

Tithe an
Oireachtais
Houses of the
Oireachtas

**Tuarascáil ó Choiste Comhairliúcháin Phoiblí an tSeanaid
maidir le Stádas an Roisc Náisiúnta, leis an gCaoi a
nDéileáiltear leis agus lena Úsáid
Meitheamh 2018**

**Seanad Public Consultation Committee Report on the
Status, Treatment and Use of the National Anthem**

June 2018

Amhrán na bhFiann (National Anthem of Ireland)

Words of 'The Soldier's Song' by
PEADAR KEARNEY
Translated into Irish by LIAM Ó RINN

Music by
PATRICK HEENEY

Tempo di Marcia (♩ = 110)

The musical score is presented in a standard format with a vocal line and a piano accompaniment. The key signature is B-flat major (two flats) and the time signature is 4/4. The tempo is marked 'Tempo di Marcia' with a quarter note equal to 110 beats per minute. The score is divided into three systems, each with a vocal line and a piano accompaniment. The piano accompaniment consists of chords and a simple bass line. The lyrics are written in both Irish and English below the vocal line.

System 1:

f
Sin - ne Fia - nna Fáil, a - tá faoi gheall ag Éi - rinn,
Sol - diers are we, whose lives are pledged to Ire - land,

System 2:

f
5
Buíon dár slua thar toinn do rái - nig chugainn,
Some have come from a land be-yond the wave,

System 3:

f
9
Faoi mhóid bheith saor, Sean - tír ár sin - sear feas - ta, Ní
Sworn to be free, no more our an - cient sire - land, Shall

13 *p*

fhág - far faoin tíor - án ná faoin tráill. A - nocht a théam sa
shel - ter the des - pot or the slave. To - night we man the

17 *cresc.....* *f* *cresc.....*

bhear - na bhaoil, Le gean ar Ghaeil chun báis nó saoil, Le gun - na - scréach, faoi
'bear - na bhaoil', In E - rin's cause, come woe or weal, 'Mid can - nons' - roar and

21 *rit.....* *ff* *a tempo*

lámh - ach na bpi - léar, Seo libh can - aig' amh - rán na bhFiann.
ri - fles' - peal, We'll chant a sol - dier's song.

Buíon
Some dár
have

slua
come

thar
from a toin
land

Faoi
Sworn mhóid bheith
to be

saor,
free,

Sean
no - tír
more

ár sin - sear
our an - cient



Contents

Seanad Public Consultation Committee – Role and Membership	2
Creators of the National Anthem	3
1. Chairman’s Introduction	4
2. Rapporteur’s Preface	7
3. Executive Summary of Recommendations	9
4. History of the National Anthem	10
5. Recommendations	18
Recommendation 1: Existing wording to remain unchanged	18
Recommendation 2: Irish Sign Language version of the National Anthem	19
Recommendation 3: Protocol for use of the National Anthem	20
Recommendation 4: The National Anthem in our Schools	24
Recommendation 5: The National Anthem, The National Flag and St. Patrick’s Day	26
Recommendation 6: Embracing Irish citizens abroad and new citizens of Ireland	27
Appendix 1: Irish and English texts, and musical notation, of the National Anthem	29
Appendix 2: Draft National Anthem Protocol	32
Appendix 3: List of witnesses who presented to the Committee	35
Appendix 4: Orders of Reference of the Seanad Public Consultation Committee	36

Submissions received by the Committee are published separately to the Oireachtas website with this Report.

The official transcript of the meeting of the Committee of 5th December, 2017, is also published separately to the Oireachtas website with this Report.

Seanad Public Consultation Committee - Role and Membership

The Seanad Public Consultation Committee was established by the Seanad in 2011 as a contribution to a broader process of reform and with a view to opening access to Seanad Éireann and its work. The Committee's purpose is to provide for direct engagement and consultation between members of the public and the Seanad through a process which involves inviting submissions from members of the public on a specific issue related to its legislative powers or an issue of public policy. The Committee considers submissions made to it, invites contributors to present to it at public hearings which are held in the Seanad Chamber and publishes a report for debate by the Seanad and/or referral to the relevant Oireachtas Joint Committee. The Committee has examined a range of broad socio-economic issues since its establishment. These include the Rights of Older People; Prevention of Cancer through Lifestyle Changes; Ireland's compliance with the International Covenant on Civil and Political Rights; Farm Safety; and Children's Mental Health Services.

Members of Seanad Public Consultation Committee



CHAIRMAN
Paul Coghlan
Leas-Chathaoirleach
Fine Gael



RAPPORTEUR
Mark Daly
Fianna Fáil



Catherine Ardagh
Fianna Fáil



Jerry Buttimer
Fine Gael



Maria Byrne
Fine Gael



Martin Conway
Fine Gael



Máire Devine
Sinn Féin



Joan Freeman
Independent/
Taoiseach's
Nominee



Colette Kelleher
Independent/
Taoiseach's
Nominee



Pádraig Ó Ceidigh
Independent/
Taoiseach's
Nominee

Creators of the National Anthem

Peadar Kearney wrote the lyrics for “The Soldier’s Song” in late 1909/early 1910 to a melody composed by Patrick Heeney. Liam O’Rinn translated the song into “Amhrán na bhFiann” and the Irish version was first published in 1923.

Peadar Kearney

Peadar Kearney was born in 1883 in inner city Dublin. He was a member of the Gaelic League and the Irish Republican Brotherhood. He fought in the 1916 Easter Rising and was interned during the War of Independence. He died in Inchicore in 1942 and is buried in Glasnevin Cemetery in Dublin. A monument to him stands on Dublin’s Dorset Street, where he was born.

Patrick Heeney

Patrick Heeney was born in 1881 in inner city Dublin. He died in 1911, aged 29, and was buried in an unmarked grave in a cemetery in Drumcondra. In 2010, Dublin City Council named Patrick Heeney House, Summerhill and Patrick Heeney Crescent, Gloucester Place, after the composer. He had resided in the area until his death.

Liam Ó Rinn

Liam Ó Rinn was born in 1886 in inner city Dublin. He was a member of the Irish Volunteers and took part in the 1916 Easter Rising. During the War of Independence he was interned in Frongoch, Wales and was also interned in Ballykinlar, Co. Down. He was a prolific writer (in Irish under his pen name “Coinneach”), translator of major works into Irish, a linguist (speaking ten languages) and an accomplished artist. He was a member of staff in the Translation Unit in the Houses of the Oireachtas where he was Chief Translator until the time of his death in 1943.

1. Chairman's Introduction

Our National Anthem is one of the most important expressions of our national identity. It is an internationally recognised means of demonstrating our national pride, whether being used for formal State occasions, or at informal sports or other events. However, unlike the Flag and the Harp, the other key symbols of our State, there is currently no protection for our national song.

With this in mind the Seanad Public Consultation Committee began a consultation process in October 2017 by issuing a public invitation for submissions on the Status, Treatment and Use of the National Anthem.

The Committee sought written submissions from interested groups or individuals to consider the most appropriate way the State should treat the National Anthem.

Public hearings were held in the Seanad Chamber on 5th December, 2017 as the second part of the consultation process.

The publication of this Report, including its recommendations, is the final stage of the public consultation process.

In all, three key options were considered by the Committee:

- that no action was required;
- that the National Anthem be officially recognised and guidelines produced governing its usage; or
- that both legislation and guidelines be introduced (as well as possibly including penalties for misuse or to prevent its use for commercial purposes).

In the course of the Committee's hearings we learned about the origins of the Anthem. Mr. Conal Kearney, grandson of its author Peadar Kearney, attended at the public hearings and corrected a widespread belief that the National Anthem was written in 1907, telling the Committee that it actually originated in late 1909 or early 1910.

The song was accompanied by a score written by Patrick Heeney.

The song was translated into Irish by civil servant and linguist Liam Ó Rinn. His version, "Amhrán na bhFiann" was first published in 1923. It was formally adopted as the National Anthem of the Irish Free State in 1926.

Councillor Nial Ring, grandnephew of Liam Ó Rinn, attended the public hearings and spoke of how it was sung before the evacuation of the GPO in 1916.

Minister of State at the Department of Finance, Deputy Michael D'Arcy, was also in attendance and outlined that the copyright of the music and English lyrics of the National Anthem, held by Peadar Kearney and the family of Patrick Heeney respectively, was purchased for £1,000 by the Department of Finance in 1933. The copyright was extended in 1965 and expired at the end of 2012. Copyright in songs generally lasts for the life of the composer plus 70 years. The Committee considered requests for the expired copyright to be renewed, but was advised that such a move would be at odds with Irish and European law.

The Minister for Finance, Deputy Paschal Donohoe, was abroad on official business in Brussels on the date of the public hearings on 5th December, and was therefore unable to attend the public hearings on that day. However, he had expressed an interest in engaging with the Committee before the process was completed. The Committee wishes to express its appreciation to the Minister for subsequently meeting with it on 22nd March, 2018, and for engaging with it so comprehensively prior to the completion of its Report.

The majority of the submissions called for the Anthem to be given the respect, dignity and protection that it so rightly deserves. The Committee heard that our identity as a nation and as citizens is defined by our history. Conal Kearney spoke of how our National Anthem links us to our history and therefore our identity.

