition of as much of "Sinne Fianna Fail" as any of us knew.

Now I recognise that ambiguity as a strength. The anthem is somehow 'plurinational' but not in the senses of referring to geographically discrete aspirant nations. Rather it has meaning for those 'Proclamationists' for whom the state is a creature of the 1916 Easter; for those 'Free Staters' for whom the state is a creature of the 1921 Treaty and subsequent 1922 Constitution – and others besides, including those of the Redmondite tradition, the secularists and feminists of the Irish Citizen Army and the women's suffrage movement.

Of course, the opening line of the anthem 'name –checks' an enduring presence on the party political scene, producing a reaction akin to experiencing 'product placement', namely that advertising technique used to subtly promote products or services through non-traditional advertising techniques, usually through appearances in r other media. To illustrate the value of product placement, I paraphrase a well-known aviation entrepreneur: "It really doesn't matter what they're saying, so long as they're talking about you."

I think it was Lord Brookeborough who said of Fianna Fáil that it was not so much a political party as an expression of confidence in its founder. One could hold that analysis up to a mirror and read it in reverse as suggestion that the Fianna Fáil of 1926 was not so much a party in the political science sense, as a means of rallying activists who were unconvinced as to the legitimacy of the treaty-based state. The party takes its name from a song dedicated by adversaries as the national anthem of that state. So, singing "Sinne Fianna Fáil...." had the unifying, Schrodinger-type, effect of simultaneously being and not being an expression of confidence in the state. This effect was rendered less dramatic by the Westminster Declaration of 1931 and the General Election result of 1932, but a trace of it remains, wherever and in whatever circumstances the anthem is sung.



Notes:

The 'army badge' with its distinctive 'FF' insignia was designed by Eoin MacNeill, specifically for use as the insignia of the Irish Volunteers, the organisation he co-founded in November 1913. McNeill was the first Minister for Education in the treaty-based state.

The 'FF' insignia was worn by insurgents in the 1916 Easter Rising and was later, that is, by the time of the outbreak of civil war on 28 June 1922, incorporated into the uniforms of the National Army. It seems reasonable to suppose that existence of the insignia and its history was a factor on Liam O'Rinn's choice of the words "Sinne Fianna Fáil" as a translation of Kearney's "Soldiers are we."



The term 'Óglaigh na hÉireann', was coined by Piaras Béaslaí as the Irish term for the Irish Volunteers organisation. Peaslaí subsequently held the rank of Commandant in the National Army and was editor of 'An tÓglach', the Irish Army Quarterly.



Writing in 'An tÓglach' in June 1931, Bulmer Hobson, who had been Quartermaster General of the Irish Volunteers, Óglaigh na hÉireann, from their inception until Easter 1916, emphasised the continuity between the Irish Volunteers he helped found in 1913 and the National Army which came into being upon the treaty-based state being constituted.



The official setting of Amhrann na bhFiann as we know it today dates from 1954 and is the work of John Larchet who was Director of Music at the Abbey Theatre from 1907 to 1934, professor of

harmony and counterpoint at the Royal Irish Academy of Music from 1920 to 1955 and professor of music at University College Dublin from 1921 to 1958.



An arrangement by Brian Boydell was used in 1961 for the launch of RTÉ's television service and used for many years at the close of transmission.

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Receipt No: 18	
Seán O'Connell.	

#### A Chairde,

I believe our National Anthem, Amhrán na bhFiann should be protected by rules, guidelines or legislation if that is what is required to protect it. It is as much a part of our history and culture as our Language, traditional music and national sports.

Some people will say it is outdated? If that is the case every national anthem is outdated. All countries have a national anthem and sing with pride at whatever occasion it is required, mostly sporting occasions. I'm somewhat disappointed when people criticize and disrespect our anthem.

On another note, I don't believe the words are taught in all schools and even taught in a fun way to help and develop a respect it deserves from a young age.

Beir bua,

Receipt No: 19

**Denis Fahey** 

Hi Senator Daly,

I wonder if you are looking for a solution for a problem that doesn't exist nowadays. The anthem is seldom played except at official events (usually by an army band) or in GAA/Rugby/Soccer stadia or at equestrian events in the RDS (if the Irish team wins). And it's seldom sung by the public except before major matches. (The Aviva crowd give it more respect than the Croke Park crowd because they don't shout down the final lines)

The first item below is a piece of mine about Liam O Rinn that was published in Ireland's Own on September 8th.

The second is a piece from the Evening Herald in 1961. This was just before the heyday of the "singing pubs" when the anthem was belted out by the musicians at closing time to force the punters to stand up, a means of encouraging them to finish their pints.

I don't know when the Irish version superseded the original but I suspect that it happened first in Croke Park.

From time to time, people with time on their hands suggest that Fianna should be changed to Laocra.

Best wishes,

Croke Park, 3.25pm, an All-Ireland Sunday: 82,000 voices sing *The Soldier's Song*, our national anthem since 1926, composed by Peadar Kearney who was born in nearby Dorset street. Well, not quite. What they are singing is the chorus translated from the original English by Liam O Rinn. O Rinn was born in Dublin in 1886 and educated by the Daughters of Charity in North William St and the Christian Brothers in Marino.

When he left school, aged fourteen, he expected to become a carpenter like his older brother Christopher but, as he was slight and not very strong, his father, a DMP constable and his mother, a Kilkenny woman, decided that he should become a clerk. Within a few weeks, he obtained his first job as an office boy in a solicitor's office in Dame Street with a weekly wage of five shillings after answering an advertisement in the *Irish Times*.

Later he moved to another solicitor in Gardiner Street who paid seven and sixpence a week and meantime he attended classes run by the Gaelic League. He joined that organisation in 1907 and by June 1913 he was the head clerk reporting to the president.

During Easter Week 1916 he and his four brothers were in the GPO and he was later interned in Frongoch. After his release, he resumed his work with the League but he was interned again in 1920, this time in Ballykinlar.

In December 1921, he was re-employed by the League but he also worked in Sinn Fein's Land Bank and early in 1922 he began contributing a column in Irish to the *Freeman's Journal*.

In 1923 he joined the Translations Office established by the Free State Government to produce Irish language versions of legislation, a challenging assignment given that the people who had handed down the spoken language didn't have a vocabulary that was amenable to modern administration and law.

The task of bringing the language up-to-date became his passion quite apart from his day job and his criterion was that when talking to other Irish speakers he should be able to discuss any subject that interested him through the medium of the language and not just "spuds, mackerel and folklore". More than that, Irish should be as exact as French, as musical as Italian and as easy to handle as English.

On the centenary of his birth in 1986, the broadcaster Sean MacReamoinn described him as a chief architect of the modernisation of the Irish language but he wasn't without his critics within the language movement especially from purists who noted that he had the Irish of an English speaker, or that he spoke Dublin Irish.

In his spare time, he studied other languages and achieved a working knowledge of French, German, Spanish, Russian and Welsh.

He was also an amateur painter and had a picture of a Paris street scene accepted by the Royal Irish Academy in 1938.

And he had the perhaps eccentric notion that publicans should be encouraged to display pictures in their establishments so that people might imbibe art and culture with their whiskey and stout. On April 3rd 1923, he published a draft translation of *The Soldier's Song* in the *Freeman's Journal* over his penname *Coinneach* with the permission of Kearney. He wrote later that he composed it because he admired the confident tone of the original in contrast with the pessimism of other patriotic songs and because three or four earlier attempts had been incompatible with the music composed for the original by Patrick Heeney. He published the definitive version in *An t-Óglach* on November 3rd, 1923.

During the earlier years of the State the original English version was dominant and in 1960 someone wrote to a newspaper that the clash of the two at Croke Park was annoying. Nowadays, the anthem is confined to O Rinn's chorus and the other verses in either English or Irish are discarded.

The opening line "Sinne Fianna Fáil" has been a subject of occasional controversy but as recently as February 2012, the then Minister for Finance Michael Noonan told Deputy Maureen O'Sullivan that there were no plans to change it.

Fianna Fáil, meaning the Fenian bands of Fál, appears in the work of the seventeenth century Munster poet Dáibhi O Bruadair. Fál is a short form of Inis Fáil, a poetic name for Ireland, the island of the Lia Fáil, the Stone of Destiny. This stone was a remarkable rock supposedly brought here by the Tuatha Dé Danann and used at coronations at Tara.

The name was used as a description of the Irish Volunteers founded in November 1913 and it was the title of a journal published by Terence McSwiney, later a lord mayor of Cork, in 1914 until it was suppressed by the authorities.

O Rinn received no royalties for his work.

When he died in 1943, the attendance at his funeral included Eamon de Valera and W T Cosgrave.

\_\_\_\_\_

"We have mentioned here many times the need for a new approach to the rendering of our national anthem. A reader has drawn attention to the disappointing singing of the anthem by 70,000 people at the All Ireland football Semi-Final at Croke Park and has suggested that some steps be taken to have a more spirited response at the Al Iireland Final. Perhaps the trouble lies in our approach to the playing of the anthem ever since the State was established. There are apparently only one or two special arrangements of the anthem recorded and outside these it is usually played without any arrangement and often at a tempo more suggestive of a jig tune than an anthem. In addition it is played far too often. At every conceivable gathering from cinema and theatre performances to roadside election meetings the anthem is churned out usually in a most undignified manner and often by means of a cracked or broken record -renderings which are only an insult. The rendering of

the anthem should be limited to very special occasions and it should be sung with dignity" Evening
Herald, June 10th, 1961

Receipt No: 20

**Thomas Mooney** 

Good day. I just heard you on the radio about the anthem.

The first time it was ever played was when cahil brugh barracks were taken over as a freestate was by capt thomas o doherty in the square by bugle.it annoys me that there is no reconnision of this .it's on the military archives. It was sung on gpo.but it wasn't a state than .

Kind regards

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cial Branch report February 1923, body to the station tion between the that the members d. The men signed 8 months. By then d the older men s were kept and farch 1923 elm Fritz Brase and any on the set about the r a month Col. formed and could 923 the band was heatre Royal,

An tOglach

This was an army publication, a sort of in-house magazine with articles of interest to soldiers. In 1923. many of these referred to bands and band performances. The following appeared on page 8 on September 1\* 1923 under a picture of a Fife and Drum band.

"The first bugle call sounded by the Army after the taking over of Beggar's Bush Barracks was sounded on the square of that barracks by Sergeant-Major Tom O'Doherty, Tom Kearns and "Ginger" Healy about the second week in February last year. Later Sergeant-Major O'Doherty was able to form a bugle band at Marlborough Hall- the first in the Army. The band marched with the troops to the taking over of Wellington (now Griffith) Barracks, and after about three months in these quarters a fife and drum band was formed under the aegis of Sergeant, now Lieutenant O' Doherty. Then came the Four Courts episode and all the turmoil that followed, necessitating the laying aside for the time being of all attempts at musical development. The "drums" became fighting men scattered all over the country, and one of the most

the band together. When the fighting died down and the opportunity came, Captain Tom O'Doherty reverted to his efforts in the musical line, and did not rest content until he had secured for the army a brass and reed band which included some of the best musicians from the North

prominent in the fighting zone was

the young officer who had gathered

of Ireland. Since its establishment in Collins Barracks this musical combination has earned high praise

on every occasion on which it has made its appearance in public.

Receipt No: 21

**Maurice Curtin** 

Dear Senator Daly,

I heard your plan to have a public discussion on the National Anthem on the Claire Byrne show on RTE tonight.

I would like to see the first line of the Irish version changed to take out the reference to Fianna Fail. It was not in the original English text and apparently was inserted by De Valera when it was translated into Irish. The insertion harks back to civil war attitudes and seems to have been an attempt to give Fianna Fail a political edge. One could easily change the first line to begin with "Sinne Laochra fail----" which would mean the same as the present text but would not be so politically divisive.

I also think that the text should be changed so as to reduce the references to guns, fighting and violence and to contain references to the modern Ireland.

Receipt No: 22

**Garry Bunting** 

Hello Senator Daly.

 $\label{thm:model} \mbox{My name is Garry Bunting Im originally from Belfast \ but now living in Germany for the last 11 years . I just happened to$ 

see your story concerning Amhran na bhfainn and that its copyright has not been protected . My personal view on this subject is that it

should be because of Cultural and Historical reasons.

I do hope that others will support you in your fight to have the Irish Anthem Protected .

**Yours Sincerely** 

Receipt No: 23

**Hazel Tunney** 

27 October 2017

Re: Seanad Public Consultation Committee – Request for Written Submissions on the Status, Treatment and Use of the National Anthem

I write in response to the invitation I received from the Seanad Public Consultations Committee, and to make written submissions on the issue of the Status, Treatment and Use of the National Anthem.

My name is Hazel Tunney. I am a qualified Irish and European Trade Mark and Design Attorney, with over 17 years' experience in my profession. I am a partner of Tomkins & Co., one of Ireland's oldest Intellectual Property ("IP") firms, specialising in advising on, in particular, Trade Marks, Design Rights, Patents, and to a lesser extent, Copyright. Some 30 years ago, my firm provided advice to the Government with respect to the protection of the harp as a State emblem. Protection was duly secured by the State for the harp (and other emblems) in 1985, under the Paris Convention.

These submissions, observations and suggestions are made from the perspective of Trade Mark protection, and in particular, from the perspective of the Trade Mark protection enjoyed by the Irish flag, and other official State emblems, as well as those of other States, within this jurisdiction. I have further considered whether such existing protections could be extrapolated to encompass, and/or be considered analogous to the types of protection which could be considered, to protect the National Anthem.

## Trade Mark Protection for State emblems, flags, and other armorial bearings

## 1. Trade Marks

Under Irish Trade Mark Law, a "trade mark" is defined as any sign capable of being represented graphically which is capable of distinguishing goods or services of one undertaking from those of other undertakings. A registered trade mark is a property right obtained by the registration of the trade mark. A registered Trade Mark prevents unauthorised use or registration, by third parties, of identical marks for identical goods/services; or similar or identical marks, for similar or identical goods or services, where there exists a likelihood of confusion.

Certain things cannot be registered as Trade Marks. This includes words, or other graphical representations which are descriptive; non-distinctive; contrary to accepted principles of morality; and flags and specially protected emblems.

## 2. The Trade Marks Act, 1996

a. Specially protected emblems:- emblems of Ireland

Irish Trade Mark Law (specifically the Trade Marks Act, 1996, (as amended)) confers particular rights upon, and exclusivities to State emblems, insignia, and the national flag of the State. In particular at Section 9.—

- (1) A trade mark which consists of or contains any State emblem of Ireland or any insignia or device so nearly resembling such emblem that it may be mistaken for such emblem shall not be registered unless the Controller is satisfied that consent for its registration has been given by the Minister.
- (2) A trade mark which consists of or contains a representation of the national flag of the State, as defined by Article 7 of the Constitution, shall not be registered if it appears to the Controller that the use of the trade mark would be misleading or grossly offensive.
- (3) The Controller may refuse to register a trade mark which consists of or contains any badge, device or emblem of a public authority unless such consent as is required by rules is obtained.

Thus, third parties cannot secure Trade Mark rights in any graphic representation which includes any State emblems, insignia, or of the national flag, unless same meets the above criteria.

