

Text of an Address

By

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To

The Daniel O’Connell Conference

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“The Politics of Reform”

In his address, Michael McDowell asks all commentators, including editors and journalists, and all citizens to examine with real care the probable consequences of abolition of the Seanad.

Abolition is not reform.

He says there is real, worthwhile reform on the table that can become law by Christmas.

He says that the effect of abolition would be to concentrate all power in the hands of those who control a majority in the Dail.

We are being asked to walk “eyes wide shut” into a degradation of our democracy.

When I was originally invited to address this conference on the “The Politics of Reform”, I did not know that I would be speaking in the immediate run-up to a referendum on the future of our national parliament, the Oireachtas.

The Irish people are being called to the polls on 4th October to give their judgment on a proposal by the Government which will have far-reaching consequences for Irish democracy if approved.

The First Question: Consequences of Abolition

I would ask every newspaper editor, every commentator, every political journalist, and every other citizen to look at the following passage, and to consider whether Abolition amounts to “reform”, whether it improves and strengthens Irish democracy, and whether any substantial case at all has been made for it.

If the people vote to accept the Government’s proposal, there are radical and irreversible consequences.

A “Yes” vote means that from 2016 onwards:

- There will be no system of parliamentary checks and balances in our Constitution at all**
- Those who control the Dail will have absolute power in the Oireachtas**
- A majority in a single chamber, Dail Eireann, will be able to decide under Article 15.10 which Bills will be debated, what procedures will apply to the debate on any Bill, what Bills will be guillotined, what Bills will be passed without debate and which and how many members will be heard in any debate**

- The courts will have absolutely no power to ensure time for debate or for legislation, or fair procedures, or speaking rights for minorities or independent members
- There will be no body under the Constitution charged with the task of revising and amending Bills to make laws
- There will be no chance of hearing voices in our parliament for people like WB Yeats, Mary Robinson, TK Whitaker, or for famous Northern voices like Seamus Mallon, Gordon Wilson, Brid Rogers, or John Robb
- The President, the judges and the Comptroller and Auditor General (our constitutional financial watch dog) will be removable by a single decision in a single chamber
- A single decision on a single day in Dail Eireann will enable EU laws, including treaty amendments, which will over-ride our Constitution and decisions to abandon our EU right of veto in matters such as personal and corporate tax to come into effect without consulting the people, because the Seanad's important veto under Article 29 will be abolished
- The possibility of having non-TD ministers, like James Dooge, as provided for in Article 28.7, will be totally abolished
- The possibility of the President referring Bills to the people under Article 27 will be abolished.

Does anyone, anywhere consider that the foregoing amounts to “reform” in the commonly understood meaning of that term?

The Second Question: Reasons Offered For Abolition

I now want to call on every newspaper editor, every commentator, every political journalist, and every citizen to carefully examine the case being made for Abolition.

Two reasons only are advanced on Government posters: “cost” and “fewer politicians”.

Cost:

The Government has falsely claimed that abolition would save the taxpayer €20m per annum. We know that the real “saving” is far, far less than that. The accounting officer of the Oireachtas testified that the direct “saving” was €9.3m gross. This amounts to an Exchequer benefit of about €6.5m when the tax element is discounted – or less than €1.60 per person per year – the price of a container of milk.

- It is less than 1% of the annual budget of Dublin City Council
- It is far less than the €12.9m annual payments that the Dail gives from taxpayers’ money to the political parties
- It is less than the total sum the Government spends annually on its non-elected political special advisors and the empty Farmleigh.

The costs “saved” would not start for three years under the Government’s proposed Constitutional amendment!

If we cannot afford the Seanad now, it would be logical to scrap it now when we need the money, instead of in 2016 when we are told we will be past the crisis.

In the same three years in which there would be no Seanad savings, 2014 to 2016, the Dail will have given the political parties €40m and will have paid the political special advisors €10m.

The referendum will have cost the taxpayer €14m *this* year.

Cost, therefore, is not the issue. The cost argument is bogus. If the Government really wanted to reduce the cost of the Seanad, it would cut Senators’ pay right now as is proposed in the Quinn–Zappone Bill.

Fewer Politicians:

The Government solemnly promised to reduce the number of TDs by 20. It has utterly broken that solemn promise, claiming that the terms of the Constitution prevent it from doing so.