One of the recommendations in this Report refers to making the National Anthem available in schools and to all Irish passport holders to encourage the learning and use of the Anthem. The Committee heard from Mr. Joseph Nugent, who outlined that during his time as Director of Passport Services, the Irish passport book was redesigned to incorporate unique design components, to include iconic images and symbols of the Irish State, including the musical notation of the National Anthem. He stated that “the use of the Anthem musical notation has been the subject of much comment from Irish citizens worldwide. The Anthem strikes a chord with the Irish diaspora, reminding them of their rich sense of Irish roots manifest through the most audible national symbolism, ‘Amhrán na bhFiann’. Its inclusion in the passport design was seen as providing a key recognition by the State of the importance of the Anthem to Irishmen and Irishwomen ar fud an domhain.”

We also heard during the course of the hearings about how the lack of an Irish Sign Language interpretation of the Anthem directly impacts on the deaf community in Ireland. The Committee heard from Mr. Alain Newstead, a 16 year old student from Bishopstown Community School in Cork, who is deaf, and who made impassioned pleas for a formal Irish Sign Language version of the Anthem that he could understand and use. The Committee was unanimous in its support for this proposal.

In terms of free speech, the Committee was mindful that placing restrictions around the use of the National Anthem may contravene well-established rights within this area. For instance, the usage of the National Anthem is particularly popular amongst sporting organisations. This has many positive implications and there is a consistent respect shown to National Anthems within this sphere. Having considered the matter, the Committee was unanimous in their agreement that no sanctions or penalties should be put in place in relation to the use of the National Anthem.

I believe that the recommendations set out in this Report give expression to the absolute pride we all have in our National Anthem. I hope the recommendations will be taken on board by the Government. I request that the Report be debated in Seanad Éireann and I look forward to engaging with the Minister of Finance during this debate.

I wish to sincerely thank all those who sent in submissions to the Committee, and to the witnesses who have appeared before the Committee. I particularly wish to thank the students who presented at the public hearings. They did themselves and their families and schools proud.

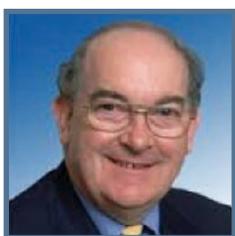
I would like to pay particular tribute to Senator Mark Daly for proposing this topic for discussion and for acting as Rapporteur in the drafting of this Report, which was adopted by the Committee at its meeting on 20th June, 2018.

I also wish to thank all the members of the Committee for their engagement in this public consultation. I also wish to acknowledge the staff of the Seanad Office, particularly Bridget Doody and Carol Judge, who managed the consultation process.

Mr. Kearney, grandson of the author Peadar Kearney, described the Anthem as “our hymn” that must be “protected for our future generations”.

Many of us know the words of our National Anthem by heart: they were instilled in us in our early lives. One way or another the melody of our National Anthem threads through the hearts of our people, including all of our new citizens who stand proudly when it is being played at citizenship ceremonies, and we know it as our national song and one that is very precious to us. Like all precious things, it is worthy of protection and care.

I hope that by the publication of this Report and implementation of its recommendations that we are indeed safeguarding our National Anthem for future generations.



A handwritten signature in cursive script, reading "Paul Coghlan".

Senator Paul Coghlan
Leas-Chathaoirleach
of the Seanad and
Chairman of the Committee

June, 2018

2. Rapporteur's Preface

The National Anthem belongs to all Irish people. It is a key symbol of our State and is worthy of respect and protection.

The National Anthem was written by Peadar Kearney and translated into Irish by Liam Ó Rinn and the music was composed by Patrick Heeney. During the Seanad Public Consultation Committee hearings on the National Anthem in the Seanad Chamber we were deeply honoured and indeed humbled to have descendants of the Ó Rinn and Kearney families with us.

The National Anthem has been performed on some of the most important State occasions. It was sung inside the General Post Office (GPO) during the Rising, before the evacuation by the members of Cumann na mBan, the Irish Volunteers and the Irish Citizen Army. In 2016, on the 100th anniversary of the 1916 Rising, it was sung outside the GPO as part of the Easter Sunday ceremonies. The Irish Flag, Harp and Anthem are important symbols of our State and are worthy of respect because of what they represent.

Our Flag is a symbol of peace between communities on this island as described in the words of its creator Thomas F. Meagher-

“The white in the centre signifies a lasting truce between the ‘orange’ and the ‘green’ and I trust that beneath its folds, the hands of the Irish Protestant and the Irish Catholic may be clasped in generous and heroic brotherhood.”

The Flag is protected by international copyright law and is enshrined in our Constitution as follows:

“Airteagal 7, Bunreacht na hÉireann-

Article 7 of our Constitution-

An bhratach trí dhath .i. uaine, bán, agus flannbhuí, an suaithéantas náisiúnta.

The national flag is the tricolour of green, white and orange.”

The Harp is the State symbol of the Irish people and represents our cultural and musical traditions. The Harp has a patent placed upon it by the State for its protection.

The National Anthem is also part of that cultural tradition, and it represents much more - it is a symbol of the struggle against enormous odds and resilience in times of adversity.

However, it does not have any formal recognition in legislation by the State and is no longer protected by copyright. In fact, the Irish language version was never formally adopted by the State.

A key part of this public consultation was the recommendation from the deaf community that an Irish Sign Language translation version would be developed. The Irish Sign Language Bill was passed into law in December 2017, which for the first time enshrines civil rights for the deaf community. The introduction of an Irish Sign Language translation of the National Anthem would be an important aspect of ensuring equality for all citizens.

It is proposed in the Report that formal recognition of the National Anthem be given by way of the introduction of the first ever set of protocols in relation to the use of the Anthem to assist and guide citizens. There is widespread backing for “Amhrán na bhFiann” with 84 per cent of people supporting it in a 2017 newspaper poll. That is why the key recommendation of the Seanad Public Consultation Committee is that the wording of the National Anthem should remain unchanged.

Another recommendation is that every child should be given the chance to learn the Anthem and also afforded the opportunity to practise and sing it. The eve of St. Patrick's Day could be an appropriate occasion for school children to be encouraged to hold events where the National Anthem would be sung in Irish, English and signed in Irish Sign Language. This would also be an opportunity to celebrate the National Flag and its meaning for peace and inclusivity. The origins and meaning of National Anthems and flags of children of different backgrounds could also be discussed as part of these events. Discussions with the GPO have led to an innovative concept where the schools who perform the Anthem on the eve of St Patrick's Day will be acknowledged by having a video of it being played in the GPO Witness History Visitor centre, a place that is so associated with the Anthem.

Irish citizens at home and abroad, as well as new citizens, should be encouraged to become acquainted with the Irish National Anthem to instil a sense of national pride and belonging. As the musical notation of the Anthem is included in the Irish passport, a copy of the National Anthem and the protocols for its use should be issued with all Irish passports.

A special thanks to all those who sent in submissions, took part in the public hearings on 5th of December, the officials of Seanad Éireann, members of the Seanad, Government Ministers and Departments.

I would also like to acknowledge the work of Alani Caridad from UC Davis on this Report. Finally a special acknowledgement to Grace Coyle for her tireless dedication, relentless work and devotion to duty without whom this Report would not be possible. 2019 marks the 100th anniversary of the First Dáil and the 110th anniversary of the composition of "The Soldier's Song". There are no records of the Irish version of the National Anthem being formally adopted by the State and that is why the introduction of a protocol setting out the versions of the National Anthem in Irish, English and Irish Sign Language, as well as the musical composition, as provided by the Irish Defence Forces School of Music, is an important first step in recognising and affording the National Anthem the respect that it is due. This Report formally sets out the versions of the Anthem in Irish, English, Irish Sign Language, and musical notation of the Anthem, and the Protocol underpinning its usage.



A handwritten signature in blue ink, appearing to read 'Mark Daly'.

Senator Mark Daly

Rapporteur to the Public Consultation
Committee on the Status, Treatment
and Use of the National Anthem

June, 2018

3. Executive Summary of Recommendations

Recommendation 1:

Existing wording to remain unchanged.

There is enduring widespread support for “Amhrán na bhFiann”/”The Soldier’s Song” as the National Anthem and the wording should remain unchanged.

Recommendation 2:

Irish Sign Language version of the National Anthem.

An Irish Sign Language version of the National Anthem should be developed.

Recommendation 3:

Protocol for use of the National Anthem.

The National Anthem is an important symbol of our nation and should be treated with respect and dignity. Protocols in relation to the use of the National Anthem should be introduced to assist in this. The protocols would include the versions of the National Anthem in Irish, English and Irish Sign Language, as well as the musical notation as provided by the Irish Defence Forces School of Music. The Presidential Salute would also be given recognition in the protocols.

Recommendation 4:

The National Anthem in our Schools.

Every primary and secondary school should be provided with the National Anthem in Irish, English and Irish Sign Language to assist in the teaching and learning of the National Anthem.

Recommendation 5:

The National Anthem, The National Flag and St. Patrick’s Day.

On the eve of St. Patrick’s Day, school children should be encouraged to hold events where the National Anthem could be performed in Irish, English and/or Irish Sign Language. These annual events could also include a celebration of our national flag and the anthems and flags of children of different backgrounds.

