

**REMARKS BY MICHAEL MC DOWELL S.C.**

**ON THE OCCASION OF THE LAUNCH OF**

***“POLITICAL CORRUPTION IN IRELAND 1922-2010 A CROOKED HARP?”***

**BY**

**ELAINE BYRNE**

**Introductory**

I am honoured to be invited today to formally launch Elaine Byrne’s study of political corruption in Ireland since independence.

That sense of honour and gratitude for Elaine’s invitation to carry out this function is, of course, tempered by the realisation that I was only second choice as far as Elaine was concerned.

She advises me that she had invited the Taoiseach, Enda Kenny, to launch this book and had indicated that any date in the month of April and any time of day and any venue, as he chose, was open to him.

For the reasons known to himself, the Taoiseach declined the opportunity to launch this book. This is a pity as his thoughts on the book would be interesting. But happily for me I can speak in his place.

## 90 Years

Although, as Elaine points out, our concepts of what amounts to corruption in the political sphere have varied over time, and although the term “*corruption*” must be seen in context, Elaine’s study is a fascinating insight into the response, at a political level, to allegations of corruption or malfeasance in political and governmental life over the last 90 years.

It bears repetition that the great, great majority of people who have served Ireland by holding elected public office during those 90 years were well intentioned, honourable and decent people with high personal standards of behaviour.

Only a small number of people, in my judgment, have sought political office for improper reasons or have abused political office for improper purposes. Ireland, in general terms, has been well served by those who sought political office and were honoured by the people’s trust expressed through the ballot box.

The State that was founded in 1922, and which evolved constitutionally into a sovereign independent democratic republic has, in general terms, been a success.

The Irish people, in choosing independence in the early 20<sup>th</sup> century, have made what in retrospect appears to have been a wise choice. Like the late Garret FitzGerald, I passionately believe that an independent Ireland has been a good thing for the Irish people and that the struggle for independence was justified and has succeeded.

Even in the context of the present economic crisis arising from the banking and property crash, there is, in my view, every reason to be optimistic about Ireland’s future.

While the title of this book poses the query: “*A Crooked Harp?*”, I do not believe that the Irish State is crooked or that the Irish people are crooked. Nor are we puritans.

The events and inquiries which filled many of the chapters of this book might seem like a depressing catalogue of shame. And in many cases, their substance is shameful.

But the fact that they came to light at all and were the subject of public controversy and inquiry is, at the very least, a good thing rather than a bad thing. Contrast that with 90 years of cover-up of the clerical sexual abuse of children or the fate of the Magdalene girls.

### **Vindicating Standards And Confronting Impunity**

It seems to me that two issues arise from a consideration of this book.

The first of those issues is the way in which we establish and vindicate standards by which our society is to be run and judged.

The second major issue is how we respond as a society to proven departures from those standards.

As to the first issue – the establishment and vindication of standards – it is not enough to investigate by retrospective civil inquiries cases of suspected wrong-doing. Such inquiries are necessary but they are not sufficient.

We need significant deterrents to wrong-doing.

### **Reform Of Our Criminal Prosecution Law**

One area which I think needs our urgent attention is the process of criminal prosecution.

I have reluctantly come to the conclusion that our system of criminal prosecution of fraud and corruption is pitifully inadequate.

If we consider Enron, Madoff and many other US cases, not to mention prosecutions in the UK, and then look at high-profile matters in which we know that criminal investigations have long ago commenced in Ireland, there seems to be an overwhelming impression that the prosecuting agencies in Ireland are simply not up to the job of timely, highly focussed effective investigations.

The phrase “*the file is going to the DPP*” sounds increasingly like the description of the legal equivalent of a black hole in deep space from which nothing emerges.

The problem by the way does not lie with juries; they have juries in the US. It lies elsewhere.

It seems to me that the DPP’s office and functions in such cases needs to be radically re-engineered with a view to using prosecutor-led, inter-disciplinary, cross-agency investigative teams with sharp-focused, time-sensitive procedures, including the use of examination before a body corresponding in function, if not form, to the US grand juries.

Delay and inaction in this area threaten social cohesion and also foster a culture of impunity. The figure of Justice in Ireland increasingly seems to hold scales in one hand but a feather-duster of righteousness in the other.

### **Media Ownership and Liberty**

If in politics, “*daylight is the best disinfectant*”, the role of our media cannot be ignored. The printed press is facing a technological challenge to its very existence. It now seems to be becoming the battleground for thought control as well.

As a society, and as a democracy, we need to face up to the challenge to freedom and liberty which stems from the total absence of laws diversifying the media and their ownership.

Nobody is investing in the print media these days for profit; on the contrary, it seems plain as a pikestaff that investment is driven by considerations of social, political and editorial control and influence.

Our media must be diverse in their ownership and editorial policy. They are not trophy possession for the surplus cash of plutocrats and oligarchs like large hotels and Premiership football clubs.

The Leveson Inquiry, even as we speak, shows how media control and the political system interact, and underlines the mortal dangers to democracy of surrendering ownership and control of our media to the agendas of those with demonstrated low standards coupled with ruthlessness and greed.

In Ireland, the oligarchs are on the march.

They have some allies, alas, in high places who fete them as much as they can get away with while feigning distance from them.

It was interesting to note recently how some who hold office holders took pains to condemn hostile comments made in the past about the Mahon Tribunal while posing for pictures and slapping the backs and whispering in the ears of those who subjected the Moriarty Tribunal to a sustained campaign of vilification and abuse.

If the two parties in our Government cannot unite in challenging on our behalf the culture of impunity fostered by the rich and powerful, they will deserve the consequences. As British politicians are hourly learning to their pain at Leveson, snuggling up to the oligarchs doesn't seem so good the morning after.

## Supporting Brave Commentators

I want to finish by expressing my admiration for the bravery of those who speak truth to power and wealth.

Many journalists, editors and commentators put their professional duties and convictions before their own self-interest. Some alas do not.

Elaine Byrne is brave in her commentary and research.

So also is my good friend, Sam Smyth. Sam has paid a heavy price for standing up for decency in journalism. Some of you will recall that his radio show was closed down to make way for something else in a programme that doesn't immediately spring to mind. We were assured, of course, that it had "*nothing to do*" with his coverage of the Moriarty Tribunal.

But those of you who care to Google Broadsheet.ie and the words "*smoking gun*" and "*editorial interference*" may form a different view of the real agendas already at work. Strange too that Sam personally (and not his paper or the broadcasters) is being sued in the courts. Those cases are obviously not about compensation – they are about silencing an investigative journalist without whose work we would never have known the truth about the former Minister and the coming Oligarch in the first place.

I commend Elaine for her book and I commend her book to one and all.