Additionally, Section 97 of the Trade Marks Act 1996 provides, *inter alia*, for the Minister for Jobs, Enterprise and Innovation to take action in respect of the unauthorised use of the State emblems (being the harp and the shamrock depicted below) in connection with any business.

- 97.—(1) A person shall not, without the authority of the Minister, use in connection with any business the State emblems of Ireland notified under Article 6ter of the Paris Convention or emblems so closely resembling the State emblems as to be calculated to deceive in such a manner as to be calculated to lead to the belief that that person is duly authorised to use the State emblems.
- (2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 and, in the case of a continuing offence, to a further fine not exceeding £100 for every day the offence continues.
- (3) The Minister may apply to the Court for an injunction to restrain any person from contravening the provisions of subsection (1).

...

Consequently, the Minister is empowered to prevent use of the harp or shamrock (or anything closely resembling them) if that use could lead to the belief that it appeared authorised by the State. The Trade Marks Act also sets out the fines associated with such unauthorised use.

## b. National emblems of Convention cou6ntries: Article 6ter of the Paris Convention

Ireland is party to the "Paris Convention" – the Paris Convention for the Protection of Industrial Property of March 20th, 1883. Article 6*ter* of the Paris Convention allows for the protection of designated emblems and insignia of the countries which are party to the Paris Convention. Sections

60 – 64 of the Trade Marks Act, 1996 relate to the implementation of Article 6*ter*. In particular, Section 62 states:-

- (1) A trade mark which consists of or contains the flag of a Convention country shall not be registered without the authorisation of the competent authorities of that country, unless it appears to the Controller that use of the flag in the manner proposed is permitted without such authorisation.
- (2) A trade mark which consists of or contains the armorial bearings or any other state emblem of a Convention country which is protected under the Paris Convention or the Agreement establishing the World Trade Organisation shall not be registered without the authorisation of the competent authorities of that country.
- (3) A trade mark which consists of or contains an official sign or hallmark adopted by a Convention country and indicating control and warranty shall not, where the sign or hallmark is protected under the Paris Convention or the Agreement establishing the World Trade Organisation, be registered in relation to goods or services of the same or a similar kind as those in relation to which it indicates control and warranty, without the authorisation of the competent authorities of the country concerned.
- (4) The provisions of this section as to national flags and other state emblems and official signs or hallmarks apply equally to anything which, from a heraldic point of view, imitates any such flag or other emblem, sign or hallmark.

(...)

## Section 63 states:-

...

- (2) A trade mark which consists of or contains any such emblem, abbreviation or name which is protected under the Paris Convention or the Agreement establishing the World Trade Organisation shall not be registered without the authorisation of the international organisation concerned, unless it appears to the Controller that the use of the emblem, abbreviation or name in the manner proposed—
- (a) is not such as to suggest to the public that a connection exists between the organisation and the trade mark; or
- (b) is not likely to mislead the public as to the existence of a connection between the user and the organisation.
- (3) The provisions of this section as to emblems of an international organisation apply equally to anything which, from a heraldic point of view, imitates any such emblem.
- (4) Where, by virtue of this section, the authorisation of an international organisation is or would be required for the registration of a trade mark, that organisation shall be entitled to restrain by injunction any use of the mark in the State without its authorisation.

Thus, the flags of Convention States, and other signs, hallmarks, armorial bearings and State emblems of Convention States (where same have been notified to the World Intellectual Property

Organisation "WIPO") are likewise afforded protection under Irish (and International) Trade Mark Law. (The Irish flag is also protected by the Irish Constitution). Indeed, at Section 63 (4) it is worthy of note that if it were the case that a certain sign, if it were so similar to a State flag, or to a State emblem protected under 6ter, were likely to mislead the public, or suggest a link, where no such link exists, such that it would require the authorisation of that State to achieve a Trade Mark Registration, that state/organisation would be entitled to prevent use of that sign, by injunction. Here therefore, we see that unauthorised, misleading, or confusing use of certain State emblems or flags (of Ireland, and of other nations, too) can be prevented by injunction, if that sign is identical with or similar to that flag, or an emblem under 6 ter.

#### 3. National Emblems of the Irish State

National emblems are items, signs or symbols that have symbolic meaning to, or represent Ireland. A national anthem is a song, usually officially adopted by a country, as an expression of its national identity. In much the same manner as a national emblem, an Anthem exemplifies and identifies a nation. Consequently, it seems appropriate that the Irish National Anthem be officially adopted, and afforded protections similar to those afforded the flag, and other formally registered symbols and emblems of the State.

The Irish State has notified WIPO of a number of hallmarks, armorial bearings, and state emblems. These are afforded the protections described above, under Article 6*ter* of the Paris Convention. Reproduced below are the protected emblems and armorial bearings of the Irish State; protected since February 1985.

# Armorial bearings: State emblems IRELAND IRE

## 4. Copyright Protection

Referring to S.I. No. 158/1995 relating to European Community (Term of Protection of Copyright) Regulations, 1995, an extension of existing copyright beyond 70 years after the death of the

author(s) of the National Anthem seems unworkable. This is because of the wording at Section 3 which states that "the term of copyright subsisting in a literary, dramatic, musical or artistic work <u>shall</u> be the lifetime of the author of the work in a period of 70 years after the author's death". The inclusion of the word "shall" indicates that an extension of the term of copyright may be in contravention of SI No. 158/1995 and as such, both inappropriate and unenforceable as an option for the protection of the National Anthem.

## 5. Conclusions and comments on any proposed Legislation for the Status, Treatment and Use of the National Anthem

Given the unavailability of the option to prolong the term of Copyright enjoyed by the National Anthem, it seems advisable to instead consider drafting legislation which does not seek to extend the duration of the copyright protection enjoyed by the National Anthem, but instead, constitutes something more in the nature of a National Anthem Bill. My understanding is that at present there is no Statutory or Constitutional definition particularising what, exactly, the National Anthem is. The initial attraction of such a Bill would be, for the first time, to exactly so define and enshrine in legislation the National Anthem, and its translations. This will also remove any confusion or ambiguity about which parts of Amhrán na bhFiann/The Soldiers' Song are, in fact, the National Anthem (and in which language(s)).

Any such Bill could then delineate between acceptable, non-commercial uses of the National Anthem, and less, or non-acceptable commercial usages, based, perhaps, on the various Trade Mark Provisions discussed above, which presently protects unauthorised use of various Irish insignia, emblems, and the Flag. The particular provisions of the Trade Marks Act 1996 (Sections 63) relating to the ability of the State, and indeed, other States to take injunctive action to prevent unauthorised use by third parties of such state emblems and flags, where such unauthorised use creates confusion, or links were no such link exists, may be a useful guideline. Section 9 (2) of the Trade Marks Act (pertaining to use of the flag) may also be particularly relevant, prohibiting registration of a Trade Mark where it "consists of or contains a representation of the national flag of the State...if it appears to the Controller [of the Irish Patents Office] that the use of the trade mark would be misleading or grossly offensive. Of course, "misleading", "confusion", and "grossly offensive" are subjective matters, but this subjectivity would assists in ensuring that any such Bill could avoid being overly prescriptive. Certainly, provisions such as those found in National and International Trade Mark Law could be a useful place to start.

Any such Bill could also consider whether and how certain commercial uses of the National Anthem could require the consent of the Minister (or the Protocol Department of the Department of An Taoiseach), in a fashion similar to that prescribed in Trade Mark Law, as it relates to flags, insignia and emblem. That is, if a Trade Mark application before the Irish Patents Office is similar to and/or contains the flag/emblem of this/any State, the Controller of the Irish Patents Office may request that the applicant seek the consent of the pertinent Minister. By way of extrapolation, and taking the view that the National Anthem is, or could be consider analogous to, an emblem of the State, a particular proposed use of the National Anthem, could also, depending on the circumstances, require consent.

In order to avoid being overly prescriptive, appropriate, general statements setting out that the National Anthem should be used, treated, and performed with respect and dignity may be advisable, again, bringing this into line with comparable language in Trade Mark Law. Given the relative

subjectivity of terms such as "respect" and "dignity", such statements/provisions could act more as guidelines rather than being determinative, and legally binding; to achieve this, such a Bill should avoid using the word prohibitive word "shall" and use guiding words such as "should" etc..

My view is that any proposed Bill should incorporate provisions which, at the very least:-

- Provide a full definition of the National Anthem;
- Contain general, non-prescriptive statements that same must be reproduced, treated and performed with respect and dignity, and not an misleading, confusing or offensive fashion;
- Set out provisions for seeking permission to use the National Anthem, if appropriate; and
- Provide for injunctive powers, penalties and other options to prevent misuse.

I hope that the above comments and suggestions are useful to the Consultation Committee, but if any other clarification or commentary is needed, do please feel free to contact me.

Is mise, le meas.

Receipt No: 24

Mícheál Ó Doibhilín

Of courze the National Anthem should be protected. It is OUR rallying cry, OUR identity to the world, OUR pride in ourselves.

It must be protected to bhe fullest extent and with the full vigour of the law.

## Receipt No. 25

25th October, 2017.

Thank you for contacting me regarding the public consultation on the issue of the status, treatment and use of the National Anthem.

Since my election s Lord Mayor in June 2017 one of my plans was to ensure that the children of our city receive a copy of the National Anthem, learn the words as gaeilge and ensure that it is sung to the full.

One of my duties is to visit over 80 schools in Cork City. This programme became way back in the 1920's by a former Lord Mayor Terence MacSwiney and has continued since.

Please see the attached wording of the National Anthem which was distributed in advance of my visit to each school and sung on my arrival. Also I have produced the enclosed bookmark which will be available in the Lord Mayors Office in City Hall Cork and I intend to distribute it also to the schools in the City.

I would appreciate if you would include these items as part of the consultation process and would be more than happy to explain in detail the progress of the importance of the National Anthem.

Yours sincerely,





## Amhrán na bhFiann

Soldier's Song

## Curfá

Sinne Fianna Fáil
Atá faoi gheall ag Éirinn,
Buíon dár slua
Thar toinn do ráinig chugainn.
Faoi mhóid bheith saor,
Seantír ár sinsir feasta
Ní fhágfar faoin tíorán ná faoin tráil
Anocht a théim sa bhearna baoil,
Le gean ar Ghaeil chun báis nó saoil
Le gunnascréach faoi lámhach na bpiléar
Seo libh canaigí Amhrán na bhFiann.

## Chorus

Soldiers are we whose lives are pledged to Ireland;
Some have come from a land beyond the wave.
Sworn to be free,
No more our ancient sire land Shall shelter the despot or the slave.
Tonight we man the gap of danger in Erin's cause, come woe or weal 'Mid canons' roar and rifles peal,
We'll chant a soldier's song.





With Compliments from The Lord Mayor of Cork - Cllr. Tony Fitzgerald.

## The National Anthem, The Soldiers Song

was written in 1906 by
Peadar Kearney.

It was not widely known until it was sung at the GPO, Dublin during the
Easter Rising 1916.











#### Chorus:

Soldiers are we

whose lives are pledged to Ireland;

Some have come

from a land beyond the wave.

Sworn to be free,

No more our ancient sire land
Shall shelter the despot or the slave.
Tonight we man the gap of danger
In Erin's cause, come woe or weal
'Mid cannons' roar and rifles peal,

We'll chant a soldier's song.

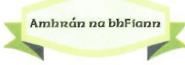






Comhairle Cathrach Chorcaí Cork City Council





## **CURFÁ**

Sinne Fianna Fáil

Adá Faoi Sheall as Éirinn,

buíon dár slua

Char toinn do ráinis chusainn.

Faoi mhóid bheith saor,

Seantir ár sinsir Feasta

Ní Fhásfar Faoin

tiorán ná Faoin tráil

Anocht a théim sa bhearna baoil,

le sean ar Shaeil

chun báis nó saoil

le sunnascréach Faoi

Lámhach na bpiléar

Seo libh canaisí Amhrán na bhfiann.

Ard Mheara Chorcaí Clir Tony Fitzgerald.



Receipt No: 26

- If the national anthem is enshrined in legislation, what versions of the music and words should be used, and in what languages? The Irish National Anthem "Amhran na bhFiann" should be enriched and protected in Irish Law. The words, music and the Iirsh language should remain the same.
- What should be classed as misuse of the national anthem? Firstly I believe a firm definition of use must be set for the anthem, with clear parameters.

Usage: The anthem should be used for National or state events.

Mis-use: The anthem can and should not be used for advertising, promotion or for a company financial gain. The anthem should not be used in funeral unless a state funeral. It should not be played at Discos, cinemas etc. It should not be played as background music. The anthem should be respected when played.

• What penalties should be put in place if any proposed restrictions are breached?

I believe our government should protect our anthem from mis-use. Breach of usage or respect should result in a fine of €10,000. I believe financial consequence is important. Continually mis-use should be dealt with by law.

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Receipt No: 27

27<sup>th</sup> October 2017

To: Seanad Public Consultation Committee,

I would like to make an individual submission regarding the National Anthem. In this submission I will address the existing Anthem, Usage and penalties.

To Protect or change the Irish National Anthem? The Irish National Anthem must be protected and cherished in Irish Law. The words, music and Irish language should remain the same.

Usage of the National Anthem? The law must clearly state what is acceptable and unacceptable- no ambiquity. It can be utilised during State and National events- sporting etc. Supporters must respect the Anthem.

Mis-use? We must protect the Anthem so it should not be allowed used in promotion and advertising. No company should financially gain or be associated with the National Anthem. It should not be used in cinemas or discos etc. When I was a child the National Anthem was played in the cinema however, this was an inappropriate venue and people failed to respect the anthem.

Penalties? I believe the penalty must be financial. The first fine would be €20,000 however if companies are found guilty of abuse of the National Anthem they should be heavily fined per occasion and medium of mis-use up to maximum of €3 million. They must also be listed in the business section of the paper- so to shame the company and the size of the fine. The legal system should enforce breach of terms.

Yours Sincerely,

•

Receipt No: 28
26 <sup>th</sup> October 2017
To: Seanad Public Consultation Committee,

I would like to make a submission regarding the National Anthem. In this submission I will address the existing Anthem, Usage and penalties.

**To Protect or change the Irish National Anthem?** The Irish National Anthem must be protected and valued in Irish Law. The words, music and Irish language should remain the same.

**Usage of the National Anthem?** A firm set of parameters must be set for the usage. It can be utilised during State and National events.

*Mis-use?* We must protect the Anthem so it should not be allowed used in advertising, promotion. No company should financially gain or be associated with the National Anthem.

**Penalties?** I believe the penalty must be financial. The first fine would be €10,000 but if there is constant mis-use of the National Anthem the fee would significantly rise. This should be enforced through our legal system.

Thank you for allowing me to express my opinion on this matter.

Kind Regards,

.

## Receipt No: 29

Mary Mather Leahy (Mrs).

I wish Seanad Eireann to retain our National Anthem as it is.

It is linked to our history and the freedom and Sovereignty of Ireland .