Recommendation 6:

Embracing Irish citizens abroad and new citizens of Ireland.

Irish citizens at home and abroad, as well as new citizens of Ireland, should be encouraged to become acquainted with the National Anthem to add to a sense of national pride and belonging. As the musical notation of the National Anthem is included in the Irish passport, a copy of the National Anthem and the protocols for its use should be issued with all Irish passports. For those not familiar with the Irish language, it would be appropriate to produce a phonetic version of the National Anthem.

4. History of the National Anthem

The National Anthem, similar to the Flag and the Harp is a symbol of the State, recognised throughout the world. The history of this Anthem is as complex as the State itself. The three men at the heart of our National Anthem, Kearney, Ó Rinn and Heeneey, deserve to be recognised along with all the people throughout the last nearly 110 years who have helped to preserve this symbol of nationhood. It is now important that we recognise their invaluable contribution to our history.

National Anthem - Key Dates

- 1909/1910** Peadar Kearney, wrote the lyrics to the “The Soldier’s Song” in late 1909 or early 1910. The song encapsulated Kearney’s republican beliefs and vision for the achievement of Irish freedom. Kearney was born and bred in North inner city Dublin and was a member of the Supreme Council of the Irish Republican Brotherhood and the Gaelic League.
- 1910** Patrick Heeneey, a republican musician was inspired by Kearney’s words and composed the accompanying music for “A Soldier’s Song”.
- 1911** Patrick Heeneey died aged twenty-nine and was buried in an unmarked grave in Drumcondra.
- 1912** The text of “The Soldier’s Song” was published in 1912 in Irish Freedom, a radical newspaper run by Bulmer Hobson of the Irish Republic Brotherhood (IRB).¹
- 1913** As the Independence movement grew “The Soldier’s Song” became more widely known when it was adopted by the Irish Volunteers as a marching song.
- 1916** Its place in Irish history and the independence movement was solidified when it was sung by the rebels marching into the General Post Office on Easter Monday 1916, the day that Pádraig Pearse proclaimed an Irish Republic. At the end of Easter week, before the evacuation of the GPO, the garrison of Irish Volunteers, Irish Citizens Army and Cumann na mBan took a few moments to sing “A Soldier’s Song”. According to his family, this is when the rebel Liam Ó Rinn turned to his brother Christopher and declared “The Soldier’s Song” would sound better in Irish.
- Following the Rising, Liam Ó Rinn, along with many other rebels, was imprisoned in Frongoch in Wales. While interned, Liam Ó Rinn began his translation of the “The Soldier’s Song” that would result in “Amhrán na bhFiann”.
- 1920** Peadar Kearney was arrested in November during the War of Independence and was interned in Collinstown camp, Co. Dublin. Another prisoner of war, Martin Walton recognised him as the author of “The Soldier’s Song” and stood up defiantly and started to sing - “We’ll sing a song, a soldier’s song.....” - and before he had reached the chorus, he was joined by all those present, singing at the top of their voices, singing to the new cold dawn.

Transferred to Ballykinlar, Co. Down, Peadar Kearney was inspired by the continued struggle for Irish freedom and wrote another verse to “The Soldier’s Song”. (See photographs on page 17.)

¹ State, Nation and Music in independent Ireland, 1922-1951 (PHD Thesis by Karol Anne Mullaney – Dignam

1923 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.

Liam Ó Rinn's translation was published in the Army magazine, *An tÓglach*, on 3rd November 1923. An almost identical text had been printed in the *Freeman's Journal* on 3rd April 1923 under Liam Ó Rinn's pen name, Coinneach.

1924 In February the Army No. 1 band performed in the Theatre Royal in Dublin. As an encore the band performed a recent composition of Colonel Brase entitled "Irish March No. 1". This medley included songs such as "The Minstrel Boy", "Who Fears to Speak of '98" and significantly "The Soldier's Song". Members of the audience, including the Head of the Executive Council W.T. Cosgrave, stood up in recognition of "The Soldier's Song". This action was taken by many as recognition of the song as an anthem.²

In May "The Soldier's Song"/"Amhrán na bhFiann" was informally adopted as the National Anthem of the Irish Free State.³

During the years following the establishment of the Free State there was no officially adopted National Anthem. "Let Erin Remember" by Thomas Moore was often played on formal occasions abroad and T.D. (Timothy Daniel) Sullivan's "God save Ireland" was favoured by the Irish Parliamentary Party. The first Olympic Games since the foundation of the State raised the need for the newly independent State to choose a suitable National Anthem to represent the State internationally.⁴

Seán Lester, Director of Publicity at the Department of External Affairs, recommended that "Let Erin Remember" be chosen as the anthem for the Irish State at the 1924 Olympics. W.T. Cosgrave, President of the Executive Council, agreed and "Let Erin Remember" was played at the 1924 Olympic Games. In Lester's recommendation however he had mentioned "A Nation Once Again" and "The Soldier's Song" which, in his opinion were not suitable for the purpose. The inclusion of both would indicate that these songs were in current usage in the absence of an officially adopted National Anthem.⁵

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 Ireland's official anthem. The minutes of an Executive Council meeting on 12th July 1926 indicate that a decision was then made to adopt "The Soldier's Song" as the official anthem. There was no formal announcement of this to the public at the time but was simply put into effect for official purposes.⁶

² *State, Nation and Music in independent Ireland, 1922-1951* (PHD Thesis by Karol Anne Mullaney – Dignam, NUI Maynooth, library no. L.O.4626, para 1.5

³ *Department of Finance*

⁴ *State, Nation and Music in independent Ireland, 1922-1951* (PHD Thesis by Karol Anne Mullaney – Dignam, NUI Maynooth, library no. L.O.4626, para 1.5

⁵ *State, Nation and Music in independent Ireland, 1922-1951* (PHD Thesis by Karol Anne Mullaney – Dignam, NUI Maynooth, library no. L.O.4626, para 1.5

⁶ *State, Nation and Music in independent Ireland, 1922-1951* (PHD Thesis by Karol Anne Mullaney – Dignam, NUI Maynooth, library no. L.O.4626, para 1.5. Extract from Council minutes 12 July 1926 (N.A.I., TA01S/53767A)

The version of “The Soldier’s Song” played by the Army No. 1 Band at the time was that arranged by Colonel 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”.⁷

National Party TD Osmond Esmonde from Wexford, who later went on to join Cumann na nGaedheal, put forward a Parliamentary Question to the Minister for Defence to clarify what Ireland’s National Anthem was. The Minister for Defence stated that, as far as the Army was concerned, that it was “The Soldier’s Song”. This was and remains to date the only official recognition of the National Anthem by the Houses of the Oireachtas.⁸ (See page 15)

- 1928** The tradition of the Defence Forces taking the lead on the promotion of the National Anthem was continued by Desmond Fitzgerald, Minister for Defence, when he wrote to the Executive Council. In his memo dated 19th October 1928, to the Council, he offered the opinion that “The Soldier’s Song” was too long “to permit of the words being generally known and sung by the people”. He suggested to the Cabinet that the National Anthem open with its refrain and be published and taught as such. He added that Colonel Brase could be asked to “arrange it for school singing in one, two, three and four voices”.⁹
- 1929** An arrangement of the chorus by Colonel Fritz Brase was authorised by the Executive Council and entered into common usage as the official National Anthem.
- 1931** Colonel Brase was tasked with the rearrangement and the Executive Council approved Brase’s version “as played by the Army No. 1 Band”. The band was recorded by “His Master’s Voice” performing a number of pieces in the Theatre Royal, including the National Anthem. The Anthem was recorded in two versions – firstly the “long” version commencing with the verse and secondly the “short” version which consisted solely of the refrain.¹⁰ The Anthem continued to gain public support and its adoption by Raidió Éireann and the GAA contributed to its widespread use among the general public by the 1930s.¹¹
- 1932** It was agreed by the Cabinet that the short version of the Anthem, as recorded by Colonel Brase, should be recognised as the official arrangement played by places of entertainment. It was also agreed to commission Colonel Brase to prepare instrumental parts for the short version of the National Anthem for bands and orchestras in order to secure uniformity in the playing of the anthem throughout the country.¹²
- 1933** The copyright of the music and English lyrics of the National Anthem, held by Peadar Kearney and the family of Patrick Heeney, respectively, was secured by the Department of Finance on behalf of the State.

7 *State, Nation and Music in independent Ireland, 1922-1951* (PHD Thesis by Karol Anne Mullaney – Dignam, NUI Maynooth, library no. L.O.4626, para 1.5.)

8 <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1926072000021?opendocument>

9 *State, Nation and Music in independent Ireland, 1922-1951* (PHD Thesis by Karol Anne Mullaney – Dignam, NUI Maynooth, library no. L.O.4626, para 1.5.)

10 Mark Armstrong

11 Department of Finance

12 *State, Nation and Music in independent Ireland, 1922-1951* (PHD Thesis by Karol Anne Mullaney – Dignam, NUI Maynooth, library no. L.O.4626, 1.5. [Extract from cabinet minutes 11 Jul 1932] (Cab.4/6, item no. 3 – N.A.I., TAOIS/S3767A)

1959 Changes to copyright law in 1959 meant that additional discussions took place between the Department of Finance and families of Heeney and Kearney in order to ensure the State retained ownership and copyright of the National Anthem. At the time, payment for these transactions had to be sanctioned by the Department of Finance, and responsibility for official policy in relation to the National Anthem has remained with the Minister for Finance.

