

**John M. Kelly Papers**

**P147**



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## CONTEXT

### Biographical history

John Maurice Kelly was born in Dublin on 31 August 1931. His father was the chief executive officer of the Agricultural Credit Corporation, and his mother was a civil servant. He was educated at St Conleth's College, and later at Glenstal Abbey School. In 1949 he began his undergraduate career at UCD, and graduated with a first-class honours BA in ancient classics in 1952. After obtaining his MA, he studied Roman law at the University of Heidelberg and was awarded a doctorate.

He was internationally known as the author of three major works on Roman law: *Princeps Iudex* (1957), *Roman Litigation* (1966) and *Studies in the Civil Judicature of the Roman Republic* (1976). While studying at Pembroke College, Oxford, he established his position as the foremost Irish scholar on constitutional matters with his thesis *Fundamental Rights in the Irish Law and Constitution* (1961). He was called to the bar in 1956 and practiced on the Leinster and Eastern circuits.

He returned to academic life in 1961 as a fellow of Trinity College, Oxford, remaining at the college until 1965, when he was appointed professor of Roman law and jurisprudence in the faculty of law in UCD. He became dean of the faculty just two years later. While he was reorganising the teaching of law in UCD, he also revived the *Irish Jurist*, a journal dedicated to current and historical jurisprudence. He edited this journal from its revival in 1966 until 1973.

Having always had a great interest in politics, in 1966 Kelly became a member of the Fine Gael party. After standing unsuccessfully in the 1969 general election, he was elected to the Seanad on the Cultural and Educational Panel later that same year. In 1973 he was elected Fine Gael TD for the Dublin South Central constituency. His first day in Dáil Éireann saw Kelly selected by newly-elected Taoiseach Liam Cosgrave to serve as his Parliamentary Secretary.

In 1977, Kelly was appointed Attorney General, succeeding Declan Costello on the latter's appointment to the high court. He held the post for just four weeks before the Dáil was dissolved, and the 1977 general election saw Fianna Fáil return to government. Life in opposition did however allow Kelly to give more time to his academic duties, and in 1980 the first edition of *The Irish Constitution* was published. With its article-by-article commentary on the constitution, this work became the authoritative text on the subject, and remains so to this day.

Kelly was to return to a government post in 1981 when Fine Gael formed a coalition government with Labour. During this brief spell in power, Kelly served as Minister for Trade, Commerce and Tourism and as acting Minister for Foreign Affairs. This period, with his having had to shift departments and titles several times, somewhat disillusioned Kelly, and he declined to accept ministerial office when the Fine Gael-Labour coalition returned to power in December 1982.

Kelly held his seat in 1987, but decided against contesting the 1989 general

election in order to devote himself more fully to his academic work. To that end, he undertook his final major work, *A Short History of Western Legal Theory* (1992). He also wrote two works of fiction during his career, *Matters of Honour* (1964) and *The Polling of the Dead* (1993).

Kelly married Delphine Dudley in 1961, with whom he had three sons and two daughters. They spent the majority of their married life at their home on Ailesbury Road, Dublin.

John Kelly died in Dublin, after a short illness, on 24 January 1991, aged 59.

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### **Archival history**

These papers were deposited by Delphine Kelly in May 1997.

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## **CONTENT AND STRUCTURE**

### **Scope and Content**

Legal career: major research; general legal writings; small amount of correspondence; items specifically related to Kelly's extensive work on Irish constitutional matters.

Seanad Éireann: electoral campaign (1969); correspondence; speeches and articles written by Kelly during his term as senator; small number of political files compiled on several subjects by Kelly, and maintained in original order; media related material.

Dáil Éireann: electoral campaigns (1969–87); correspondence; speeches and articles written by Kelly during his terms as TD; small number of reports and memoranda; media related material.

Fine Gael: electoral campaign material; educational policy documents; party material on Northern Ireland; FG committees; media-related material; FG publications.

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## **System of arrangement**

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## **CONDITIONS OF ACCESS AND USE**

### **Access**

Available by appointment to holders of a UCDA reader's ticket. Produced for consultation in microform.

### **Language**

English, with some material in Irish and German.

### **Finding Aid**

Descriptive catalogue

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## **DESCRIPTION CONTROL**

### **Archivist's Note**

Descriptive catalogue was prepared by Sarah Poutch in January 2010.

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## **ALLIED MATERIALS**

### **Archival material in UCDA**

IE UCDA P39 Fine Gael

IE UCDA P215 Garret FitzGerald

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## 1. LEGAL CAREER

### 1.1 Research

**P147/1** 1957

1 volume

#### **Principes Iudex**

Copy of Kelly's German doctoral thesis, subtitled *Eine Untersuchung zur Entwicklung und zu den Grundlagen der kaiserlichen Gerichtsbarkeit*. Published in 1957.