Yours sincerely,

# The usage of the Irish National Anthem by the Defence Forces School of Music By Lt Col Mark Armstrong, Director Defence Forces School of Music

## **Association with the Irish Volunteers**

- 1. The official adoption by the Irish State of the song entitled *The Soldier's Song* as a National Anthem followed after a somewhat tortuous route. I am indebted to Dr Karol Anne Mullaney-Dignam whose doctoral thesis 'State Nation and Music in independent Ireland 1922-51' has provided much detail, backed up by primary sources from state archives. Information has also been provided by an article written by Ruth Sherry, Professor of English in the University of Trondheim, Norway.
- 2. The words of *The Soldier's Song* were written circa 1906/1907 by Peadar Kearney, a member of the IRB and an author of many popular songs and verses. It is understood that the music written by Patrick Heeney was written around the same time. The original text was in English and was first published in Bulmer Hobson's *Irish Freedom* in 1912. The song was adopted as a marching song by the Irish Volunteers in 1913 and after the Rising became the anthem of the independence movement. By general account it was in the internment camps after the Easter Rising that *The Soldier's Song* became widely used and the song consequently became strongly associated with the Army after the establishment of the Free State.
- 3. During the years following the establishment of the Free State there was no officially adopted National Anthem. Thomas Moore's Let Erin Remember was often played on formal occasions abroad and T.D. Sullivan's God save Ireland was favoured by the Parliamentary Party. It was the participation of Irish athletes at the 1924 Olympic Games which initially raised the question of a suitable national anthem for the newly independent state.
- 4. On the recommendation to W.T. Cosgrave, President of the Executive Council by Sean Lester, Director of Publicity at the Department of External Affairs, *Let Erin Remember* was played at the 1924 Olympic Games. In his recommendation he mentioned *A Nation once again* and *The Soldier's Song* which in his opinion were not suitable for the purpose. This would indicate that both of these songs were in current usage in the absence of an officially adopted national anthem.

## Col Fritz Brase - founding Director of the Defence Forces School of Music

- 5. Colonel Wilhelm Fritz Brase, the first Director of the Defence Forces School of Music was appointed by the Irish Government in 1923 to establish a music service for the Irish Army. The first performance of the newly formed Army No. 1 Band took place in the Theatre Royal Dublin in October 1923.
- 6. Four months after this first concert, the band performed again in the Theatre Royal and on that occasion, following requests for an encore, the band obliged with a recent composition of Col Brase entitled *Irish March No. 1*. This medley included songs such as *The Minstrel Boy, Who fears to speak of '98* and *The Soldier's Song*. It is understood that members of the audience including the Governor-General of the Irish Free State, Timothy Healy, and the head of the Executive Council W.T. Cosgrave stood up on the playing of *The Soldier's Song* in recognition of the song as an anthem. Between 1924 and 1926 it appears that the music of The Soldier's Song was informally adopted by the government for use as an anthem.

## The adoption of The Soldier's Song as the Irish National Anthem

- 7. In 1926 the government of the Free State was compelled to make a formal decision regarding the anthem following requests from the United States for the supply of printed copies of the official anthem. The minutes of an executive council meeting on 12<sup>th</sup> July 1926 indicate that a decision was then made to adopt *The Soldier's Song* as the official anthem. This adoption was not formally promulgated at the time but was simply put into effect for official purposes. In 1926 the Irish Times reported that when the Governor-General visited the Dublin Horse Show *The Soldier's Song* was played.
- 8. The version of *The Soldier's Song* played by the Army No.1 Band at the time was that arranged by Col Fritz Brase. The custom was for the song to commence with the verse followed by the refrain which we recognise today as Amhrán na bhFiann. In 1928, Desmond Fitzgerald, Minister for Defence wrote to the executive council suggesting that some changes be made to the national anthem. In his memo dated 19<sup>th</sup> October 1928 to the council he offered the opinion that it was too long 'to permit of the words being generally known and sung by the people'. Fitzgerald suggested to the cabinet that the Irish national anthem open with its refrain and be published and taught as such. He added that Col Brase could be asked to 'arrange it for school singing in one, two, three and four voices'.

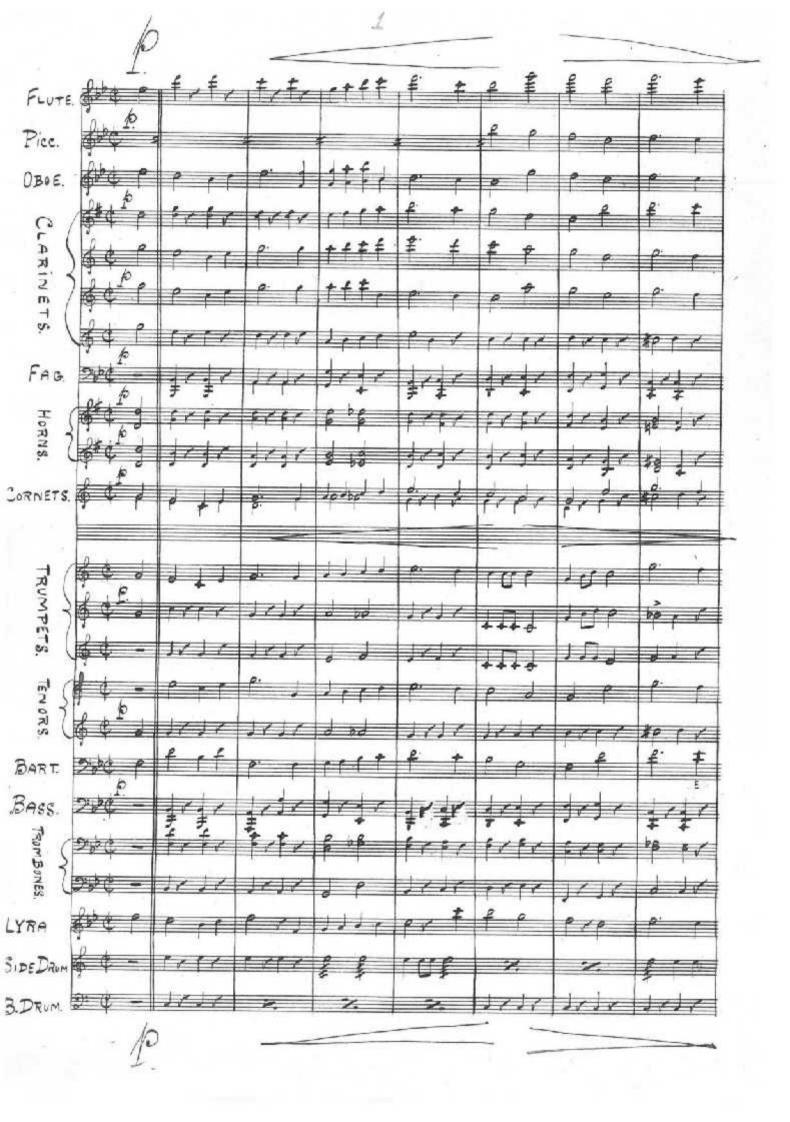
- 9. Brase was tasked with the re-arrangement and the executive council approved Brase's version <u>'as played by the Army No.1 Band'</u>. The Army No. 1 Band was recorded by His Master's Voice performing a number of pieces in the Theatre Royal in 1931 including the Irish National Anthem. The anthem was recorded in two versions firstly the 'long' version commencing with the verse and secondly the 'short' version which consisted of the refrain. This recording was used for many years by theatres and cinemas at the close of entertainments.
- 10. In 1932 it was agreed by cabinet that the short version of the anthem as recorded by Col Brase by HMV in 1931 should be recognised as the official arrangement played by places of entertainment. It was also agreed to commission Col Brase to prepare instrumental parts for the short version of the anthem for bands and orchestras in order to secure uniformity in the playing of the anthem throughout the country.

## Genesis of the current arrangement of the anthem used by Defence Forces Bands

- 11. The current arrangement of the national anthem used by Defence Forces Bands was made by a former Director of the Defence Forces School of Music, Colonel James R. McGee. Col McGee acted as Director between 1987 and 1988. Not only did Col McGee rearrange the Irish anthem, but he scored many international anthems for modern instrumentation for use by army bands. These arrangements are still in use today at events such as the Dublin Horse Show and visits of foreign heads of state. They are robust and stand up to outdoor usage. Col McGee also scored a number of ceremonial salutes used by the military for full military bands which have not been improved upon and are still in use.
- 12. Col McGee's re-arrangement of the Irish national anthem, if it could be described as such, is minimal. He retained Brase's essential harmonic structure while simplifying much of the high woodwind which in Brase's version was fast moving and not always effective outdoors. Band instrumentation had changed over the decades and Col McGee adjusted this accordingly. Col McGee's and Col Brase's arrangements are essentially one and the same, having no material difference from a musicological point of view.
- 13. In summary, the music adopted by the executive council on 12<sup>th</sup> July 1926 as the Irish National Anthem 'as performed by the Army No.1 Band' remains substantially the same as that performed today. I have provided full scores of both the Brase and McGee versions for the information of the committee.

# IRISH NATIONAL ANTHEM.

ARR. BY FRITZ BRASE.





Crese. 蛙 e I FLUTE Picc. 030E. CLARINETS Jag. HORN S. TRUMPETS TENCRS BART. Bass TROMBS LYRA.

et. Picc OBOE. CLARINETS. FAG HORMS CORNETS TRUMPETS. TENORS. BART Bass TROMBONES. (C.o.)



CC IDE. OZ CLEXINGIS. Fe VETS. 5 ORI TRUMPETS. TENOR S. 3A: BA YR

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2 FLUTE/ 0 OBOE. \$2 \$2 CLARINETS. HORN S. BORNETS. #0 TRUMPETS. ,,,,,,, TENORS. BART. TROMBONES. LYRA 10

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## Amhrán na bhFiann













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Recei	nt	NO	<b>⊰</b> 1
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**Alain Newstead** 

Dear Sir/Madam,

My name is Alain Newstead. I am 18 years old, in 6th Year at Bishopstown Community School. I am proudly deaf and I use Irish Sign Language as my native language.

Recently, the Lord Mayor of Cork City came to my school and asked the students to sing the "Irish National Anthem". My deaf friends and I were really happy until we found out that there's no interpretation of this song for us, the ISL users. I, as a patriotic Irish citizen, was excluded from my community by this experience. With the recognition of Irish Sign Language Bill ongoing in the Oireachtas there would be an opportunity to include having an official ISL interpretation of the Irish National Anthem.

Will you please look into this problem and provide us, the deaf community, with an interpretation. It would make me and other ISL users feel connected to the song and country we are proud of.

Thank you for taking for time to read this letter. I hope you can solve this problem in the very near future.

Yours Sincerely,

Receipt No. 32

Senator Dr. Keith Swanick

#### Amhrán na bhFiann

Amhrán na bhFiann is one of the main symbols of Ireland and is recognised in every corner of Ireland and around the world as such. It has become intrinsically linked to the issue of citizenship, Irish heritage and culture and has become part of our national identity. Along with the tricolour and the harp, Amhrán na bhFiann is the third part of the national triangle of Irish identity. Identity and indeed nationality can be complex things and symbols such as the harp, tricolour and Amhrán na bhFiann are all part of this complex aspect of nationhood.

In an era of growing and welcome multiculturalism we have the sight in Ireland of many of our newest citizens standing to attention for Amhrán na bhFiann at the citizenship ceremonies. With the growth of Gaelic Games throughout the world, we have witnessed renditions of Amhrán na bhFiann in parts of the world that even the Irish missionaries of old may have never reached.

I recall vividly on 17th May 2011 the poignant ceremony held in the Garden of Remembrance on Parnell Square in Dublin when President of Ireland Mary McAleese stood side by side with Queen Elizabeth II as Amhrán na bhFiann was played in that special place. It was a short yet poignant wreath-laying ceremony at the garden, which commemorates those who gave their lives in pursuit of Irish freedom. The sound of Amhrán na bhFiann being played that day in the Garden of Remembrance is as part of Irish history as any other event in the last 50 years.

Despite the unlikelihood of it, I dreamed of lining out for Roscommon in Hyde Park versus Galway or Mayo in a Connacht football final, standing to attention for Amhrán na bhFiann, wearing my county colours and facing the Irish flag. Alas, I was never going to replace Paul or Dermot Earley on the field but even to this day standing to attention for Amhrán na bhFiann at Croke Park, Hyde Park, MacHale Park or elsewhere, is still as spine tinglingly important.

Therefore the risk that Amhrán na bhFiann could be exploited by advertisers or other commercial operators is a scenario that must be avoided at all cost. The work of your Committee is hugely important in finding the correct legislative or regulatory approach to the protection of Amhrán na bhFiann, written by Peadar Kearney in 1907. I commend you all on your work and look forward to reading the recommendations you arrive at.

It is a huge source of pride that Amhran na bhFiann belongs to us all, whether we are in Ireland, or whether we are of Ireland. It reminds us that as a people we are larger than the Island of Ireland and recognises that 'some have come from a land beyond the wave' (Buíon dár slua, thar toinn do ráinig chugainn) to make Ireland a better place.

Thank you for taking the time to consider my submission,

Receipt No. 33

Cormac Flynn

The opening line of the chorus needs to be changed. I can never bring myself to sing it as it sates "Se na Fianna Fáil"

The people of Ireland should not have to sing the name of the political party that mortgaged the future of generations of Irish children to pay for the inadequacies of that party.

I would like to see it replaced by "Laochra Fáil" (heroes of destiny)

Regards,

#### Receipt No. 34

#### Kathleen Kelleher

The Irish National Anthem is a very important feature of Irish life. It is essential that it be played with reverence and be respected.

I would urge a campaign to make sure that everyone know the words. And how to sing it.

We could work a campaign into St. Patrick's Day 2018 celebrations.

Best wishes,

Receipt No. 36
Willie O'Driscoll
Sirs,
I feel strongley that the National Anthem should not be played in Pubs after gigs as people do not respect it.
Regards,

Receipt No. 37

Joseph Whittle

My view is this....

The current Anthem has served us well, but has now become exposed due to the expiration of copyright.

It was composed for an Ireland of a different era, and perhaps it is now timely to seek submissions from current Irish composers for a new anthem for a new Ireland?

Built into this might be a clause whereby (like the presidency), the anthem would have a prescribed lifetime, and future generations could select new anthems, subject to certain conditions, into the future?

Why not?

Owen O'Sullivan
Hi there,
I feel Amhrán na bhFiann should be retained for sporting and other cultural activities as it is an intrinsic part of the way we commemorate and acknowledge the history of our country.

Receipt No. 38

Misery le meas.

Receipt No. 39

Cuan Ó Seireadáin

A Sheanadóir, a chara,

I spent some time looking through our archives this morning, and have gathered together a few interesting items to send through to you by we transfer (some of the files are very large).