1959-2012 During the period that the copyright was under State control, frequent requests were made to the Department of Finance, as the holders of the copyright, to publish the lyrics or music. The majority of these were acceded to in line with the policy of allowing free use of the Anthem, although several were refused permission.¹³

1992 Under the Copyright Act 1963, the State's copyright on the National Anthem was due to expire in 1992. At this time, research was undertaken into passing additional legislation to either extend the copyright or to provide additional legal protection to the Anthem, but it was decided not to do so. Subsequent European legislation to harmonise copyright law extended the copyright on artistic or musical works from fifty years following the death of the author or co-author of the work, to seventy years.

2013 From 1st January 2013, seventy years after the death of Peadar Kearney, the copyright lapsed on the National Anthem and therefore it was no longer protected by the State's ownership of the copyright.

As Ireland continued to grow as a modern, independent free State, the importance of the National Anthem similarly grew both at home and abroad. Ireland has always had one of the most vibrant and committed diaspora communities and to honour this, a new design of the Irish passport was launched in September 2013 by the Director of Passport Services, Joe Nugent, which included the musical notation of the National Anthem. The Anthem, like the Flag or the Harp is a symbol not just of Ireland geographically but of the Irish people both at home and abroad and the inclusion of the Anthem on the passport shows how this symbol is carried with pride and recognised throughout the world.

2016 Senator Mark Daly, a member of the Government's All-Party Consultation Group on the Decade of Commemorations, introduced a Private Members' Bill entitled the National Anthem (Protection of Copyright and Related Rights) (Amendment) Bill 2016. This Bill lapsed on the General Election in 2016, but was subsequently re-introduced as the National Anthem (Protection of Copyright and Related Rights) (Amendment) (No. 2) Bill 2016, following the General Election. The Bill is currently at Second Stage in the Seanad.

- 2017** The Seanad Public Consultation Committee on 5th of December held public hearings to discuss the Status, Treatment and Use of the National Anthem. Among those who attended the public hearings were Minister of State at the Department of Finance Michael D’Arcy, Conal Kearney (grandson of Peadar Kearney), Councillor Nial Ring (grandnephew of Liam Ó Rinn), Lt Col Mark Armstrong, Director of the Defence Forces School of Music, Lord Mayor of Cork Tony Fitzgerald and Joe Nugent, former Director of the Passport Office. The public hearings were chaired by Senator Paul Coughlan and Senator Mark Daly was the Rapporteur.
- 2018** The Report on the Status, Treatment and Use of the National Anthem was adopted by the Seanad Public Consultation Committee in June 2018.

Parliamentary Question to the Minister for Defence - Saorstát National Anthem Tuesday, 20 July 1926.

“Mr. ESMONDE: On a point of order, I would like to point out that question No. 19 is not the question I sent to the Clerk of the House.

AN CEANN COMHAIRLE: If this is not the question the Deputy sent in, he need not ask this question.

Mr. ESMONDE: Under Standing Order No. 25, I understand no question can be altered by An Ceann Comhairle without previous consultation with the Deputy concerned. I sent in this question in order to get a definite assurance from the Head of the Executive as to what the National Anthem is. I find that it is put down to the Minister for Defence as if it were an Army matter, whereas it is a matter that affects everybody outside the Army. I think I should have been consulted.

AN CEANN COMHAIRLE: I can solve the problem. The President of the Executive Council is not responsible as a matter of fact or policy for an answer as to what is the National Anthem. The Minister for Defence can be asked a question regarding the tunes played by military bands. The question on the Paper is therefore to the Minister for Defence in regard to tunes played by military bands. If the Deputy desires to investigate any problem in regard to the National Anthem, he cannot ask a question of the President. The President cannot be asked to define what is the National Anthem. It is not part of his functions.

Mr. ESMONDE: Is there any authority on the matter?

AN CEANN COMHAIRLE: I am not able to say that, but I am quite clear that the President of the Executive Council is not in a position to answer a question on the matter.

Mr. ESMONDE: Then I desire to ask the Minister for Defence whether he is aware that at two recent State functions Army bands have played two different tunes purporting to be the National Anthem, and that the prevalent uncertainty in this matter is often a cause of confusion and irritation, particularly in connection with international sporting events; and whether he will state what is the National Anthem, or, if the matter is not finally settled, what tune should be provisionally accepted as such pending a final decision.

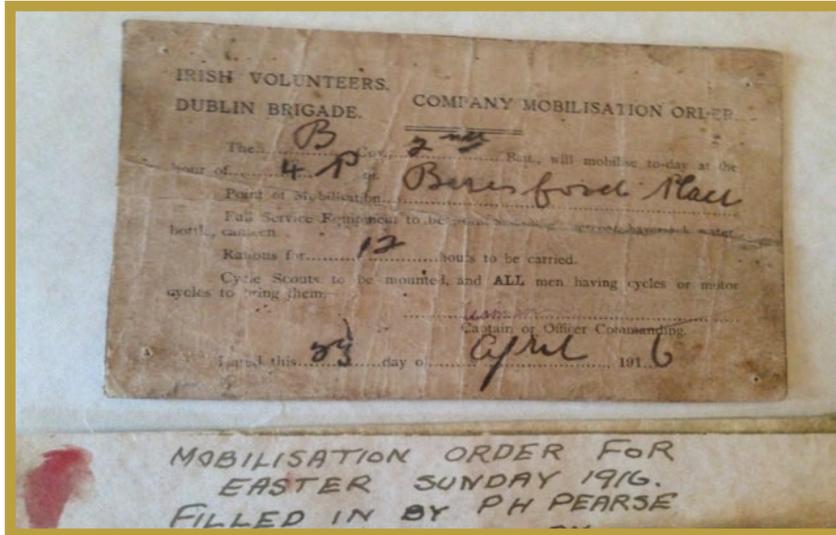
Mr. HUGHES: I am not aware that at recent State functions Army bands have played two different tunes purporting to be the National Anthem.

Mr. ESMONDE: Does the Minister refuse to answer the last part of my question? Does he refuse to state what is the National Anthem, or if the matter is not finally settled what tune should be provisionally accepted as such pending a final decision?

Mr. JOHNSON: Can the Minister give us any definition of what is a National Anthem?

Mr. ESMONDE: There is considerable hilarity in the House which I think is not creditable. I would ask the Minister if, in his own Department solely as regards the Army, seeing that the President is not here, for reasons for which we have all respect, he would state, at any rate as far as the Army is concerned, what is considered to be the National Anthem?

Mr. HUGHES: The ‘Soldier’s Song’.”



Mobilisation Order to Irish Volunteers Dublin Brigade, 1916.



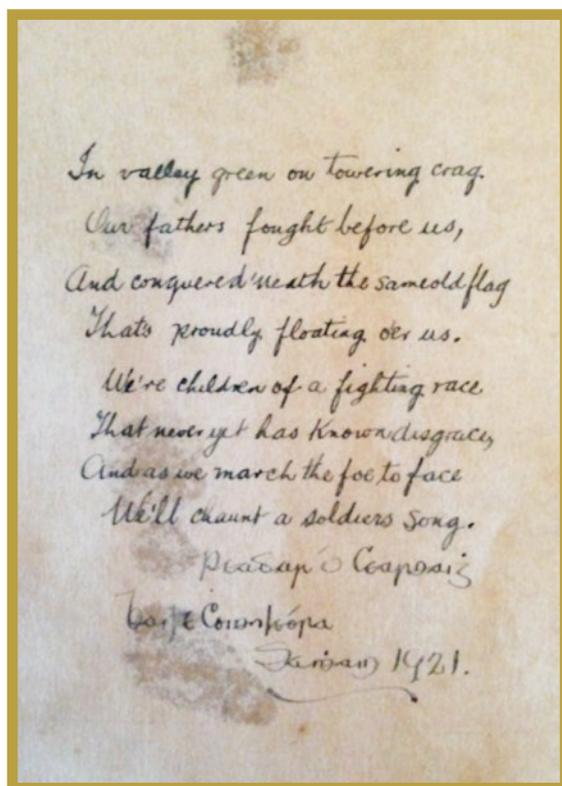
Medal awarded to persons with recognised military service during Easter Week 1916.

Photographs provided by Mr. Conal Kearney.



Internees at Ballykinlar Camp, Co. Down, 1920. Liam Ó Rinn is centre of third row, pipe smoking. Peadar Kearney is in second row, third from left, bearded and capped, pipe smoking.

Photograph: Conal Kearney



At Ballykinlar, Co. Down, Peadar Kearney was inspired by the continued struggle for Irish freedom to write another verse to "The Soldier's Song". Hand written verse above.

Photograph: Conal Kearney

5. Recommendations

RECOMMENDATION 1: EXISTING WORDING TO REMAIN UNCHANGED

There is enduring and widespread support for “Amhrán na bhFiann” / “The Soldier’s Song” as the National Anthem and the wording should remain as it is.

There was 84 per cent support for the Anthem in a Sunday Times survey carried out in 2017.