Instead of keeping that promise by offering the people a constitutional amendment to deliver on their commitment, the Government slyly slithered away from it and proposed abolition of the Seanad in a referendum.

They hope the media and the people will not notice the u-turn in favour of the Dail.

In truth, apart from throwing shapes and slogans, the “fewer politicians” argument is really the bogus “costs” argument put differently.

There is absolutely no reason to believe that backbench TDs, scared of losing their seats, are going to spend more of their time revising Dail Bills as the Seanad presently does.

If fewer politicians means that Ireland’s parliament does a worse and worse legislative job and never addresses EU legislation, we the citizens will be the losers big time.

The Third Question: Reform

I would ask every newspaper editor, every commentator, every political journalist, and every other citizen to look carefully at the Constitution itself and to see through the gross deception the Government is engaging in.

Many, many commentators have apparently swallowed the line that the Seanad cannot be reformed without yet another referendum. Nothing could be further from the truth.

The Government is dishonestly trying to persuade the media and the people that the Seanad cannot be reformed and that the only choice is abolition.

There is nothing in the Constitution – *absolutely nothing* - which prevents this Government this month from giving by law every Irish citizen a vote for the elected members of the Seanad at the next election.

It was the Dail, not the people, which enacted legislation giving politicians the only votes in Seanad panel elections.

Every citizen could now by law be given a vote in the Panel elections, if the Dail will pass the Reform Bill which has already passed Second Stage and is currently awaiting Committee Stage in the Seanad.

Every citizen would then be in the same position as the University panel electors. And no citizen would have more than one vote.

Direct Seanad Elections Work Well

And if you wonder how that would work out in practice, just look at the kind of person that one-person-one vote, direct election to the Seanad has delivered.

The Senators now directly elected are real, independent minded additions to our parliament: Feargal Quinn (entrepreneur), Sean Barrett (economist), John Crown (oncologist), Ivana Bacik (law professor), David Norris (author and gay rights champion) and Ronan Mullen (conservative social commentator).

Each of them in their own different ways makes a hugely valuable contribution to our parliament, not only in the Seanad but also in joint Dail-Seanad committees.

We need more of them: not “fewer politicians”.

Without any constitutional change, all the panels could from now on be elected on the same basis by giving each citizen a right to register to vote on the panel of his or her choice – agriculture, labour, commercial, administrative, and cultural and education.

The Bill to do this is already going through our parliament. It is awaiting its Committee hearing. It can be law by Christmas.

That Bill is “reform” in the real sense.

It is not a Bill for a “Second Dail”; it is a Bill to give to the Seanad the role the people gave to it in the Constitution, to give real participation to different, but valuable points of view in our parliamentary process.

The Bill also gives all Irish citizens who live in the North or emigrants who reside abroad a chance to register as Seanad voters in the same way as university graduates now can. That is not “elitist” in any sense.

The Bill would also give the reformed, elected Seanad gender equality. Is that elitist?

Voting Eyes Wide Shut

I want to make one last point. If the Government amendment is passed, there will be nothing left in the Constitution dealing with the way our laws are made.

Any new Dail reform package will stand to be instantly reversed or by-passed by those who control the majority in the Dail at any time in the future just as they think suits them. Article 15 makes that clear.

Reversible Dail reform has no constitutional basis. This Government, with an enormous overall majority, promised 2 years ago to use the guillotine in the rarest of circumstances but has used it on 55% of Bills since then. No court can intervene.

If, at some future date, a citizen who supports abolition complains to the Courts that a law was passed without debate or consideration, or if a TD who supports abolition complains that he or she was not allowed speak on the law, or even that the Dail surrendered our EU tax veto without debate and without consulting the people, the judge might be inclined to answer:

"I am sorry for your trouble. But that is exactly what you voted for "eyes wide shut" back on the 4th October, 2013. You gave whoever controls the majority in the Dail absolute power in these matters. You voted to dispense with parliamentary checks and balances. You made the Dail party whip and the state-funded party machines supreme. You voted away the right of the Seanad to seek to have legislation referred to the people. You abolished the place where independent voices were always heard. You left the Constitution a tattered document with many articles deleted. You fell for the proposition that all that was done was "reform". And now you come here. There is nothing now that can be done for you in this place. Ask those whom you made your political masters for redress."

ENDS