Here's a brief explanation of the files in the order in which they are being sent:

- 1) 1917 Soldiers of Erin. This is a scan of a copy in our archives of "Soldiers of Erin," published in New York in 1917 for the benefit of Conradh na Gaeilge. It is basically The Soldier's Song, although it is not called that and Peadar Kearney is not credited as the author! Interestingly, this copy is signed by Capt. Robert Monteith, and I have no idea how it ended up in our archive.
- 2) 1921/22 Amhrán na Saighdiúirí. This is a photo of a translation which is held in uncatalogued material in the National Library of Ireland. It is contained within the papers of Treasa Ní Mhodhráin, who was secretary of the Drumcondra Branch and of the Ard-Chraobh of Conradh na Gaeilge at various times in the 1910-40 period. It is a translation which is completely different from the version we use today. I have no idea who translated it, and I imagine it may have been used at branch events. Connacht Irish was dominant in the Ard-Chraobh, and this version is very Connacht influenced. I date it to 1921/22 because I found it amongst papers from that period, but it may of course date from another time.

The final images are all from various Programmes for the St. Patrick's Day Concerts of Conradh na Gaeilge in London, "Guth na nGaedhal."

In 1920, "'Slánfaidh Dia Éire" was used as a final song in the concert, presumably fulfilling the role of an anthem.

3) In 1921 "Rosc Catha na nÓglach" was sung after "'Slánfaidh Dia Éire . Both texts appear in this version. "Rosc Catha na nÓglach" is a translation of "The Soldiers Song", again quite different to the version we sing today. Attached is the relevant page from the concert program.

In 1922, 23, and 24 "'Slánfaidh Dia Éire" appears in the program, but no version of "The Soldier's Song" in English or in Irish appears.

- 4) In 1925, "Rosc Catha na nÓglach" appears again. This is exactly the same version used in 1921.
- 5) In 1926, we have the first appearance of "Amhrán na bhFiann", almost word for word the version we use today, with the exception of the 3rd last line of the Chorus. In this version it reads "Pé olc maith é le gean don Ghaeil" instead of "Le gean ar Ghaeil, chun báis nó saoil".

So it seems that amongst members of Conradh na Gaeilge in London, they were using the Liam Ó Rinn translation several months before it's semi-official adoption!

I'd like to do a little bit more research on this if there is time, checking the Conradh na Gaeilge newspapers in particular for other translations and references to their use, and to dig out another

version I have seen from around 1920 called "Amhrán na Laochra". Unfortunately I was unable to find this version today.

Please give me a call if you have any questions at all. I'll send the wetransfer after I have sent this email.

Le gach dea-ghuí,

#### Receipt No. 40

Cllr. Nial Ring P.C..

Re: Consultation on the Status, Treatment and Use of the National Anthem.

I wish to make a submission in relation to the above.

#### Background:

I am a grand nephew of Liam Ring (Liam Ó Rinn) who translated Peadar Kearney's "Soldiers' Song" into Amhrán Na bhFiann.

Liam Ring was born and reared in Sackville Gardens, Ballybough and he, along with his four brothers; Joseph (my grandfather), Leo, Christopher and Patrick were members of C Company 2<sup>nd</sup> Battalion Irish Volunteers and took part in the 1916 Easter Rising as part of the GPO Garrison. They were subsequently interned at Frongoch and Liam was also interned in Ballykinlar during the War of Independence.

Although he left formal education at 14, Liam worked with the Gaelic League (1907 -1920) before he became a member of staff in the Translation Department in Dáil Éireann and he was Chief Translator there at the time of his death in 1943. In his spare time he was a prolific writer (in Irish under his pen name "Coinneach"- winner of President's Prize 1941), translator of major works into Irish, a linguist (he spoke ten languages) and an accomplished artist (paintings accepted for exhibition in Royal Hibernian Academy). His life and work was the subject of the Scoil Geimhreadh Chumann Merriman in 1985.

#### Submission:

Given the background above, you will appreciate that I have a personal interest in the Status, Treatment and Use of Amhrán Na bhFiann. In making this submission, I would also like to comment on the contextual background included in the committee's invitation paper.

Specifically, I am disappointed that the contextual information did not acknowledge the role of Liam Ring (Ó Rinn) in translating the Soldiers' Song into the version now used - Amhrán Na bhFiann. The role of Kearney, Heeney and Ring (Ó Rinn) should be highlighted equally.

In this regard, the people of the North Inner City, through our local folklore project have set the example by having a plaque erected on Railway Street (where Patrick Heeney was born), acknowledging the role of these three North Inner City men in the National Anthem. This plaque was unveiled in 2011, marking the centenary of the death of Patrick Heeney. (See link: <a href="https://www.independent.ie/irish-news/singing-praises-of-forgotten-patriot-who-wrote-anthem-26726907.html">https://www.independent.ie/irish-news/singing-praises-of-forgotten-patriot-who-wrote-anthem-26726907.html</a>).

You will note in the previous paragraph the Patrick Heeney died in 1911. Yet, in Part 2 of your invitation document you state that a payment was made to Peadar Kearney and Partick Heeney in the 1930s, with additional payment made in the 1960's. These payments were, I understand, made directly to Peadar Kearney (and his estate in the 60s) only. However, I would like it emphasised that

my Granduncle, Liam Ring (Ó Rinn) never sought or received any payment for his translation work, as he did this as his contribution to the fledgling state (he did not do this translation as part of his employment as he had started working on the translation whilst in Frongoch in 1916). I believe the above points of information should be included in your final report/recommendations as information points.

Specifically I would submit the following for your consideration:

1. In my opinion, there should be no changes made to either Irish or English version. I have read and heard of proposals to change wording to lessen the militaristic tone of the Anthem but, in deference to those who wrote and translated the Anthem, we should not interfere with their work.

Also, some people have quite mistakenly assumed that the first line of the chorus "Sine Fianna Fáil..." was written after the foundation of the Fianna Fáil political party in 1926 and that somehow the name of the fledgling party could have influenced his translation work. This is absolutely untrue as my Granduncle first worked on the translation in 1916 and completed his work before 1923, well before the foundation of Fianna Fáil.

The foregoing statement is not just based on family knowledge and lore (a daughter of Liam is still alive and well). Historian Ruth Sherry, in her article entitled "The Story of the National Anthem", published in History Ireland (Issue 1, Spring 1996) states that Liam Ó Rinn's translation was published in the army magazine, An tÓglach, on 3<sup>rd</sup> November 1923. More persuasive and significant is the fact that an almost identical text was printed in the Freeman's Journal on 3rd April 1923, under Ó Rinn's pen name "Coinneach".

- 2. The Government should issue guidelines on the use of the National Anthem. This, I believe, should be on the lines of the guidelines issues in relation to the National Flag. The guidelines should also include reference to standing at attention (and how to do so) when the National Anthem is being played. It is galling to observe sportsmen and sportswomen standing "at ease" or with arms around each other whilst the Anthem is being played. Simple guidelines on this would give the Anthem the due respect it deserves.
- 3. I would support the National Anthem being enshrined officially in legislation in the Irish language.
- 4. I would ask that the committee strongly consider recommending that the National Anthem be made a compulsory part of the education curriculum and enshrined in legislation to ensure its implementation.
- 5. I would submit that the guidelines, if agreed and published, should be in booklet format and distributed to every household in Ireland.
- 6. The success of the presentation of the National Flag to every school in the country to commemorate/celebrate the 1916 Rising has been widely acknowledged. I would submit that the committee recommends a similar programme for the National Anthem.

I wish the committee well in its deliberations on this important issue and would be glad of an opportunity to meet with the members to discuss my submission in more detail if deemed necessary or appropriate.

Tréaslaím an coiste as ucht an gcéim gcomhairliúchán seo a chur ar bun guím gach rath orthu agus iad ag machnamh ar an ábhar tábhachtach seo.

Is mise le meas,

#### Receipt No. 41

Tom Lynch

As a musician, retired teacher, a person who attends sporting events regularly I feel there should be no change to the status, words or musician of our National Anthem/Amhrán na bhFiann.

I welcome any leglislation which consolidates the status of our National Anthem.

From

Recei	int	NIA	112
nece	IDL	INO.	43

We must retain Anhran na BhFiann it is part of our very important culture and it must stay

Receipt No. 44	
Maurice Byrne	
Dear Senator Daly,	
Lets have no more about foes and fig	ghting and bullets and rebellion.
Let's play to our strengths as a peop	le and use that message in a new Anthem something like this.
Is mise le meas,	
Anthem for our Island ©	Maurice Byrne 2017
Verse 1	
From the coast of San Francisco	
And the Hudson River too	
From the rolling sands of Dubai	
To Australia's Warmambool	
Our irish eyes have seen them	
Told stories about them too	
We'll help you build your nation	
If you help us build ours too	
Verse 2	
Across the Atlantic ocean	
The wide Pacific too	
Around the southern oceans	
And the Arctic clear and blue	
Our boys and girls have travelled	
Spread stories far and wide	

About the emerald isle
Off Europe's western side
Verse 3
Our language song and music
Can be heard where fun is found
Just close your eyes and choose it
It's our heartbeat's sound
No matter where we wander
Our soothing poems shine through
When you think of our sweet island
She'll think about you too.
Verse 4
So, welcome weary traveler
You're welcome take your time
We're thrilled you came to see us
Please stay a little while
And when time comes to leave us
Be sure to take a smile
And when you share your story
Let it shine right through your eyes

Raymond Daly

#### SUMBISSION FOR AMHRAN NA BHFIANN

First of all I would like to thank the Seanad Public Consultation Committee for giving me this opportunity to give my input into a subject that is very close to my heart.

In 2008 I completed a ten year project by compiling a historical songbook titled Celtic & Ireland in Song and Story by Raymond Daly & Derek Warfield. I was inspired to write/compile the historical songbook after many trips to Glasgow to watch my team Celtic play. During these trips I became very intrigued by how familiar the Glasgow Irish (Celtic Supporters) were to Irish songs, music, history and culture. At Celtic Park the supporters would sing Irish songs along with songs about past and present Celtic players, heroes and teams. The atmosphere was electric before, during and after each game. This tradition of supporters singing Irish songs goes right back to 1888 when the club was first founded by a Marist Brother from Ballymote in County Sligo called Brother Walfrid. His objective was to raise money for the poor and deprived Irish immigrants living in the East End of Glasgow.

My own story of not knowing the words of our Anthem goes back to a night in Glasgow in The Brazen Head pub, the band, The Pilgrims finished their set and asked for respect as they sang along with the Glasgow Irish (Celtic Supporters) to Amhrán na bhFiann. I mumbled along to a couple of words but ultimately I was embarrassed to say that I did not know the words of our National Anthem.

For me the seed was planted. I was determined and committed to learning the words of Amhrán na bhFiann. I printed out the words and set about practicing one line at a time. After a couple of weeks I had it nailed.

There is something very proud, passionate and patriotic about singing your National Anthem from start to finish. I have sung it many times since.

I was intrigued to learn more about our anthem so I began to research the song...This eventually led me to researching the stories behind over 80 Celtic and Irish songs and ballads. I was also intrigued to learn about the Irish Diaspora in Scotland, particularly the Glasgow Irish (Celtic Supporters). This eventually led me to compiling Celtic & Ireland in Song ands Story (472 pages), which was cowritten with Derek Warfield, the founding member of the legendary Wolfe Tones. During our research we found out that the Glasgow Irish community have sung The Soldier's Song since the song was first written and it became part of the musical culture of Celtic Football Club.

#### **EDUCATION**

As a nation we have also struggled to embrace our National Anthem (Amhrán na bhFinn). Many of us simply were not taught the words in school, perhaps this gives us some indication how it's not universally known throughout Ireland. Primary school would have been the most obvious place for us to learn the anthem, but it was never officially part of the school curriculum. Learning the words of our anthem seems to have depended more on an individual teacher more so than as a collective teaching school policy.

Although in 2016 my daughter (Sarah) and her 1st Class school mates in St Joseph's NS in Tullamore were taught the words of Amhrán na bhFiann as part of the Centenary Commemorations of the Easter Rising. From my research on the subject it seems that National Schools throughout the country done the same.

#### **POLLS**

In a recent Twitter poll on the issue, 47% of respondents said they knew all the words, 37% said that they knew some and faked the rest and 13% admitted total ignorance (2% had never heard of Amhrán na bhFiann). (Taken from The Irish Times online)

In another Poll in Thejournal.ie it was asked, 'Do you think learning the National Anthem should be part of primary school curriculum?' 89% said Yes, 9% said no, 1% don't know

#### **SPORTING EVENTS**

I love to watch and support our sporting heroes and like the rest of the nation I cheer with pride when we excel in different sports such as, Gaelic football, hurling, soccer, rugby and especially when we do well in the Olympics.

Unfortunately, I have noticed over the years that not all our sporting heroes sing our National Anthem (Amhrán na bhFiann) when required at the start of a match or medal ceremony. Sporting events live on TV has shown that at best 50% of players, managers and staff will sing along to our National Anthem.

A good example of this would be when the Irish soccer team played in Cardiff recently. Martin O'Neill, Roy Keane, subs and half the team did not sing Amhrán na bhFiann

On the other hand an example of how a national anthem is embraced by all can been seen at the same match. All the Welsh team including management and staff sang along with all the supporters to a rousing version of their National Anthem Hen Wlad Fy Nhadau. Other national teams and supporters who do likewise are England, Scotland, Italy, Argentina to mention a few.

The IRFU made a decision to play Ireland's Call and Amhrán na bhFiann at each home international. When Ireland play away from home Ireland's Call is only played. This decision has angered many rugby and sporting fans throughout Ireland especially those of us who travel away from home to Ireland play.

#### **CULTURAL EVENTS**

On Tuesday, March 15, 2016, I stood proudly with other parents as our children sang Amhrán na bhFiann on Proclamation Day as part of the 1916 Easter Rising Commemorations. This also included the raising of the Tricolour, the reading of the 1916 Proclamation by a student, past pupil or special guest, followed by a reading of the school's own Proclamation for a new generation.

On Easter Monday, 2016, at the site in Moore Street, Dublin where our 1916 leaders surrendered, the hairs stood on my neck as my eldest daughter and I sang along with the large crowd to Amhrán na bhFiann on what was a very proud, patriotic and emotional occasion.

#### THE NATIONAL ANTHEM PROJECT

In 2006 the United States set up the National Anthem Project, please read the following.

For years, students learned "The Star-Spangled Banner" and other patriotic songs in music class. Budget cuts, though, have forced many schools to eliminate music, so the National Association for Music Education is urging people to learn and sing the anthem. Included: Tips for teaching the national anthem. Alarmed by studies showing that scores of Americans don't know all the words to "The Star-Spangled Banner," and many aren't even sure which song is the national anthem or why it was written, the National Association for Music Education (MENC) launched the National Anthem Project. The effort is aimed at increasing awareness of the need for music education in the schools and its role in teaching students the national anthem and other patriotic songs.

Many adults who do know the words to "The Star-Spangled Banner" report that they learned them in school. But cuts in funding to school arts programs such as music has meant many students no longer learn the national anthem and other songs that are part of America's heritage.

The multi-year National Anthem Project includes the National Anthem Project Road Show, which is spending the year touring the continental U.S. and Alaska. The road show includes interactive games and a national anthem singing contest, and local choirs and bands are invited to participate. The project is scheduled to wrap up with a series of programs in 2007.

Elizabeth Lasko, a spokeswoman for MENC, talked with Education World about the National Anthem Project and how teachers can get involved with the effort.