There have been proposals down through the years by some to change the opening line of the Anthem. However, it is recommended by the Committee that there should be no change to the wording of the National Anthem.

The Committee received submissions from members of the public in relation to the wording of the National Anthem with some focusing on the use of Fianna Fáil in the opening line. The historical facts were outlined by many during the public consultation, including by Lt Col Mark Armstrong, Minister for State Michael D’Arcy and Councillor Nial Ring, whose grand-uncle translated Peadar Kearney’s “The Soldier’s Song” creating “Amhrán na bhFiann”. The historical facts show that “The Soldier’s Song” by Peadar Kearney was being translated by Liam Ó Rinn in 1916, finalised in 1921 and first published in 1923. This was nearly a decade before the founding of the Fianna Fáil political party.

Through reviewing all submissions received, the public hearings held on 5th December 2017, and wider public opinion, it is the clear view that there should be no change in the wording of the National Anthem.

“There should be no change to either the Irish or English version. I have read and heard of proposals to change the wording to lessen the militaristic tone of the anthem, but in deference to those who wrote and translated it, we should not interfere with the work. Some people have quite mistakenly assumed that the first line of the chorus, “Sinne Fianna Fáil”, was written after the foundation of the Fianna Fáil political party in 1926, and somehow the name of the fledgling party could have influenced Liam Ó Rinn’s translation work. It is absolutely untrue as the first translation was done in 1916 and completed before 1923, well before the foundation of the political party, Fianna Fáil. This is not just based on family knowledge or lore. Historian, Professor Ruth Sherry, in her article, entitled The Story of the National Anthem; published in History Ireland in 1996, states that Liam Ó Rinn’s translation was published in the Army magazine, An Tóglach, on 3 November 1923. More persuasive and significant is the fact that an almost identical text was printed in the Freeman’s Journal on 3 April 1923 under Liam Ó Rinn’s pen name, Coinneach. The Government should issue guidelines for the use of the National Anthem.” Councillor Nial Ring, Seanad Public Consultation Committee, 5th December 2017.

There is also the very real and practical issue which would occur immediately in the event of the opening line being changed from “Sinne Fianna Fáil” to “Sinne Laochra Gael” or an alternative wording, that a new political party or organisation could name themselves “Laochra Gael” resulting in a continual cycle of the National Anthem being changed. Minister for State Michael D’Arcy, a member of Fine Gael, spoke of this reality and made his opposition to proposals for changing the wording of the National Anthem very clear.

“Let me refer to the phrase “Fianna Fáil” in the first line of the anthem. My understanding is that this is the original translation. It should be left as it is and not changed to anything else. I am taking a very cold, objective view on this.” Minister for State Michael D’Arcy, Seanad Public Consultation Committee, 5th December 2017.

RECOMMENDATION 2: IRISH SIGN LANGUAGE VERSION OF THE NATIONAL ANTHEM

An Irish Sign Language version of the National Anthem should be developed.

One of the key features of the public consultation was the representation by the deaf community to develop an Irish Sign Language version of the National Anthem, with student Alain Newstead, from Bishopstown Community School, Co. Cork, giving his personal experience of being excluded when the National Anthem was being performed in his school.

“Again, we Irish Sign Language users are denied access to participation as equal citizens. The National Anthem was composed in English and later translated into Irish but never into Irish Sign Language. This needs to be rectified. Recently, at a whole school event, the Lord Mayor of Cork requested everyone present to sing the National Anthem. On that occasion, one of my teachers, Ms Dowling, was interpreting in Irish Sign Language. Suddenly, she had to refrain from signing while everyone else in the school proceeded to sing their hearts out. I felt totally lost and excluded. I knew everyone was singing an important song about my country and I could see the passion in their eyes and body language. However, I felt even more excluded and frustrated as I could not share the experience with my peers. For this reason, I call on the Government to provide an official Irish Sign Language version of the National Anthem.” Alain Newstead, Bishopstown Community School, Seanad Public Consultation Committee, 5th December 2017.

For users of Irish Sign Language, the inclusion of an Irish Sign Language translation of the National Anthem is part of the deaf community’s fight for full civil rights which was moved forward by the Irish Sign Language Bill 2017, introduced by Senator Mark Daly, which was signed into law by President Michael D Higgins in December 2017.

“I urge members to please take the next step and ensure that there is an Irish Sign Language interpretation of the National Anthem in the near future so that all deaf and hearing people will have access to it.” Denise Dowling, Bishopstown Community School, Seanad Public Consultation Committee, 5th December 2017.

The Committee was unanimous in its view that an Irish Sign Language version of the National Anthem should be developed, and Bishopstown Community School undertook to commence the creation of this version of the Anthem.

RECOMMENDATION 3: PROTOCOL FOR USE OF THE NATIONAL ANTHEM

The National Anthem is an important symbol of our nation and should be treated with respect and dignity. Protocols in relation to the use of the National Anthem should be introduced to assist in this. The protocols would include the versions of the National Anthem in Irish, English and Irish Sign Language, as well as the musical notation as provided by the Irish Defence Forces School of Music. The Presidential Salute would also be given recognition in the protocols.

The Committee was tasked with reviewing all aspects of the treatment and usage of the National Anthem including:

Should the Government issue guidelines on the use of the National Anthem?

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

All members of the Committee and public agree the National Anthem is an important symbol of our nation and should be treated with respect and protected.

“Respect shown to our anthem by Irish citizens is something we should cherish and protect. We must ensure that it could never be shown disrespect.” Joseph Nugent, Seanad Public Consultation Committee, 5th December 2017.

The Committee proposes that the Minister for Finance would have responsibility for the publications of these protocols. Until such time as the Minister publishes the protocols, the version produced as part of this Report should act as the protocols for the National Anthem. The draft protocols as approved by the Committee are set out in Appendix 2 in this Report, page 32.

Councillor Ring suggested the Government should issue guidelines for the use of the National Anthem similar to the protocols of the national flag.

“... there are guidelines for the use of the flag and harp. I have an excellent document outlining the protocols and guidelines for the national flag, which was put together by Senator Daly. Something like that should be put together.” Nial Ring, Seanad Public Consultation Committee, 5th December 2017.

Minister for State Michael D’Arcy agreed that the guidelines should follow a similar outline as the protocols surrounding the Irish Flag.

“Setting out the criteria for best practice on the suitable treatment of the National Anthem and putting them on a more formal footing through official guidelines could have positive effects on future treatment. Such guidelines could take a similar form to those issued by the Department of the Taoiseach for the use of the national flag.”

“It is one of the most important symbols of our State. It is an internationally recognised means of demonstrating our national pride, whether it is used for official State visits, to inspire sports people or to celebrate the wins of our athletes. Even its informal use across Ireland and around the globe serves to bring people of Ireland together.” Minister for State Michael D’Arcy, Seanad Public Consultation Committee, 5th December 2017.

Ms Emily-Jo White stated that the National Anthem must be treated with respect.

“Amhrán na bhFiann” is a crucial and core part of how the State commemorates events and people. It must be treated with respect...” Ms Emily-Jo White, Eureka School, Seanad Public Consultation Committee, 5th December 2017.

The Committee considered whether legislation should be introduced to protect the National Anthem and a number of contributors to the public hearings outlined their views in this respect.

“I note that one of the objectives of the Committee is to decide whether the anthem should be enshrined, like other national symbols such as the harp and the flag. I am not speaking for the Defence Forces, but I would personally agree with doing that. It is important to secure it for the State in the future. I would be happy to advise on the actual musical arrangement to be adopted. If it is formally adopted, the musical arrangement would have to be determined at the same time.” Lt Col Mark Armstrong, Seanad Public Consultation Committee, 5th December 2017.

The families of two of the three men who created the National Anthem also commented on how the Anthem should be protected.

“I believe both the English and Irish versions of “Amhrán na bhFiann”, “The Soldier’s Song”, must be given the respect, dignity and protection they so rightfully deserve. I am also reminded of the French title for “La Marseillaise”, their National Anthem, is “l’Hymne National”. “Amhrán na bhFiann”, “The Soldier’s Song” is our hymn and must be legally protected for our future generations.” Conal Kearney, Seanad Public Consultation Committee, 5th December 2017.

“I would support the National Anthem being enshrined officially in legislation and for it to be formally adopted as such, like the flag and harp.” Nial Ring, Seanad Public Consultation Committee, 5th December 2017.

Another issue which the Committee was tasked to review was the copyright and usage of the Anthem.

- What should be classed as misuse of the National Anthem? How should this be decided and who should enforce it?
- 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?
- What penalties should be put in place if any proposed restrictions are breached and what form should these take?

Minister for State Michael D’Arcy outlined the current situation in relation to the copyright of the National Anthem and following advice from the Attorney General he did not agree with the proposal to extend copyright of the National Anthem to bring it back under the control of the Department of Finance. It is his belief that any such move would run contrary to both national and European copyright legislation.

“This legal status is a common one internationally. Many countries, including the US, France and the Netherlands, allow their National Anthems to reside in the public domain in this manner. In addition, I do not agree with the attempt to extend copyright of the National Anthem to bring it back under the control of my Department. Any such move would run contrary to both national and European copyright legislation. Last year, my Department received legal advice from the Attorney General on this issue that indicated that passing legislation to extend the State’s copyright over the National Anthem would not stand up to legal scrutiny. As such, the National Anthem’s current legal status is appropriate in regard to the original intention for the purchase of its copyright by the Department and in accordance with best practice internationally.” Minister for State Michael D’Arcy, Seanad Public Consultation Committee, 5th December 2017.