#### **Education World: Why did MENC start this program?**

**Elizabeth Lasko**: To raise public awareness of the importance of strong music education programs. A recent Harris Poll showed that two-thirds of Americans don't know the words to and can't sing our national anthem. We saw this as a consequence of fewer students having access to music in school, because most people in the poll who did know the anthem said they learned it in music class at school. At MENC, our mission is to advance music education by encouraging the study and making of music by all. So we believed we had a responsibility to do something about this situation.

### EW: Why do you think fewer students are learning "The Star-Spangled Banner" in school?

**Lasko:** If music is not part of a student's school curriculum, he or she is less likely to learn the National Anthem and other patriotic music, which is a shame, because this music is such an important part of our history and cultural heritage.

**EW**: What are some activities classroom teachers can use to teach the national anthem?

Lasko: Several free lessons are available online at The National Anthem Project Teachers' Resources. These range from the very basic learning of the words to studying the meaning of the words, the history of the anthem, and its musical structure. Patriotic music lends itself well to cross-curricular studies with history, art, and social studies. Our online bulletin board boasts dozens of ideas from teachers about how to teach the anthem. We've assembled many ideas in a book called It Works for Me: The National Anthem and Other Patriotic Music in the Classroom, a new MENC resource featuring music educators from around the U.S. sharing their secrets for teaching "The Star-Spangled Banner" and other patriotic tunes.

### EW: At what grade levels do you recommend teaching the national anthem? What about the complaints that it is difficult to sing?

**Lasko**: Elementary students are perfectly capable of learning to sing the anthem. (There is a lesson posted on our Web site for just this age group.) The range of the anthem is an octave and a half, and this does present challenges for many singers. But it's possible to be taught to sing it -- and that's one reason why it's important for kids to have access to a music teacher in their school.

### EW: Can you tell me about the culminating activity of the campaign MENC has planned for 2007?

**Lasko**: Several events are in the planning stages. We expect to have major singing celebrations. More information will be posted on our site as we confirm plans. But I expect this campaign to restore America's voice to continue after our culminating event. I think our citizens who have learned the national anthem as a result of this initiative will be inspired to support their local music programs and to make sure that all kids get to experience the benefits of learning music, including learning the music of their country's history.

This e-interview with Elizabeth Lasko is part of the Education World Wire Side Chat series. Click here to see other articles in the series.

Article by Ellen R. Delisio
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#### MY PROPOSED RECCOMMENDATIONS

I propose that the chorus of Amhrán na bhFiann be officially enshrined into legislation and copyrighted into Irish law. The usual fines for breach of copyright should be implaced..

The original version (The Soldier's Song) written by Peader Kearney and music by Patrick Heeney be left in the public domain.

There should be guidelines on the playing of Amhrán na bhFiann. Continue the tradition of playing the National Anthem before each sporting event in Ireland including the Presidential Salute. Those attending events where the National Anthem is been played should stand up as a mark of respect.

The Dept of Education shall make the learning of our National Anthem a compulsory part of the primary school curriculum as part of music education and history combined. This could be done by using the Template used by The United States called **The National Anthem Project**. (Please see above)

The words should be published and taught in both the Gaelic and English languages recognising that many in Ireland have a heritage of English language and since it was in English that the original song was written.

Set a timetable and goal that by e.g. 2025 all children who leave Primary School shall know fully the words of The Soldier's Song and Amhrán na bhFiann. Teachers should be encouraged the teach their students in a fun, enjoyable and patriotic way, in celebration of our musical heritage, history and culture.

I propose that the FAI, IRFU, GAA and other national sporting organisations take a leading role in encouraging all members to learn the words of our anthem. Managers, players and staff should be made aware that the must lead by example and learn the words of our anthem especially for live games on TV.

While Amhrán na bhFiann is been played all teams should be encouraged not to break away until the National Anthem is complete. Likewise supporters should be encouraged to sing the anthem fully and not cheer before the last line is sung.

The IRFU should change their policy of not playing Amhrán na bhFiann when Ireland play away from home. Ireland's Call is a Rugby anthem and when the Irish rugby team play away from home Amhrán na bhFiann should be played also. I strongly plead to the IRFU to review this decision.

Phonetics version of Amhrán na bhFiann should be used to encourage the Irish Diaspora and those of Irish heritage and ancestry around the world to learn our National Anthem.

The chorus of Amhrán na bhFiann.should be the National Anthem of Ireland (inclusive of nationalists living in Northern Ireland) and those Irish citizens around the world who use an Irish passport. Please recognoise that our National Anthem belongs to all Irish people not just those of us who live in the Rep of Ireland.

Receipt No. 46

For the attention of TD Mark Daly,

I am a member of the public that has one very important observation to put forward. I have no expertise in this area but am a proud Irish citizen and mother.

I am concerned about the lack of teaching the National Anthem properly in all primary and secondary schools. Irish citizens today do not know their anthem. I believe it's a widespread problem. This needs urgent address.

In addition, I attend sporting events and stand in respect always for the Anthem. Ireland as a whole country needs to show the pride we have as Irish people. Knowing the anthem will help this.

Thank you,

Receipt No. 47		
Vinnie M Hall		

Dear Members,

It is my opinion that whatever status prevailed prior to the expiry of the State's copyright, be restored/reinstated exactly or as nearly as possible.

If, however, the status of other important symbols such as the National flag, the harp and others, are protected in a more stringent fashion, then perhaps a similar manner of protection may be superior-except insofar as it may limit beyond what prevailed in the case of the Anthem, prior to 31 December 2012.

The concern is that in making changes, unforeseen detrimental consequences might ensue.

Regards,

#### Receipt No. 49

Tony McGinley

Re: Consultation on the status, treatment and use of the national anthem.

Dear Committee Members,

As a concerned private citizen and old age pensioner, I wish to make an input on the future of our National Anthem.

#### Current Anthem:

- (1) The current anthem is, in my humble opinion, out of tune with the modern world as it is military and war-like in both the style of its music and its lyrics.
- (2) The tune while rousing is not inspiring or uplifting and suggests little of the higher or spiritual nature of humankind.
- (3) The Anthem pays little service to our pre-Christian past or to the amazing achievements of the Christian era.
- (4) The melody is musically awkward and does nothing for this listener or for many of those with whom he has spoken.

#### Suggestions:

- (1) That the Anthem be replaced by a higher quality of melody and lyric, both of which are aimed at uplifting and inspiring the listener. Perhaps in addition to the opening submissions, a selection board, with ordinary citizen representatives of the people, as well as musicians and poets, might be useful in avoiding extremes of intellectualism, nationalism, or populism.
- (2) That the melody should avoid being military or march like.
- (3) That the lyrics should contain the higher aspirations of an ancient people reaching for a world which is striving towards spiritual refinement and a politic based on reciprocity and co-operation.
- (4) That the lyric should be uplifting poetry and not simply rhyme or doggerel.

Thank you,

Receipt No. 50

Clare O'Reilly

#### A cháirde,

If it is simply a copyright issue why not pass an Act of the Oireachtas to give it Copyright status or to re-introduce its copyright status for the next 100 years.

The National Anthem is always more than a question of copyright, it is a matter of respect and that is a cultural and societal issue.

Ultimately how we view and treat the National Anthem says much about how we view and value ourselves as a nation.

Le gach dea ghuí

Rece	ipt	No.	51
	. ~ ~		

John O'Driscoll

**Dear Sirs** 

I write with one request: to wit, the deletion of the verse that goes: "No more our ancient sireland shall shelter the despot or the slave."

Since March 2003, when Ireland began to facilitate the illegal, egregious, aggressive wars and military adventuring of the United States; allowing warplanes and civilian aircraft strongly associated with the US extra-legal policy of kidnap and torture known as "extraordinary rendition" to use Irish airports, this verse has become an outright falsehood; a lie. In the words of Yeats in "Parnell's Funeral" all that was sung all that was said in Ireland is a Lie, bred from the contagion of the throng.."

Have we not done enough damage to this country by facilitating lies and liars at every turn?

As long as this mendacious verse persists; or alternatively as long as the State facilitates illegal wars and torture in breach of Her long-avowed neutrality (estimated after WW2 by the Joint Chiefs of Staff as having caused the loss of 300 ships and 5000 men, one of them my grandfather) and her laws such as the Criminal Justice Act 2000 (UNCAT), I will never stand for the Anthem. Please rectify this situation however you may.

Sincerely

|--|

Íde Cussen

I would like to make the following submission in respect of the State's copyright over the National Anthem

Amhrán na bhFiann is the National Anthem of Ireland, all 32 Counties of Ireland. It must be protected from any existing or future loopholes that permit it use for commercial or other use.

Amhrán na bhFiann is our National Anthem. It stirs the heart, mind and blood when it sounds like nothing else. So I call on the All Party Senate Public Consultation Process on the National Anthem to do the right thing and afford it the greatest protection and respect.

I have to ask myself why are we even having to make submissions to plead for it's protection? What is wrong that the National Anthem Protection Bill 2016 couldn't have been supported?

Thank you for the opportunity to make a submission.

Is mise le meas

#### Receipt No. 53

Martina Counihan

I want to vote to maintain the present National Anthem as it is.

Please keep the national anthem as it is now.

Thanks

Our class was given a small project to do on researching the Irish National Anthem for CSPE. We were given the task was over the period of one week and gathered our ideas and weeks on the dispute together.

Our class felt the capyright should be renewed as anybody can freely use Amhran na bhfiann and change it in any way. We feel this would be very disrespectful to something our country should pride in. As there is no copyright our state symbol is exposed, any citizen may use the song. Our class feels the song should remain as it is and be used proudly by the people of our country.

The majority of our class believes that Amhran na binfiann should remain being stang in Irish as we should acknowledge and pride in our country's language. We learned only 47% know the whole song in Irish (mostly old population) and feel more people, especially it representing Ireland should know the lyrics as it is symbolic to our country.

Overall, as a class, we feel the National Anthem should be in our language and should have a copyright to protect it. It is import the Irish defend our anthem and take pride in it.

Admháil Uimh: 55.

Sláine Ní Chonchúir

#### A Chara,

Ba mhaith liom mo thuairimí a thabhairt uaim maidir leis an t-Amhrán Náisiúnta. Ba chóir prótacal daingean a leanúint maidir leis an t-amhrán féin.

- Ba cheart do gach duine seasamh faoi mar a bheadh saighdiúir ann agus iad á chanadh. (is amhrán saighdiúra é ach go háirithe)
- Ba chóir lámha daoine a bheith leagtha lena dtaobh agus cosa le chéile. Iad seasta go díreach agus iad ag léiriú ómóis.
- Ba chóir iad bheith dírithe ar bhrat na hÉireann más ann dó. (Gan dabht is drochmheas a bheadh ann do dhroim a thiontú ar an mbrat)
- Ní chóir í a sheinnt ach
- 1. I ndeireadh ócáide
- 2. I láthair an uachtaráin mar chuirtéis. (An chéad 4 barra agus an 5 barra deireanach á leanúint is dóigh liom)
- 3. I dtosach ocáide spóirt
- Níor chóir aon utamáil nó geaitsí a bheith ar súil ag an té atá á chanadh. (Sampla maith de seo ná nuair a chan Imelda May leagan de roimh babhta dornálaíochta) Arís ní mhór seasamh faoi mar a bheadh saighdiúir ann.
- Níor cheart go gceadófaí d'imreoirí d'aon spórt seasamh agus a lámha timpeall ar a gcomrádaithe lena linn. Seasfaidís mar shaighdiúir díreach.
- Níor chóir do lámh a bheith ar do chroí agus tú á chanadh. Léiríonn sé seo drochmheas.
- Níor chóir d'éinne an port a athrú in aon tsaghas slí. Ní cheart dóibh cur isteach ar luas nó ornáidíocht breise a chuir leis mar shampla
- Ba cheart go múinfí sa bhunscoil agus arís sa chéad agus san idirbhliain sa mheánscoil é. Go raibh maith agat as cluas na héisteachta a thabhairt dom.

Is mise le meas, Ní Chonchúir

Receipt No: 55

Sláine Ní Chonchúir

Dear Sir/Madam,

I would like to give my opinions on the National Anthem. Strict protocol should be followed regarding the anthem itself.

- People should stand like a soldier while singing it (it is a soldier's song after all)
- People should have their hands by their side and their feet together, standing upright with respect
- People should face the Irish flag if present. (Indeed, it would be disrespectful to turn one's back to the flag)
- It should only be sung
- 1. At the end of an event
- 2. In the presence of the president as a courtesy. (The first 4 bars followed by the last 5 bars, I think)
- 3. At the beginning of a sporting event
- The singer should not make any gestures. (A good example of this was when Imelda May sang a version of it before a boxing match). Again, one should stand like a soldier
- No players of any sport should be allowed to stand with their arms around their teammates during the anthem. They should stand upright like a soldier
- Singers should not have their hand on their heart. This is disrespectful
- Singers should not vary the tune in any way. They should not affect the tempo or add extra ornamentation, for example
- The anthem should be taught in primary school and again in First Year and in Transition Year in secondary school.

Thank you for your time.

Yours faithfully,

Receipt No: 56

Dónal Griffin

I love it just the way it is.

Receipt No: 57

Eddie Lloyd

To whom it my concern.

Hello to you Ciaran I am writing to you to express my views on our National

Anthem/ and Flag.

My father in law is a proud Labour campaigner. And what he thought me was priceless.

As a young lad from North county Dublin, I was always very proud of our flag. Specially on match days. Then the national anthem been played. The soilders song.

When I hear the "Artane Boys Band" playing it in croke park and people standing as one. Their is a Hugh sense in pride and unity.

Or when I'm at a rugby match in Lansdowne road and here the Garda band play it. The massive sign of pride, honour, respect kicks in.

Our flag just like the anthem should bare respect, dignity, and honour.

Thousands of Irish people died for what we have today. Micheal Collins is and always will be a hero of them harsh times. Thank fully we live in a new era. Where prosperity and peace has a real chance. It should be never let used in a disgraceful Manor. This anthem is the people's song. It represents the past and the future. No companies should ever be aloud disrespect it in any Manor. YouTube should be monitored for illegel breaches of our anthem. No bank, no large multi nationals, hotels or pubs, fast food chain restaurants, insurance companies. None of these should ever be aloud use our! Anthem for their profiting gain.

The answer to all this is to respect the Anthem, just as much as the flag.

The government would be wrong if they didn't put a fare usage policy on the song.

I hope the right decision is made and no bodies feelings towards are great anthem is disrespected.

Thank you very much for letting me have this opportunity to past my opinion.

Regards

Receipt No: 58

Transition Year students Eureka Secondary School

# CONSULTATION ON THE STATUS, TREATMENT AND USE OF THE NATIONAL ANTHEM SUBMISSION BY EUREKA SECONDARY SCHOOL, KELLS, COUNTY MEATH

First of all, we welcome the opportunity to make this submission. We would like to state that as proud young Irish girls, we take immense pride in 'Amhrán na bhFianna' and believe it to be a very important symbol of our Nation. The following are our submission points and we would be grateful if you could carefully consider these in your deliberations:

- We believe that 'Amhrán na bhFiann' belongs to the Irish people and as such, deserves special status enshrined in Law.
- We believe in protecting our National Anthem so that it is used always in an appropriate and respectful manner.
- We agree that certain rules and guidelines are necessary to ensure that the necessary respect is always afforded to 'Amhrán na bhFiann'.
- We are fearful, that in the absence of robust Legislation, our National Anthem would be exploited for commercial and advertising purposes, which would potentially demean it.
- We understand that both the Harp and the Irish Flag are rightly protected by the State and feel no reason why this should not extend to our National Anthem.
- We support enshrining into Legislation the words of the National Anthem in both Irish and English.

Yours sincerely, and on behalf of our Transition Year students,

Receipt No: 59

Siobhán Nic Fhlannchadha, PhD

#### CONSULTATION ON THE STATUS, TREATMENT AND USE OF THE NATIONAL ANTHEM

#### **Submission**

Sí Amhrán na bhFiann m'amhrán náisiúnta. Ó raibh mé cúig bliain d'aois, chan mé an t-amhrán seo ar scoil, ag imeachtaí spóirt agus ag réimse imeachtaí tábhachta eile. Is mór an onóir dom na focla a chanadh go h-árd agus go bhrodúil.

Ba mhór an náire dom agus don tír, i mo thuairim, má athraítear an t-amhrán náisiúnta nó dá mba rud é go n-úsáidfear an leagan Béarla. Cé gur tír il-náisiúnta í Éire agus is rud iontach é sin, ba chóir dúinn a bheith brodúil as ár gcultúr agus, go háirithe, ár teanga ársa álainn. Taispéanann muid an bród sin nuair a chanann muid Amhrán na bhFiann.

Ar mo shon féin agus ar son mo chlann, tacaím le aon reachtaíocht le Amhrán na bhFiann a chosaint. Srainigh sa dlí ceart gach duine í a chanadh. Múin do ghach páiste sa tír seo í agus tabhair an deis do ghach duine sa tír an t-amhrán a chanadh go h-árd agus go bhrodúil, sa chaoi céanna atá déanta agam le 25 bliain.

Mise le meas,

#### CONSULTATION ON THE STATUS, TREATMENT AND USE OF THE NATIONAL ANTHEM

Receipt No. 60

Submission

Siobhán Nic Fhlannchadha, PhD

Amhrán na bhFiann is my national anthem. Since I was five years of age, I have sung this song at school, at sporting events and at a range of other important events. It is a great honour for me to sing the words loudly and proudly.

It would be, in my opinion, a great shame for me and for the country if the national anthem were to be changed or if the English version were to be used. While Ireland is a multicultural country, and that is a wonderful thing, we should take pride in our culture and, in particular, in our ancient and beautiful language. We display that pride when we sing Amhrán na bhFiann.

On my own behalf and on behalf of my family, I support any legislation to protect Amhrán na bhFiann. Enshrine in law the right of everyone to sing it. Teach it to every child in this country and give everyone in the country the opportunity to sing it loudly and proudly, as I have done for 25 years.

Yours faithfully,

Receipt No: 60

Dr Eoin O'Dell Trinity College Dublin, the University of Dublin

Thank you for your letter of 12 October 2017 inviting me to make a submission to the Seanad Public Consultation Committee on the above matter.

My current thoughts on the issue are available at the following links

- Copyright and the National Anthem; unravelling a tangled past, avoiding a gap of danger I The Soldier's Song <a href="http://www.cearta.ie/2016/07/copyright-and-the-national-anthem-unravelling-a-tangled-past-avoiding-a-gap-of-danger/">http://www.cearta.ie/2016/07/copyright-and-the-national-anthem-unravelling-a-tangled-past-avoiding-a-gap-of-danger/</a>
- Copyright and the National Anthem; unravelling a tangled past, avoiding a gap of danger II Amhrán na bhFiann <a href="http://www.cearta.ie/2016/07/copyright-and-the-national-anthem-unravelling-a-tangled-past-avoiding-a-gap-of-danger-ii-amhran-na-bhfiann/">http://www.cearta.ie/2016/07/copyright-and-the-national-anthem-unravelling-a-tangled-past-avoiding-a-gap-of-danger-ii-amhran-na-bhfiann/</a>
- Copyright and the National Anthem preventing a tangled future, avoiding another gap of danger <a href="http://www.cearta.ie/2016/07/copyright-and-the-national-anthem-preventing-a-tangled-future-avoiding-another-gap-of-danger/">http://www.cearta.ie/2016/07/copyright-and-the-national-anthem-preventing-a-tangled-future-avoiding-another-gap-of-danger/</a>
- What should, and should not, be in a National Anthem Bill? <a href="http://www.cearta.ie/2016/07/what-should-and-should-not-be-in-a-national-anthem-bill/">http://www.cearta.ie/2016/07/what-should-and-should-not-be-in-a-national-anthem-bill/</a>

Those links, and others, are collected at <a href="http://www.cearta.ie/category/national-anthem/">http://www.cearta.ie/category/national-anthem/</a>

In my view, the anthem should be treated with respect and dignity, and there is a good case to be made for legislation to protect it from inappropriate commercialisation. However, I do not think that copyright is a suitable means to this end. Instead, I think that it is a matter for a specialist piece of legislation, specifically directed to the issue. I have drafted a possible Bill, and I attach it to this email. You pose a number of questions in your Consultation Paper, and my answers below reflect the drafting choices in the attached Bill.

### 1. Should there be any change to the current status of the National Anthem, where it is in the public domain and free to use by all?

There should be no change to the *copyright* status of the National Anthem. Preventing inappropriate use of the anthem is not what copyright is for. The function of copyright is twofold. First, it incentivises and rewards the production of works, by affording copyright rights-holders legal protection for, and revenue from, the fruits of their labours. The restrictions which copyright rights-holders can impose on copying, publishing, or adapting their works effectively mean that they can be paid to allow such uses. Second, society also benefits by the creation of work of potential economic value or cultural significance, both at the time of the creation of the work, and later when it falls out of copyright and forms part of the cultural heritage from which further authors musicians and so on can draw in the creation of new works. Works that are no longer covered by copyright are instead in the public domain, and are fully available to be used, enjoyed, shared and built upon by all, for any purpose whatsoever, without having to seek permission or pay royalties. A robust public domain is an essential precondition for cultural, social and economic development and for a healthy

democratic process. The wealth of information out of copyright and in the public domain is a critical component of our heritage, and provides the building blocks for cultural development and the creation of new knowledge. The freedom to use material when it eventually comes into the public domain is the necessary corollary of the restrictions on use which apply while the material is covered by copyright. This balance – protect the work now, free it for use later – is the grand bargain at the heart of copyright, and you can't have one without the other. Hence, the public domain is fundamental to copyright law, and once a work - such as the anthem - is in the public domain for copyright purposes, it should remain so.

Moreover, taking the anthem out of the public domain for copyright purposes would be incompatible with EU law. Article 1(1) of Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights, provides that copyright "shall run for the life of the author and for 70 years after his death". That emphasised "shall" is mandatory. It means that the copyright term must run for the life of the author plus 70 years; it means that it cannot be less than that (such as the previous Irish position, which was for the life of the author plus 50 years, and which had to be changed to come into line with this Directive and its predecessor [Council Directive 93/98/EEC of 29 October 1993]; see now section 24 of the Copyright and Related Rights Act, 2000); and it means that it cannot be more than that.

Consequently, the attached draft Bill acknowledges that the various versions of the National Anthem are in the public domain for copyright purposes. However, just because copyright law should not and cannot be pressed into service to protect the national anthem from being used in an inappropriate fashion, this should not prevent other more straightforward legal mechanisms being pressed into this service. The attached Bill is an attempt to draft such mechanisms.

#### 2. Should the Government issue guidelines on the use of the National Anthem?

- a. If so, what matters should be covered or not covered?
- b. Should this include reference to when it is appropriate to play the National Anthem, or restrictions around this?

If legislation is not to be introduced, then I agree that the Government should issue guidelines on the use of the National Anthem. I am open-minded about what such guidelines should contain.

- 3. Should there be legislation introduced in respect of the National Anthem? If so, what should this provide for?
- 4. Should the National Anthem be officially enshrined in legislation? If so, what versions of the music and words should be used, and in what languages?
- 5. Should the use of the National Anthem be legally restricted, through the process of copyright or otherwise?

This is the point of the attached draft Bill. For the reasons set out above, it does not propose to use copyright to regulate the use of the anthem; it simply does so directly. So, section 3 of the Bill defines the anthem (music, words in Irish, words in English) but section 3(5) acknowledges that all of the versions of the anthem so defined are in the public domain.

Recognising current practice, this section defines the music of the National Anthem as the chorus of "The Soldier's Song" composed by Patrick Heeney (1881-1911); it defines the words of the National Anthem in the Irish language as the chorus of "Amhrán na bhFiann" composed by Liam Ó Rinn (1886-1943); and it defines the words of the National Anthem in the English language as chorus of "The Soldier's Song" composed by Peadar Kearney (1883-1942). For my own part, I would not make

any changes to the music or words of the anthem so defined; but the structure of the rest of the Bill would accommodate any music or words defined in this section.

### 6. What should be classed as misuse of the National Anthem? How should this be decided and who should enforce it?

In principle, guidelines or legislation should be cast in general terms that the anthem *should* be performed and treated with respect and dignity, and *should not* be performed or treated with scorn or derision. This use of "should" is intended to be a suggestion, not an obligation, so it makes it a matter for the conscience of the individual, and there is no body to enforce this suggestion. So, section 5 of the Bill prescribes that the anthem should be preformed with respect and dignity, but section 6 of the Bill provides that breach of section 5 does not give rise to legal liability. It is important, I think, that perceived misuse should not lead to enforcement. The current controversy over American football players kneeling rather than standing to attention demonstrates just how difficult any enforcement would be.

However, section 7 provides that, where the performance of the anthem is disrupted, and if this disruption amounts to an offence provided for in the Criminal Justice (Public Order) Act, 1994, then the fact that the offence disrupted the anthem can be taken into account during sentencing.

# 7. Should the use of National Anthem for commercial purposes, such as for advertising, be restricted? Would charging money for a recording of the National Anthem by an artist be classed as using it for commercial purposes?

If the intention of the consultation is to generate guidelines relating to the use of the anthem for advertising and other commercial activities, then section 8 seeks to provide a definition of what will and will not constitute advertising and other commercial activities. Great precision and clear guidance are necessary on such crucial matters, which should be addressed directly and explicitly in their own terms (and not indirectly and obliquely by means of copyright). That is what section 8 seeks to do. Once the lines are drawn and the necessary definitions provided in the legislation, I would not ban advertising and other commercial activities outright; instead, I would provide that such matters require the consent of the Minister – permission to use the anthem has in the past been a matter for the Department of Finance, and that is the position I take in the Bill, though some thought might be given to whether it should in the future be a matter for the Minister for Culture, Heritage and the Gaeltacht. If the Minister requires a fee for such consent, then section 10 provides for the disbursement of such funds as National Lottery funds.

### 8. What penalties should be put in place if any proposed restrictions are breached and what form should these take?

Where a consent required by section 8 for the use of the anthem for advertising and other commercial activities is not obtained, then section 9 prevents the broadcast of such advertisements, and provides other remedies to the Minister. But, for the reasons given above, that is as far as I would go in terms of penalties.

Thank you for the opportunity to make a submission to the Committee. I hope my draft Bill is of some help. I would be delighted to meet with the Committee if necessary.

Yours sincerely,

#### **National Anthem Bill 2016**

An Act to provide for the National Anthem and the Presidential Salute, to ensure that they should be treated with respect and dignity, to regulate their use in commercial advertising and in certain other commercial activities, and to provide for disbursement of funds received in respect of such uses.

#### 1. Short title and commencement

- (1) This Act may be cited as the National Anthem Act 2016.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

#### 2. Definitions

In this Act—

"Act of 2000" means the Copyright and Related Rights Act, 2000;

"Anthem" means the National Anthem provided for in section 3;

"Defence Forces" means the forces raised and maintained under the Defence Act, 1954;

"Garda Síochána" means the force continued in being by the Garda Síochána Act 2005;

"local authority" has the meaning given to it by section 2(1) of the Local Government Act, 2001 as amended by section 5(1) of the Local Government Reform Act 2014;

"Minister" means the Minister for Finance; and

"Salute" means the Presidential Salute provided for in section 4.

#### 3. National Anthem

- (1) The music of the National Anthem shall be the chorus of "The Soldier's Song" composed by Patrick Heeney (1881-1911), and the official arrangement of the music shall be as set out in Schedule 1.
- (2) The words of the National Anthem in the Irish language shall be the chorus of "Amhrán na bhFiann" composed by Liam Ó Rinn (1886-1943), and the official text of those words shall be as set out in Schedule 1.
- (3) The words of the National Anthem in the English language shall be the chorus of "The Soldier's Song" composed by Peadar Kearney (1883-1942), and the official text of those words shall be as set out in Schedule 1.
- (4) The music and words set out in Schedule 1 pursuant to this section are hereby designated as the National Anthem.
- (5) The music and words of the National Anthem set out in Schedule 1 are hereby recognised to be in the public domain.

#### 4. Presidential Salute

(1) The Presidential Salute shall consist of the music of the first four bars of the Anthem followed by the music of last five bars of the Anthem.

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### The Status, Treatment and Use of the National Anthem

#### 5. Respect and dignity

- (1) The Anthem and Salute should be performed and treated with respect and dignity; and they should not be performed or treated with scorn or derision.
- (2) Subject to this section, any person performing the Anthem should do so according to the music and words set out in Schedule 1, and alternative music or words should not be substituted for any of the music or words set out in Schedule 1; provided that—
  - (a) the music set out in Schedule 1 may be performed without the accompanying words in either language, and
  - (b) the words in either language set out in Schedule 1 may be sung or said without the accompanying music.
- (3) For the purposes of performance, the Anthem or Salute may be arranged in any manner that is in keeping with the respect and dignity due to them; provided that—
  - (a) neither the Anthem nor the Salute should be incorporated into any other composition or medley,
  - (b) every arrangement of the Anthem should accurately reflect the music and words set out in Schedule 1, and no alternative words should be substituted for the words set out in Schedule 1, and
  - (c) every arrangement of the Salute should accurately reflect the music set out in Schedule 1.
- (4) The Minister may by order provide that an arrangement satisfies the terms of subsection (3).
- (5) Any person performing an arrangement of the Anthem or Salute may do so according either to any arrangement approved by the Minister pursuant to subsection (4) or to any other arrangement that satisfies the terms of subsection (3).
- (6) The Anthem or Salute may be performed on any appropriate occasion, such as important public ceremonies, significant sporting occasions and important community events; and, subject to his section, the organiser of the occasion may choose when during that occasion the Anthem or Salute is played.
- (7) The Anthem should normally be performed—
  - (a) for the arrival on formal occasions of Úachtarán na hÉireann,
  - (b) on formal occasions during State Visits by Heads of State, Official visits by Heads of Government, or visits to Ireland of members of foreign Governments, and
  - (c) at formal ceremonies or commemorations in the State.
- (8) The Salute should normally be performed, if the Anthem is not to be, to mark the arrival or presence of Úachtarán na hÉireann at a formal occasion.
- (9) The Minister may by order prescribe other formal occasions upon which the Anthem or Salute should normally be performed.
- (10) During a performance of the Anthem or Salute—
  - (a) current members of the Defence Forces or of An Garda Síochána who are present and in uniform but who are not discharging some official function should, if practicable, salute throughout the performance,
  - (b) current members of the Defence Forces or of An Garda Síochána who are present but are neither in uniform nor discharging some official function may, if practicable, salute throughout the performance,

- (c) former members of the Defence Forces or of An Garda Síochána who are present and not discharging some official function may, if practicable, salute throughout the performance,
- (d) all persons who are present but are neither saluting nor discharging some official function should, if practicable, remove any headgear and stand at attention throughout the performance, and
- (e) all Irish citizens are encouraged to sing the Anthem when it is being performed.
- (11) Those who are not present at a performance of the Anthem or Salute, but who are instead receiving an electronic communication thereof, should of course treat the Anthem or Salute with respect and dignity but need neither salute nor stand at attention, and need not sing the Anthem if it is being performed.
- (12) When the Anthem is preformed at the same occasion as the anthem of another nation, the anthem of the other nation should normally be performed first.