Dr Eoin O'Dell submitted a draft Bill to the Committee which addressed the copyright, usage and restriction issues surrounding the National Anthem as it is now in public domain. His Bill reinforced the Minister's advice to the Committee that there is no way to legally bring the National Anthem back into copyright.

Ms Hazel Tunney who works in the area of international property law gave her recommendation to the Committee.

“My recommendation is that any proposed Bill, should the committee decide that legislation is the most appropriate way to proceed, incorporate provisions which provide a full, detailed definition of the national anthem and its various translations, contain general non-prescriptive statements that the national anthem should be reproduced, treated and performed with dignity and respect and not in a way which is misleading, confusing or grossly offensive. It could set out general provisions for seeking permission to use the national anthem in certain circumstances, such as those cited by Dr. O’Dell, in a commercial fashion, while making clear exemptions for non-commercial uses such as for charity, at the end of matches and so forth and, if deemed necessary, to provide for injunctive powers to prevent grossly offensive use or deceptive misuse of the national anthem.” Ms. Hazel Tunney, Seanad Public Consultation Committee, 5th December 2017.

On balance, the Committee considered that legislation was not required at this point in time, but notes that this step could be considered into the future once the protocols are implemented and the version in Irish Sign Language is finally signed off on by the Department of Finance.

The Committee agreed that a protocol containing the National Anthem in all its various translations, namely, the text in Irish and English, the musical notation, and the Irish Sign Language version, was the preferred option at this time.

RECOMMENDATION 4: THE NATIONAL ANTHEM IN OUR SCHOOLS

Every primary and secondary school should be provided with the National Anthem in Irish, English, and Irish Sign Language to assist in the teaching and learning of the National Anthem.

Many of the contributors, both witnesses and Senators, spoke about being taught the National Anthem in schools but also singing it every day at the commencement of the school day. There was also a suggestion made to make the learning of the Anthem compulsory.

“I urge the committee to recommend that the National Anthem be made a compulsory part of the educational curriculum and enshrine this in legislation to ensure its implementation. I have spoken to many school principals over the past week or so in preparation for today’s meeting, and although it seems to be part of the curriculum, this is up to individual principals. Luckily, there are many principals in the country who ensure it is taught, mainly in sixth class.” Councillor Nial Ring, Seanad Public Consultation Committee, 5th December 2017.

Raymond Daly quoted an opinion poll in relation to the teaching of the National Anthem-

“Do you think learning the National Anthem should be part of the school curriculum?’ A total of 89% said “Yes”, 9% said “No”, and the remainder did not know.”

“I would like to think that as part of this process the Department of Education and Skills will make the learning of “Amhrán na bhFiann” part of the school curriculum, certainly in primary school.” Raymond Daly, Seanad Public Consultation Committee, 5th December 2017.

Given the current structure of the school day, it may not be possible that the National Anthem be sung daily and to make this a compulsory part of the curriculum. However, the Committee agreed that resources should be made available for primary and secondary schools to assist in the teaching of the Anthem.

It is obvious that school is the most appropriate place in which the National Anthem should be taught and it is indeed currently on the curriculum at primary school level. However, once it has been taught at primary school level there are little opportunities for students to use the National Anthem within the school environment.

Lord Mayor of Cork Tony Fitzgerald outlined how in his term of office he initiated a programme within Cork city schools -

“When I took office as Lord Mayor, I wished to make the connection between the visitation of the schools started by Terence McSweeney and the learning of the National Anthem, as occurred at the North Monastery. I therefore distributed the National Anthem, ‘Amhrán na bhFiann’, to every school and asked the principals and teachers of the schools to ensure that the pupils learned the National Anthem in advance of my visit to the school. The response was tremendous. When I arrived at each school I was greeted by the pupils at the entrance of the school under the Tricolour, and every pupil sang ‘Amhrán na bhFiann’ on my arrival.” Lord Mayor of Cork Tony Fitzgerald, Seanad Public Consultation Committee, 5th December 2017.

Denise Dowling, speaking in her role as a teacher and also a member of the deaf community, spoke of the inclusion of teaching the Anthem in Irish Sign Language and that material sent to the schools should include the Anthem in its Irish Sign Language translation.

“I do not want my students to be limited in any way by being deaf. I want them to have full lives and reach their full potential.” Denise Dowling, Seanad Public Consultation Committee, 5th December 2017.

Councillor Nial Ring speaking about the guidelines and the Anthem believes a booklet containing both should go to schools and to homes.

“If the guidelines are agreed and published, they should be in booklet format and distributed to every household in Ireland. With regard to what the Lord Mayor of Cork has done with schools, the presentation of the national flag and the Proclamation last year for the centenary celebrations was a magnificent success and it allowed schoolchildren appreciate their flag and the Proclamation. I hope the committee will recommend a similar programme of events for the National Anthem.” Councillor Nial Ring, Seanad Public Consultation Committee, 5th December 2017.

RECOMMENDATION 5: THE NATIONAL ANTHEM, THE NATIONAL FLAG AND ST. PATRICK'S DAY

On the eve of St. Patrick's Day, school children should be encouraged to hold events where the National Anthem could be performed in Irish, English and/or Irish Sign Language. These annual events could also include a celebration of our national flag and the anthems and flags of children of different backgrounds.

The inclusion of Irish Sign Language would also give an appreciation within a school of the issue of diversity and the challenges that some people face.

To encourage participation and the singing the National Anthem on the eve of St. Patrick's Day, the GPO Witness History Visitor Centre has agreed to play the video recordings of the performance of the National Anthem by the different schools around the country who perform it on the eve of St. Patrick's Day.

RECOMMENDATION 6: EMBRACING IRISH CITIZENS ABROAD AND NEW CITIZENS OF IRELAND

The Committee recommends that Irish citizens at home and abroad, as well as new citizens of Ireland, should be encouraged to become acquainted with the National Anthem to promote a sense of national pride and belonging. As the musical notes of the National Anthem are included in the Irish passport, a copy of the National Anthem and the protocols for its use should be issued with all Irish passports. For those not familiar with the Irish language, it may be appropriate to produce a phonetic version of the National Anthem.

As noted by many of the contributors, the National Anthem is a symbol of the Irish State throughout the world. It is important to the Irish diaspora.

“The use of the anthem music notation has been the subject of much comment from Irish citizens worldwide. The anthem strikes a chord with the Irish diaspora, reminding them of their rich sense of Irish roots manifest through the most audible national symbol, ‘Amhrán na bhFiann’. Its inclusion in the passport design was seen as providing a key recognition by the State of the importance of the anthem to Irishmen and Irishwomen ar fud an domhain. The feedback on its inclusion has been hugely positive.”
Joseph Nugent, Seanad Public Consultation Committee, 5th December 2017.

Raymond Daly also spoke of the importance of the National Anthem to all Irish people, no matter their place of residence or how they came to be Irish.

“Please recognise that the National Anthem belongs to the Irish people not just those of us who live in the Republic of Ireland.” Raymond Daly, Seanad Public Consultation Committee, 5th December 2017.

The background features a light blue, semi-transparent sheet of music with various notes, clefs, and lyrics. A faint, stylized harp is centered behind the text. The lyrics are in both Irish and English.

Appendices

Buíon
Some dár
have

slua
come

thar
from a

toir
land

Faoi

Sworn

mhóid bheith
to be

saor,
free,

Sean

no

- tír
more

ár sin - sear
our an - cient

Appendix 1 - Irish and English texts, and musical notation, of the National Anthem

Amhrán na bhFiann

Sinne Fianna Fáil, atá faoi gheall ag Éirinn,
Buíon dár slua thar toinn do ráinig chugainn,
Faoi mhóid bheith saor,
Seantír ár sinsear feasta,
Ní fhágfar faoin tíorán ná faoin tráill.
Anocht a théam sa bhearna bhaoil,
Le gean ar Ghaeil, chun báis nó saoil,
Le gunna-scréach faoi lámhach na bpiléar,
Seo libh canaig' amhrán na bhFiann.

The Soldier's Song

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 sireland,
Shall shelter the despot or the slave.
Tonight we man the 'bearna bhaoil',
In Erin's cause, come woe or weal,
'Mid cannons' roar and rifles' peal,
We'll chant a soldier's song.

Musical Notation

Amhrán na bhFiann (National Anthem of Ireland)

Words of 'The Soldier's Song' by
PEADAR KEARNEY
Translated into Irish by LIAM Ó RINN

Music by
PATRICK HEENEY
Arranged by
Lt Col MARK ARMSTRONG

Tempo di Marcia (♩ = 110)

The first system of musical notation for the National Anthem of Ireland. It consists of a vocal line and a piano accompaniment. The vocal line is in G minor, 4/4 time, and begins with a forte dynamic. The lyrics are: "Sin - ne Fia - nna Fáil, a - tá faoi gheall ag Éi - rinn, Sol - diers are we, whose lives are pledged to Ire - land,". The piano accompaniment features a steady bass line and chords in the right hand.