#### 6. Liability

- (1) The principles of respect and dignity set forth in section 5 are intended only for the general guidance of the People, and it is therefore left to their good sense not to indulge in disrespectful or undignified performances or treatment of the Anthem or Salute.
- (2) Subject to sections 7, 8 and 9—
  - (a) the principles of respect and dignity set forth in section 5 shall not be cognisable by any Court, and there shall be ] absolutely no sanction, liability or penalty whatsoever for breach of the principles of respect and dignity set forth in section 5, and
  - (b) in particular, nothing in section 5 shall—
    - (i) be construed to give rise to any criminal liability, or
    - (ii) operate to confer a cause of action on any person against any other person in respect of that other person's performance or treatment of the Anthem or Salute.

#### 7. Disrupting a performance

- (1) This section applies where a court is determining any sentence to be imposed on a person convicted of an offence provided for in the Criminal Justice (Public Order) Act, 1994.
- (2) If the offence was committed in the circumstances provided for in subsection (3), then the court—
  - (a) must treat that fact as an aggravating factor, and
  - (b) must state in open court that the offence was so aggravated.
- (3) Those circumstances are that, in committing the offence, the person convicted of the offence either—
  - (a) prevented or disrupted, or attempted to prevent or disrupt, a performance of the Anthem or Salute pursuant to subsections (7)-(9) of section 5, or
  - (b) prevented or disrupted, or attempted to prevent or disrupt, any performance of the Anthem or Salute by a band of the Defence Forces or An Garda Síochána or both, whether or not it is a performance pursuant to subsections (7)-(9) of section 5.

### Consultation on

### The Status, Treatment and Use of the National Anthem

#### 8. Advertising and other commercial activities

- (1) The official arrangement of the music of "The Soldier's Song" composed by Patrick Heeney (1881-1911) shall be as set out in Schedule 2; provided that it shall include the official arrangement of the music of the Anthem as set out in Schedule 1.
- (2) The official text of the words of "Amhrán na bhFiann" composed by Liam Ó Rinn (1886-1943) shall be as set out in Schedule 2; provided that it shall include the official text of the words of the Anthem in the Irish language as set out in Schedule 1.
- (3) The official text of the words of "The Soldier's Song" composed by Peadar Kearney (1883-1942) shall be as set out in Schedule 2; provided that it shall include the official text of the words of the Anthem in the English language as set out in Schedule 1.
- (4) The music and words set out in Schedule 2 are hereby recognised to be in the public domain.
- (5) For the purposes of this section, the "protected works" are the Anthem, the Salute, any arrangement of the Anthem or Salute approved by the Minister pursuant to subsection (4) of section 5, and the music and words set out in Schedule 2.
- (6) Subject to subsection (9), any person who wishes
  - (a) for the purposes of any commercial advertisement, or
  - (b) for commercial activities in the ordinary course of business,
  - to make use of any of the protected works for profit, shall seek the prior written consent of the Minister, notwithstanding that the music and works set out in Schedules 1 and 2 are in the public domain.
- (7) For the purposes of subsection (6), and subject to subsection (7) of section 9, "commercial activities" means commercial sound recordings, commercial broadcasts, commercial public performances, commercial publications, and commercial communications to the public.
- (8) The Minister may by order make regulations for the purposes of subsections (6) and (7)—
  - (a) making further provision for the commercial advertisements and commercial activities for which the prior written consent of the Minister shall be necessary,
  - (b) prescribing information to be supplied to the Minister,
  - (c) setting out the circumstances in which, and the conditions upon which, consent may be granted,
  - (d) establishing scales of charges (if any) to be levied in consideration of any consent granted by the Minister, and
  - (e) notwithstanding section 1, appointing the date on which subsections (6) and (7) shall come into force.
- (9) The consent of the Minister shall not be necessary, and no charge shall be levied or payable, in respect of a use of any of the protected works which
  - is a use by the State, by the Government, by the Oireachtas, by a body established by or under statute, by the Defence Forces, or by An Garda Síochána,
  - (b) is a use for the purposes of subsections (7) to (9) of section 5,
  - (c) is a non-commercial, charitable, educational, personal, private or religious use,
  - (d) is a use by a club, trust, or unincorporated association,
  - (e) is a use which, immediately before copyright expired in any work set out in Schedule 1 or 2, could lawfully have been done without the licence, or further licence, of the owner of the copyright in any such work,

### Consultation on

### The Status, Treatment and Use of the National Anthem

- (f) is a use (other than a parody) which, if copyright still subsisted in any work set out in Schedule 1 or 2, could, by virtue of any provision of the Act of 2000, as amended, be done without infringing copyright,
- (g) is a use which was done or is being done on foot of arrangements or agreements made before the passing of this Act, or
- (h) is contained in an advertisement broadcast at the request of the Referendum Commission established pursuant to the Referendum Act, 1988, in relation to a matter referred to in section 3 of that Act concerning a referendum.
- (10) The matters mentioned in subsection (9) are not commercial activities for the purposes of subsections (6) and (7).
- (11) Where the consent of the Minister is sought

shall not be unreasonably withheld.

- (a) pursuant to paragraph (a) of subsection (6) for an advertisement advertising a matter mentioned in subsection (9), or
- (b) pursuant to paragraph (b) of subsection (6), and the Minister is satisfied that the use of the protected work for which consent is sought is consistent with the purpose and substance of section 5, then the consent of the Minister
- (12) Any local authority that requires a licence for the performance of an activity that takes place on public or private land within the area of the said local authority, shall not—
  - (a) apply any requirement to obtain such a licence for the performance of the Anthem or Salute; or
  - (b) impose any sanction, liability or penalty upon any individual, group or organization for the un-licensed performance of the Anthem or Salute.

#### 9. Remedies

- (1) For the purposes of this section, a "non-compliant advertisement" is an advertisement
  - (a) for which the prior written consent of the Minister is required pursuant to subsection (6)(a) of section 8, and
  - (b) in respect of which, either
    - (i) the said prior written consent of the Minister has not been obtained, or
    - (ii) the said prior written consent of the Minister has been obtained, but the applicant who had been granted such consent has not provided information which was required by the Minister, or has not satisfied a condition which was prescribed by the Minister, or has not paid a charge which was levied by the Minister.
- (2) (a) No non-compliant advertisement shall be published or broadcast.
  - (b) A publisher or broadcaster which is satisfied that an advertisement is a noncompliant advertisement shall decline to publish or broadcast the said advertisement.
  - (c) A publisher or broadcaster which is not satisfied that an advertisement is not a noncompliant advertisement may decline to publish or broadcast the said advertisement.

- (3) Where it appears to the Minister that a non-compliant advertisement is likely to be published or broadcast, then the Minister may apply to the Court for an order to restrain or prevent any such publication or broadcast of the said advertisement.
- (4) Where a non-compliant advertisement has been published or broadcast, then the Minister may apply to the Court for an order to restrain or prevent any further publication or broadcast of the said advertisement.
- (5) Section 48 of the Broadcasting Act 2009 is amended, in subsection (1)—
  - (a) at the end of paragraph (d), by substituting ", and" for ".", and
  - (b) by inserting after paragraph (d) the following
    - "(e) a complaint that on an occasion specified in the complaint, a broadcaster broadcast an advertisement that is a non-compliant advertisement for the purposes of subsection (1) of section 9 of the National Anthem Act 2016."
- (6) For the purposes of this section, references to advertisements shall be read as including references to advertising matter contained in sponsored programmes, that is to say, in programmes supplied to a broadcaster for advertising purposes by or on behalf of an advertiser.
- (7) For the purposes of this section, a "non-compliant commercial activity" is a commercial activity
  - (a) for which the prior written consent of the Minister is required pursuant to subsection (6)(b) of section 8, and
  - (b) in respect of which, either
    - (i) the said prior written consent of the Minister has not been obtained, or
    - (ii) the said prior written consent of the Minister has been obtained, but the applicant who had been granted such consent has not provided information which was required by the Minister, or has not satisfied a condition which was prescribed by the Minister, or has not paid a charge which was levied by the Minister.
- (8) Where it appears to the Minister that a non-compliant commercial activity is likely to occur, then the Minister may apply to the Court for an order to restrain or prevent the occurrence of any such commercial activity.
- (9) Where a non-compliant commercial activity has occurred, then the Minister may apply to the Court for an order to restrain or prevent any further such commercial activity, or for damages, or for both.
- (10) Section 128 of the Act of 2000 shall apply to an action for damages pursuant to subsection (9), as though that action were an action for infringement of copyright.
- (11) An order under this section may be made on such terms as the Court thinks appropriate, and the Court may discharge or vary an order made under this section.
- (12) The Court may grant an interim order pending the determination of an application under this section.
- (13) The Minister may apply ex parte to the Court for an interim order under this section and the Court may grant an order in such a case where the Court considers it necessary to do so in order to achieve the purposes of this section, including (in particular) in order to preserve the availability of any property, information, record or other thing.

- (14) The power of the Court to make an order under this section restraining a person from engaging in conduct may be exercised—
  - (a) whether or not it appears to the Court that the person intends to repeat, or to continue, the conduct, or
  - (b) whether or not the person has previously engaged in that kind of conduct.
- (15) The power of the Court to make an order under this section requiring a person to do an act may be exercised—
  - (a) whether or not it appears to the Court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act, and
  - (b) whether or not the person has previously refused or failed to do that act.
- (16) Where an order is made under this section, it shall not operate to prohibit the reporting of the making of that order.
- (17) In this section
  - (a) "the Court" means the High Court, and
  - (b) "order" means—
    - (i) an interim order,
    - (ii) an interlocutory order, or
    - (iii) a permanent order.

#### 10. Disbursement of funds

(1) Charges and damages received by the Minister by virtue of this Act shall be disbursed pursuant to section 41 of the National Lottery Act 2013 as though the said charges and damages were paid into the Central Fund pursuant to section 44(3)(c) of that Act from the National Lottery Fund established under section 8 of the National Lottery Act, 1986.

#### Schedule 1

[This should contain the sheet music currently available from the Taoiseach's website <a href="http://taoiseach.gov.ie/eng/Historical\_Information/The\_Constitution/Irish\_Nat\_Anthem\_sheet\_music.pdf">http://taoiseach.gov.ie/eng/Historical\_Information/The\_Constitution/Irish\_Nat\_Anthem\_sheet\_music.pdf</a>

with the dates for Liam Ó Rinn corrected to read "1886-1943", and this corrected sheet music should then be made available at that link].

Schedule 2

[To be provided].

#### Receipt No:62

Adam Beecher

#### Sir/Madam,

I am an internet consultant based in Cork with a general interest in copyright issues. My experience comes from following copyright, trademark and patent issues in the news, and occasionally taking part in relevant campaigns.

I don't believe any changes should be made to the status quo with regard to the national anthem. It should remain in the public domain, it is not and should not be considered exceptional in any way. If the government wished to introduce guidelines, that is their decision, but they should simply be guidelines, it should not be legislated for in any way, shape or form.

Thank you for your time.

Yours sincerely,

Receipt No: 63

Conor Freeman

To the members of the Seanad Public Consultation Committee on the Status, Treatment and Use of the National Anthem,

I would first like to take this opportunity to thank the Committee for their valued work relating to the future of the Republic of Ireland's National Anthem. A national anthem is an important institution for any race of people and, in my personal opinion, "Amhrán na bhFiann" could be used as a standard for all official choruses. I will briefly outline why.

In 2017, we are almost half way through the state's Decade of Centenaries commemorations, which has at the forefront the men, women and events that formed the early Irish state and indeed the nation that we know today. The Irish Free State was an entity that succeeded, despite establishing itself on rocky footing in the aftermath of a bloody War of Independence and an even more traumatic Civil War. Having studied both periods in Irish revolutionary history, I firmly believe that the people involved on all sides should be respected and commemorated. After all, both Pro and Anti Treatyites eventually found themselves sitting in both Houses of Parliament of the Free State and both sides participated in the advancement of the country. Many of these people understood loss and sacrifice and are the people "whose lives are pledged to Ireland". Despite it being written about a time of "canon roar and rifles' peel", the national anthem is timeless in it's commemoration of all the revolutionaries that fought for Irish freedom and helped to establish our nationhood.

The song goes beyond validating the actions of Irish rebels though. It invites friends of Ireland who "have come from a land beyond the wave" to join in the fight for freedom and equality. It matters not a person's place of birth, ethnicity or religion. If you believe in the promotion of an Ireland that treats all it's children equally and promotes civil liberties, you are a welcome guest to these shores. Wolfe Tone assembled all religions to the ranks of the United Irishmen and Meagher brought us the Irish Tricolour, the ultimate symbol of peace. "Amhrán na bhFiann" facilitates inclusion and acceptance.

The Republic of Ireland emerged from the Irish Free State, which was initially established in 1922. In that year, the state adopted the Irish version of "A Soldier's Song" as the nation's national anthem and enshrined it's protected status in law. The centenary of this event occurs in 2022, the penultimate year of the aforementioned Decade of Centenaries. I urge the Committee to recommend that 2022 does not pass without the government renewing the protection that the anthem enjoyed prior to 2003. As the people's representation and on behalf of the people of Ireland, I implore you to protect the ballad that fills the hearts of Irish citizens with pride.

Many will have seen 2016 as the highlight of the entire Decade of Centenaries and many will have had a renewed, albeit short-lived, enthusiasm for the national anthem. The anthem, however, will always be held with esteem for Irishmen and women. From dance halls and public houses to international sporting events and official state ceremonies, the anthem transcends Irish life as we know it. I agree that special clauses may need to be made for it's use outside of state affairs but the

people's anthem needs to be conserved as an Irish song written by an Irish patriot and held in trust for the Irish people.

I wish the Committee the very best in it's endeavours. Let me clarify that the opinions expressed in this communication are my own and that I am representing only myself in this case.

Thank you for your time,

Receipt No: 64

Paschal Donohoe T.D. Minister for Finance and Public Expenditure and Reform

Dear Paul,

I write in response to your committee's public consultation on the status, treatment and use of the National Anthem, as published on 6 October 2017.