The second system of musical notation. The vocal line continues with the lyrics: "Buíon dár slua thar toinn do rái - nig chugainn, Some have come from a land be-yond the wave,". The piano accompaniment continues with the same rhythmic pattern.

The third system of musical notation. The vocal line concludes with the lyrics: "Faoi mhóid bheith saor, Sean - tir ár sin - sear feas - ta, Ní Sworn to be free, no more our an - cient sire - land, Shall". The piano accompaniment ends with a final chord.

13 *p*

fhág - far faoin tíor - án ná faoin tráill. A - nocht a théam sa
 shel - ter the des - pot or the slave. To - night we man the

17 *cresc..... f cresc.....*

bhear - na bhaoil, Le gean ar Ghaeil chun báis nó saoil, Le gun - na - scréach, faoi
 'bear - na bhaoil, In E - rin's cause, come woe or weal, 'Mid can - nons' - roar and

21 *rit..... ff a tempo*

lámh - ach na bpi - léar, Seo libh can - aig' amh - rán na bhFiann.
 ri - fles' - peal, We'll chant a sol - dier's song.



Appendix 2 - Draft National Anthem Protocol

National Anthem Protocol

1. Designation

- a) The National Anthem, Amhrán na bhFiann, is an important national symbol of Ireland and should be treated with respect and dignity. All are encouraged to sing Amhrán na bhFiann and these protocols are to assist in the singing or performing of the National Anthem at ceremonies or public events.
- b) The composition consisting of the words and music known as Amhrán na bhFiann, (The Soldier's Song), is the National Anthem of Ireland.
- c) The words of the National Anthem in the Irish language is the chorus of "Amhrán na bhFiann" translated from the original English words by Liam Ó Rinn and the official text of the words is set out in Appendix 1 of this Report.
- d) The words of the National Anthem in the English language are the chorus of "The Soldier's Song" written by Peadar Kearney, and the official text of the words is set out in Appendix 1 of this Report.
- e) The interpretation of "Amhrán na bhFiann" in Irish Sign Language has been provided by Bishopstown Community School. The video performance is available on the Department of Finance website and in advance of its adoption, the version supplied for the Seanad public consultation on the national anthem in 2018 shall be used.
- f) The music of the National Anthem is the chorus of "The Soldier's Song" composed by Patrick Heeney, and the official arrangement of the music by Lt. Col. Armstrong, Director of the Defence Forces School of Music, is set out in Appendix 1 of this Report.

2. Respect and Dignity

- a) The National Anthem, Amhrán na bhFiann, should be performed and treated with respect and dignity.
- b) Any person performing the National Anthem should do so according to the music and words as set out in Appendix 1 of this Report.
- c) During a performance of the Anthem:
 - i) All persons present at an event where the National Anthem is being performed, should stand at attention throughout the performance.
 - ii) 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 remaining at the salute until the last note of the music.
 - iii) Current members of the Defence Forces or of An Garda Síochána who are present but are neither in uniform nor discharging some official function should stand at attention throughout the performance.
 - iv) Former members of the Defence Forces or of An Garda Síochána who are present and not discharging some official function should stand at attention throughout the performance.

- v) 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.
- vi All persons are encouraged to sing the National Anthem when it is being performed.
- vii) Those who are not present at a performance of the National Anthem or Salute, but who are instead receiving electronic communication thereof, should treat the National Anthem or Salute with respect and dignity but need neither salute nor stand at attention, and need not sing the National Anthem if it is being performed.

2.1 Standing

As a matter of respect and tradition, it is proper to stand for the playing of “Amhrán na bhFiann”; this is also the case for any other anthem.

2.2 Conduct during playing

When the flag is displayed:

- a) All persons present at the performance of “Amhrán na bhFiann”, should face the Irish flag and stand at attention and civilians, if applicable, should remove their headdress.
- b) When the Irish flag is not displayed, all present should face toward the music and act in the same manner they would as if the Irish flag were displayed. Where a Public Address system is being used, all present should stand.

3. Timing

It is up to the organisers of an event to determine whether the National Anthem will be sung at the beginning or at the end of a ceremony except in the case of sporting events where the National Anthem should always precede the main event or game.

4. Presidential Salute

- a) The Presidential Salute shall consist of the music of the first four bars of the National Anthem followed by the music of the last four bars of the National Anthem.
- b) The Presidential Salute is based on Amhrán na bhFiann, and may only be played welcoming the President of Ireland. It is not to be played in salute to other dignitaries.
- c) Unlike with the National Anthem, while the Presidential Salute is played people do not need to face the flag.
- d) The Presidential Salute is played at official State events at home; at official occasions abroad, the full National Anthem is played.
- e) When the President is attending events organised by third parties (sports matches, school visits, etc), at times the organisers may play the Presidential Salute for the President’s arrival; in those cases, the playing of the Salute is a choice of the event organisers.

5. Sporting Occasions

- a) It is common practice for the National Anthem, Amhrán na bhFiann, to be played before sporting occasions. It should always precede the main event or game. Patrons and participants should be alerted at the appropriate time by an announcer to ensure due respect is afforded to the playing of the National Anthem.
- b) In instances where a band will play at the venue as part of the occasion, it is appropriate for it to play the National Anthem.
- c) Where the Public Address system is to be used for the playing of the National Anthem, it should also be preceded by an announcement.
- d) The National Anthem to be performed by the band present or through the Public Address system is that as set out in Appendix 1 of this Report. The National Anthem should be observed and sung until the end by all present.
- e) On occasions when Uachtarán na hÉireann and/or An Taoiseach may be in attendance at a given event, it is common practice for the entry of either figure to be announced by the playing of the respective salute which calls to attention those present.

6. Performing with other foreign National Anthems

When the National Anthem is performed at the same event or ceremony as another anthem, the anthem of the other nation will be performed first.

7. Use in Advertising

- a) The words and music of the National Anthem are in the public domain.
- b) As such, permission is not required to use, perform or record the National Anthem for non-advertising purposes.
- c) Permission should be sought to use the National Anthem for advertising purposes, including when:
 - i. Using the National Anthem in full or in part;
 - ii. Reproducing the tune, without the words;
 - iii. Reproducing the words, without the accompanying music.
- d) Permission may be granted at the discretion of the Department of Finance and may be subject to certain conditions including:
 - The tune or the words of the National Anthem may not be modified, parodied or demeaned.
 - Alternative words cannot be substituted for the words of the National Anthem.
- e) Proposals to use the National Anthem for advertising purposes should be submitted to:

Department of Finance

Government Buildings Upper Merrion Street
Dublin 2
D02 R583

Ph: +353 1 676 7571 **LoCall:** 1890 66 10 10
Fax: +353 1 678 9936 **Email:** webmaster@finance.gov.ie

Appendix 3: List of witnesses who presented to the Committee

On 5th December, 2017 members of the Seanad Public Consultation Committee held a public consultation on the Status, Treatment and Use of the National Anthem in the Seanad Chamber. Members of the Seanad Public Consultation Committee in attendance were Senator Paul Coghlan, Chairman, Senator Mark Daly, Rapporteur, Senator Martin Conway, Senator Máire Devine, Senator Joan Freeman and Senator Pádraig Ó Céidigh. Also in attendance were Senators Frances Black, Aidan Davitt, Gerry Horkan, Gabrielle McFadden, Brian Ó Domhnaill, Grace O’Sullivan and Neale Richmond.

The public meeting consisted of two sessions. Session A broadly dealt with the history of the National Anthem; Session B dealt with the future of the National Anthem. The witnesses who attended on the day are listed below in order of appearance.

Session A: History of the National Anthem

Mr. Tony Fitzgerald	Lord Mayor of Cork
Lieutenant Colonel Mark Armstrong	Director of the Defence Forces School of Music
Mr. Joseph Nugent	Former Director of the Passport Services, Department of Foreign Affairs
Mr. Conal Kearney	Grandson of Peadar Kearney, author of the “The Soldier’s Song”
Mr. Nial Ring	Grand-nephew of Liam Ó Rinn, translator of “The Soldier’s Song” into “Amhrán na bhFiann”
Mr. Raymond Daly	Author of historical songbooks

Session B: Future of the National Anthem

Deputy Michael D’Arcy	Minister of State, Department of Finance
Dr. Eoin O’Dell	Associate Professor, Trinity College Dublin
Ms. Hazel Tunney	Irish and European Design and Trade Mark Attorney
Mr. Alain Newstead	Student, Bishopstown Community School, Co. Cork
Mr. John Cottrell	Student, Bishopstown Community School, Co. Cork
Ms. Denise Dowling	Teacher, Bishopstown Community School, Co. Cork
Ms. Emily-Jo White	Student, Eureka National School, Kells, Co. Meath
Ms. Alex Martin	Student, Eureka National School, Kells, Co. Meath

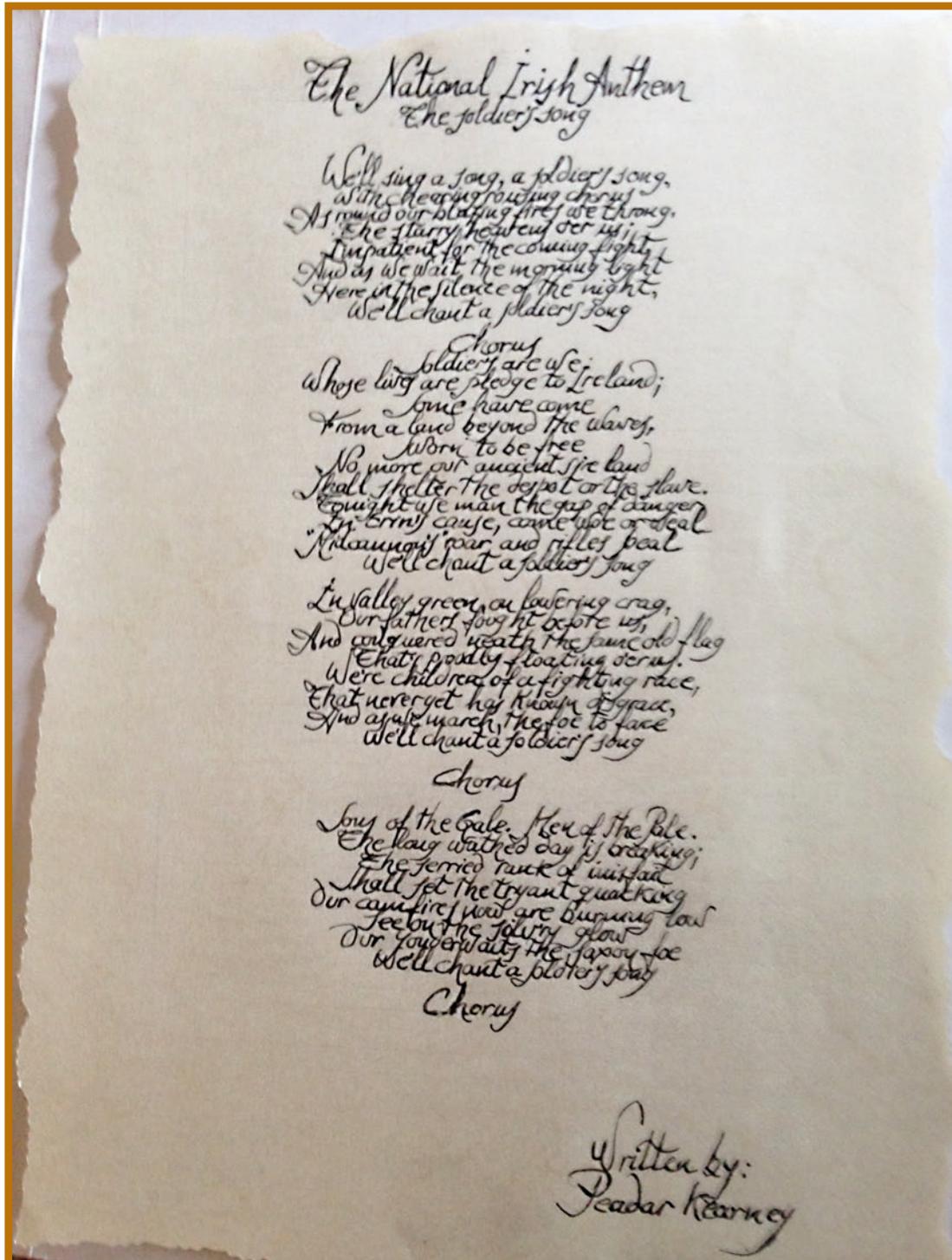
Engagement with the Minister for Finance

The Committee met with the Minister for Finance, Deputy Paschal Donohoe, on 22nd March, 2018.

Appendix 4 – Orders of Reference of the Seanad Public Consultation Committee

“That, in accordance with the recommendation of the Committee on Procedure and Privileges pursuant to Standing Order 98(1)(a) –

- (1) A select committee, which shall be called the Seanad Public Consultation Committee (“the Committee”), shall be appointed to facilitate direct engagement and consultation between members of the public and Seanad Éireann on specific issues related to the legislative powers of the Seanad or an issue of public policy.
- (2) The Committee shall consist of 11 members including the Leas-Chathaoirleach who, ex officio, shall be Chairman of the Committee and the quorum of the Committee shall be five.
- (3) The Committee –
 - (a) shall identify for examination specific issues related to the legislative powers of the Seanad or an issue of public policy;
 - (b) shall, for the purposes of sub-paragraph (a), have the powers defined in Standing Order 72(1) and (2);
 - (c) shall, in respect of any issue it identifies for examination in accordance with sub-paragraph (a), exercise its power under Standing Order 72(2) by public notice which shall specify the issue on which written submissions are invited and the date by which they must be received by the Committee: provided that the Committee may also invite written submissions directly from interested persons or bodies;
 - (d) shall review submissions received by it, determine whether or not such submissions are admissible in accordance with the criteria set out in paragraph (8) of this Standing Order, reject any submissions which it rules to be inadmissible and consider what action, if any, to take in relation to submissions which it judges to be admissible; and
 - (e) shall, for the purposes of sub-paragraphs (a) and (d) of this paragraph, meet in private.
- (4) The Committee may meet in public in the Seanad Chamber for the purpose of taking oral evidence.
- (5) Paragraphs (2) to (6) inclusive of Standing Order 77 shall not apply to the Committee.
- (6) In addition to its obligation under Standing Order 77(1) to lay every report made by it before the Seanad, the Committee may refer any report made by it to the relevant joint committee.
- (7) Written submissions to the Committee shall clearly indicate the name of the person or body making the submission and a postal or e-mail address.
- (8) A submission is admissible unless it –
 - (a) requests the Seanad to do anything other than the Seanad has power to do;
 - (b) does not comply with Standing Orders or is otherwise not in proper form;
 - (c) contains any matter which is sub judice within the meaning of Standing Order 47;
 - (d) comments on, criticises or makes charges against a person outside the House or an official, either by name or in such a way as to make him or her identifiable;
 - (e) contains language which is offensive or defamatory;
 - (f) is the same as, or in substantially similar terms to, a submission made by or on behalf of the same person or body during the lifetime of the Committee.”



“The Soldier’s Song” full version as presented to Conal Kearney on the 100th anniversary of the 1916 Rising.

Buíon
Some dár
have

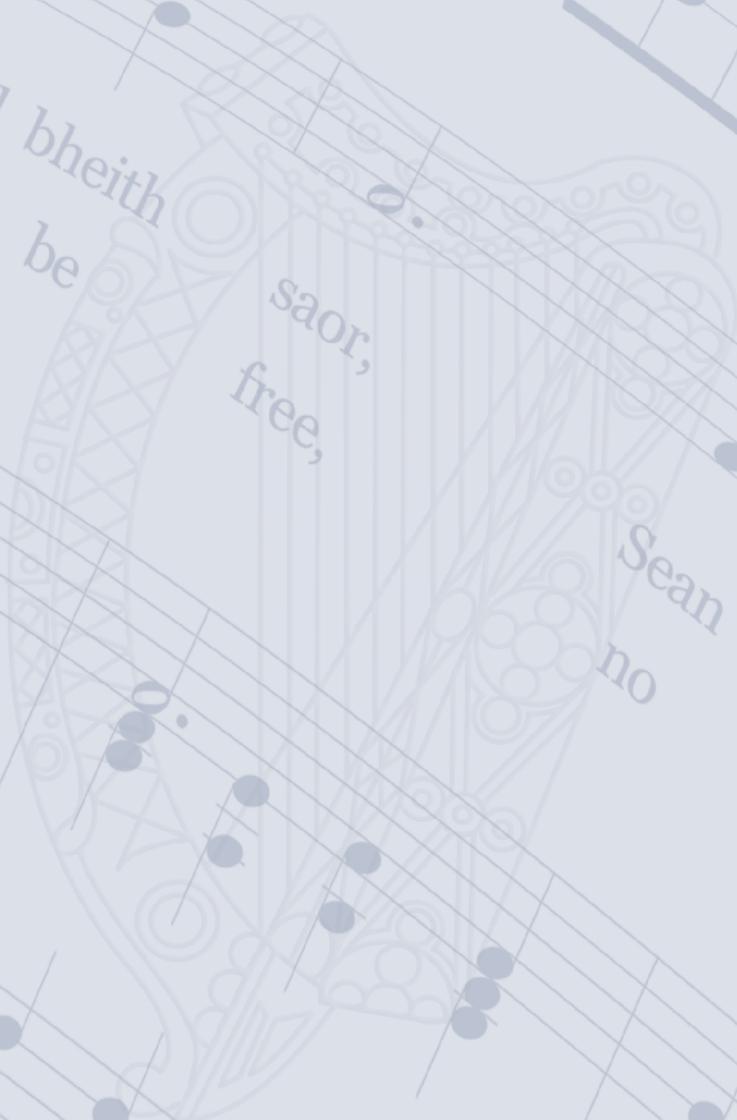
slua
come

Faoi
Sworn mhóid bheith
to be

saor,
free,

Sean
no - tír
more

our





lives

faoi gheall
are pledged ag
to

Éi
Ire

har
m a
toinn
land

do rái - nig
be-yond the

chugainn,
wave,

sin - sear
an -



Tithe an
Oireachtais
Houses of the
Oireachtas