In responding to this consultation, I feel that it would be appropriate to address some general issues concerning the National Anthem, before directly considering the indicative questions as outlined in the document, in turn.

#### Background and Role of the Department of Finance

The copyright of the music and English lyrics of the National Anthem, held by Patrick Heeney and Peadar Kearney respectively, was purchased by the Department of Finance on behalf of the Irish State in 1933. Changes to copyright law meant that it was purchased again in the same manner in 1965. In line with copyright legislation, the State's claim to the copyright of the music and English lyrics of the National Anthem expired on 31 December 2012.

The original intention for purchasing the National Anthem was to allow it to be freely played without the collection of royalties. This remained the principal position of my Department throughout the period of its custodianship of the copyright.

Upon its expiration on 31 December 2012, the considered view of my Department was that, given then that the Anthem was in the public domain, it was freely available and fees could not be charged for its use, that the original intention in acquiring the copyright would appear to have been satisfied – i.e. it can be freely used by all.

While the national flag is defined in the constitution and there are rules around its use as determined by the Department of the Taoiseach, there is no reference in the Constitution to the National Anthem. The original declaration of the National Anthem by the Executive Council of the Free State in 1926 was quite informal. While the English and Irish lyrics of A Soldier's Song/Amhrán na bhFiann, along with the music, have never been officially defined in legislation, they are currently set out on the website of the Department of the Taoiseach and are widely known and accepted as such.

As the copyright of the National Anthem was in the possession of the Department of Finance since 1933, issues relating to it have subsequently fallen to my Department, including issuing authorisation for individuals to publish its lyrics or music in printed material when requested. As such, any queries concerning the copyright of the Anthem have remained under the policy remit of my Department, and it is in this capacity that I am making this submission to the consultation process.

#### **Responses to Public Consultation Questions**

1. Should there be any change to the current status of the National Anthem, where it is in the public domain and free to use by all?

As noted above, the original policy aim in the State's purchase of the copyright of the National Anthem was to allow it to be freely played without the collection of royalties. This remained the principal position of my Department throughout the period of its custodianship of the copyright.

Upon the expiration of the period of copyright on 31 December 2012, the National Anthem's entrance to the public domain was deemed to have continued to fulfil this policy objective in perpetuity. As noted in the consultation document, a significant number of countries allow their National Anthems to reside in the public domain, including the US, France and the Netherlands. As such, from my perspective I believe that the Anthem's current legal status is appropriate, both in relation to the original intentions for the purchase of its copyright by my Department, and in accordance with best practice internationally.

- 2. Should the Government issue guidelines on the use of the National Anthem?
- a. If so, what matters should be covered or not covered?
  - b. Should this include reference to when it is appropriate to play the National Anthem, or restrictions around this?

A protocol or guidelines document on the use of the National Anthem, perhaps in line with the guidelines issued by the Department of the Taoiseach for the use of the national flag, may be the most appropriate vehicle to address many of the concerns raised in the consultation document. It is likely that this would contain non-binding protocols and suggested treatment for the Anthem, with the aim of codifying many of the social conventions that are currently observed and putting these on a more formal footing in order to encourage further compliance with same.

I feel that the drafting of any such document would need to be informed by engagement with stakeholders such as the Defence Forces, the Departments of the Taoiseach and Foreign Affairs & Trade, relevant sporting organisations, and other bodies. As this public consultation process plans to engage fully with relevant stakeholders, it would appear to be a highly appropriate vehicle for gaining a broad view of the various perspectives that may be relevant, and would be very helpful in informing any guidelines that may be issued by the Government on this matter. As such, I would be willing to consider any recommendations that the committee were to agree on in relation to potentially issuing non-binding guidelines for the use of the National Anthem.

#### Questions 3 & 4 taken together:

- 3. Should there be legislation introduced in respect of the National Anthem? If so, what should this provide for?
- 4. Should the National Anthem be officially enshrined in legislation? If so, what versions of the music and words should be used, and in what languages?

It is my view that any legislation concerning the correct treatment of the National Anthem, or any accompanying statutory penalties for its misuse, would likely be counterproductive.

I note that the consultation paper refers to the Canadian approach which enshrined their National Anthem in legislation through their 1980 National Anthem Act. It is my understanding that the primary aim of this legislation was to officially place the words and music of the Canadian national anthem in the public domain, while also officially defining the words and music of the Anthem. As the Irish National Anthem is currently within the public domain following the expiration of the copyright, I do not currently see the need for legislation of this nature.

In addition, while the words and music of A Soldier's Song/Amhrán na bhFiann are widely known and accepted as such, were it seen as desirable to place the Anthem on a more official footing, there may be a more efficient way to do this rather than passing legislation. The Department of the Taoiseach currently have the words of A Soldier's Song/Amhrán na bhFiann listed on their website, along with a recorded musical version as performed by the Army Band.

Were the words on the Department of the Taoiseach's website to be officially designated as the accepted standard version, along with the publication of the official sheet music in the same manner, it is my opinion that this would satisfy this requirement. Alternatively, a standardised version of the words and music could be incorporated within a published guidelines document on the treatment of the Anthem, as noted above.

5. Should the use of the National Anthem be legally restricted, through the process of copyright or otherwise?

Copyright is currently used by some countries, such as Australia, to protect their National Anthems, although in the Australian case it is still within its original term of protection.

It is my view that seeking to extend the State's copyright over the National Anthem past 70 years would appear to go against the spirit of copyright. Rather, its protections are intended to encourage and facilitate the production of items of scientific or artistic merit, while also allowing the benefits of these to be shared with the wider community upon expiry of the copyright term.

Notwithstanding any objections of principle to using copyright in this manner, this approach may also conflict with Ireland's obligations under EU legislation. EU Directive 2011/77 restricts the length of copyright on a musical composition or artistic work to 70 years from the death of the last author.

My Department has received explicit legal advice from the Attorney General in relation to this, which indicates that passing legislation to extend the State's copyright over the National Anthem would not stand up to legal scrutiny. As such, I would not be in favour of using copyright as a policy instrument to protect the National Anthem or restrict its use.

6. What should be classed as misuse of the National Anthem? How should this be decided and who should enforce it?

Given the symbolism attached to the National Anthem, I fully understand and sympathise with the concerns of individuals pertaining to its general mistreatment or use in a derisory or disruptive manner. However, to date, it is my view that the National Anthem is regularly treated with the

appropriate respect in the vast majority of instances, and the court of public opinion ensures that this is the case.

In addition, it appears to me that there is no strong evidence in Ireland that there has been derogatory use of the National Anthem since it came out of copyright in 2012. Indeed, it could be argued that if any attempts were made to restrict the use of the Anthem or introduce explicit guidelines it may in fact be counter-productive, and could attract attention to the status of the National Anthem with a view to making derogatory remarks towards it, generating alternative versions of it, or indeed demeaning it.

As noted in the consultation paper, legislation has been passed by several countries to put explicit limits on the use of their National Anthem. These include Russia, India, Singapore, Bangladesh and the Philippines, and involve instructions on when and where it should be played, standing to attention, and singing with fervour. Some of these states include fines for misuse. It is not clear how and when the approaches to ensuring adherence to such legislation are applied.

I feel that it would be very difficult to define inappropriate use of the Anthem, and that it may be similarly difficult for such restrictions to be constitutionally valid unless they are based on a good justification and infringe on individual's rights to freedom of expression as little as possible.

I would also be concerned that any attempt to explicitly restrict when or how the National Anthem can be used could raise freedom of speech concerns, particularly in relation to parody or satire. An examination of international comparisons regarding the treatment of National Anthems shows that international law would tend towards favouring tolerance and freedom of speech in matters of this nature, with the US, Canadian and French Anthems being freely available in the public domain without restriction.

7. Should the use of National Anthem for commercial purposes, such as for advertising, be restricted? Would charging money for a recording of the National Anthem by an artist be classed as using it for commercial purposes?

Given my belief that the National Anthem should remain within the public domain, I would not be in favour of any restrictions on its commercial use. I am aware that it has been used in this manner in recent years and that this may occur again in the future. However, I believe that the court of public opinion and the general respect that it accorded to the Anthem from the vast majority of citizens would be sufficient to discourage its use in this manner, given the potential for negative public reaction to such use.

In addition, defining what would constitute commercial use or advertising purposes would also be quite difficult, and may have unintended consequences, such as restricting its use in recordings made for charitable purposes.

8. What penalties should be put in place if any proposed restrictions are breached and what form should these take?

As noted, I am not in favour of passing legislation on this issue, or explicitly defining what would be considered to be inappropriate use of the National Anthem. It is my view that any statutory penalties relating to the mistreatment of the Anthem would likely be counterproductive.

Were guidelines to be issued on the treatment of the National Anthem I do not feel that it would be appropriate to include any non-statutory penalties as these would not be enforceable. Instead, I believe that relying on the goodwill of the Irish people, as well as the court of public opinion generally to respond negatively to any gross misuse of our National Anthem, would be a more appropriate means of dealing with instances of this nature.

#### **Conclusion**

I hope that the above information is of use to the committee in their preparation of a report on the topic. My Department is proud of its long association with the National Anthem, and following the recent electrical and fire upgrade of our main offices in South Block of Government Buildings, as a modest expression of that pride, Peadar Kearney was one of the figures we chose to honour when naming the various conference rooms and corridors of the building.

Finally, I would like to pass on my goodwill to the members of this committee in undertaking this consultation process, and I look forward to getting the opportunity to discuss these issues with Senators in Seanad Éireann following the completion of this report.

Yours sincerely,

Recei	pt	No:	65

Deirdre Casey.

To the committee,

Please ensure that our National Anthem copyright is securely protected and preferably enshrined in the constitution.

A big efford should be made to teach all Irish Citizens the words to Amhrán Na beFiann, especially through schools, the media, and G.A.A. All players representing their club, County and Country should be able to sing it. There is great pride and nothing so beautiful as to see and hear a team singing our Anthem in full voice.

Thank you for doing this - keep up the good work.

Yours Truely,

I am tired of Ireland's constant apologies for having its own culture.

While people have daily concerns, our culture should not be compromised any more than it already is. The first people to sing the anthem had their concerns too, but they still honoured their anthem.

Copyright may have changed, but the anthem should stay as it is. I miss having it played at the end of discos in the 1980s! It should not be subject to being rapped or used in adverts.

Isis fundamentalists rightly look down on the West because we no longer stand by our principles. I would not like to be the one who abuses THEIR culture, either in, or out, of their countries!

We could not wait to get the English out, only to now sell all we are to non tax-paying MNCs. Why don#t we get Brussels to pen some sort of ditty for us??

I believe that the anthem should stay as it is, and that there should be a penalty for treating it with disrespect.

When will we know the results of this #poll# you are conducting?

Is mise le meas....

Dr. Florence Craven (PhD, BL), Co. Kildare.

PRELIM SENT WITH SUBMISSION MY BACKGROUND AS FOLLOWS.

> Love have Cloughjordan Co Tipperary Lot october 2017

SiR

I AM A FORMER Member of the Irish permanent Defence Jorce I Served As A Military Adia NOO 1975 - 2007. Units Served Cay 5th infinitry Battalion

(B) 2nd GARRISON MPC

(C) 1st GARRISON MPC-GOVERNMENT BUILDINGS DAIL EIRE ANNO/ Reinster House 1975-1983

(D) DIMPC Det, Attacheo 30th infinitary BATTALION

CORK BRIGADO MOC EXPORENT UNIT COLLINS BKS

hading Served for thinky two years

\* See photo Sent taken just before I retird

Signed Ion Horniga

# the use of our NATIONAL ANTHONAL The Colour

### FROM TOM HORRIGAN

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Go habble Mhar agent yours Sincerles tom Horrigan EX NCO(Ret) Laish permanent Degence Sorces 1975—2007

Receipt No. 69
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Marian Walker

#### Committee

I would like legislation written to protect the National Anthem 'Amhrán na bhFiann' to remain as it is currently written and sung.

I acknowledge opinions that in the multi-cultural Ireland of today Irish is not a relevant or spoken language to most and I am not myself fluent in Irish. I did however learn the anthem in school and do sing it whenever the occasion arises to do so.

My great grandfather George Geoghegan died on the steps of City Hall in 1916 and Amhrán na bhFiann was sung by his family and comrades at his funeral, so it has and I suspect for many Irish families significant meaning.

I would also like to point out that although we live in a modern and ever-changing society it is important for us to retain as much of our cultural heritage that we can, as well as embracing and including new and different cultures into our society. I hope you take account of my submission.

Kind regards

### Receipt No. 70

### Padraig O'Toole

Submission - firstly, I love the Irish National anthem with a passion. It raises the hair on the back of my neck when dsinging it in Croke Park on All Ireland day or listening to it being sung by a full stadium in the Aviva prior to an Irish International soccer International or before a 6 Nations Rugby match. However, I feel the time has now come to consider changing Amhran na Bhfiann to make it more reflective of the Ireland of today. A new hybrid song combining Irish and English would make it more appealling. Every effort should be made to retain the musical chords and adapt it to new lyrics. We could look at the anthems of New Zealand or Soth Africa where the anthems there are inclusive of both Maoiri & English in NZ case & Afrikaan with English in SA case. How many times do we see our leading sports people standingto attention for our anthem and not have the lyrics rediley to mind. It saddens me to see this. By having a hybrid song combining both Irish & English would help to address this matter.

Receipt No. 71

Joseph Nugent
Chief Administrative Officer
An Garda Síochána

Over the period October 2009 to January 2015 I had the privilege of holding the role of Director of Passport Services. One of the highlights of this period was the oversight of the design of the Irish passport book currently in circulation. The book design incorporates iconic images and symbols representative of the Irish State, including the musical notation of the National Anthem – Amhrán na bhFiann. On the top left of each even page of the passport book, one can follow the bars of the anthem chorus providing a unique security design component. However, most importantly this element was selected to be representative of what it means to Be Irish.

The use of the anthems music notation has received comment from Irish citizens worldwide. The anthem rings a chord with our diaspora reminding them of their rich sense of Irish roots, manifested through the most audible national symbol. Its inclusion on the passport design was seen as providing a key recognition by the State of the importance of the anthem to Irish men and Irish women at home and around the world. The feedback on its inclusion has been very positive.

In looking at the passport book design, the use of the anthem is one of the persistent features across the book. In taking this approach the design sought to place the anthem as a recurring throughout the book; that feature which takes the holder on a journey from the Cliffs of Moher, to the modern perspective of Dublin's city Liffeyside finishing back at the Rock of Cashel. All told the anthem is the constant element to link the Irish citizen through their passport book with a fundamental symbol of being Irish i.e. our national Anthem.

In making the decision to include the music notation, there could only be one piece of music which could attract a State endorsement. The selection could only be Amhrán na bhFiann that piece of iconic music that brings Irish citizens to their feet and to remove their cap; that piece of music that is recognised by Irish citizens one and all; and that piece of music that must be respected and protected. The respect shown by citizens worldwide to our anthem is something we should cherish and something we should protect to ensure that it would never be disrespected. The inclusion of the anthem in the passport book is one element of formal State recognition; it's protection against misuse should follow.