**P147/2** 1965

2 volumes

#### **Roman Litigation**

Unbound draft and final copies of Kelly's book, which explores aspects of Roman litigation. Published at Oxford while Kelly was a fellow there, by Clarendon Press.

### 1.2 Writings

**P147/3** 1975

2 volumes

#### **Studies in the Civil Judicature of the Roman Republic**

Two unbound draft copies of Kelly's 1976 publication. The earlier copy contains numerous handwritten annotations.

**P147/4** March 1968–April 1989

19 items

#### **Writings on legal topics**

Articles, reports and speeches written by Kelly for publications and conferences on a wide range of legal subjects. Includes:

- Report delivered to the Council of Europe Second European Conference in Strasbourg regarding the action taken by law faculties and international organizations on foot of the recommendations of the first Conference (23 March 1971, 11pp);
- Written communication from Kelly to the Parliamentary

- P147/4** Conference on Human Rights titled 'The Prevention of the Abuse of Remedies Designed for the Protection of Human Rights' (October 1971, 7pp)
- Reports for the Max Planck Institute's International Colloquium on the Freedom of the Worker to Organize (1978, 28pp);
  - Report by Kelly for the Council of Europe conference on The Defence of Democracy Against Terrorism in Europe, entitled 'Problems of Establishing a European Judicial Area' (1980, 8pp);
  - Article on the United States' influence on constitutional review in the Republic of Ireland (5pp);
  - Advertisement for a public lecture given by Kelly in Queen's University, Belfast on 'The Irish Supreme Court and the Constitution in the 1960s' (February 1967, 1p).

### 1.3 The Irish Constitution

- P147/5** 1960
- 1 volume
- Fundamental Rights in the Irish Law and Constitution**  
Softbound copy of Kelly's book, written while he was a fellow in Pembroke College, Oxford.

- P147/6** February 1967–c1987
- 15 items
- Constitutional material**  
Material relating to Kelly's extensive work on and regarding the Irish Constitution. Includes:
- 'Hidden Treasure and the Constitution', written by Kelly in relation to the *Webb v Ireland* court case (January 1988, 28pp);
  - 'The Constitution: Law and Manifesto', in the Institute of Public Administrations' 'half centenary Festschrift on the Constitution' (c1987, 13pp);
  - Handwritten notes of Kelly's observations on constitutional matters (not dated, 5pp);
  - Flyer advertising the publication of the supplement to the Second Edition of *The Irish Constitution*, written by Kelly with G.W. Hogan and G. Whyte (1987, 2pp).

## 1.4 Correspondence

**P147/7** March 1966–November 1968

7 items

### **Correspondence**

Letters sent and received by Kelly prior to his election to the Seanad. Includes:

- Copy of a letter sent to Liam Cosgrave praising his Dáil speech given after the Budget about the growth of the civil service. Signed 'Tony' (18 March 1966, 2pp);
- Copy of a letter sent by Kelly to Dr Eustas Ó hEideain of NUI Galway regarding the research papers sent to Kelly by Ó hEideain's Social Sciences Research Centre. Kelly has used these pages for some handwritten notes in Irish (25 March 1968, 7pp);
- Letter from Liam Cosgrave acknowledging Kelly's letter, and promising to bring the matter raised before the Front Bench at their next meeting (16 August 1968, 1p);
- Letter of thanks from John A. Costello and Garret FitzGerald for John and Delphine Kelly's work for the party at the recent election (28 October 1968, 1p).

## 2. POLITICAL CAREER

### 2.1 Seanad Éireann

#### 2.1.1 Election

**P147/8** July–September 1969

39 items

##### **Correspondence during the election**

Letters to and from Kelly in relation to his campaign, and replies to his canvassing letters and visits. Includes:

- Letter from the Liam Cosgrave confirming Kelly's selection for nomination on the Cultural Panel by the Fine Gael Party (3 July, 1p);
- Letter from Dermot Gleeson advising Kelly to approach John Bruton personally as 'he is seriously concerned about your part in the Maurice O'Connell business' and may not support his campaign (10 July, 2pp);
- Draft and final copies of letters sent by Kelly to Fine Gael and Labour members of the Seanad electorate requesting their support (15 July, 5pp);
- Letter from Gerard Sweetman informing Kelly that, although he has 'substantial support' in Kildare, Sweetman is 'appalled by your article in the Sunday Independent yesterday ... what appalls me is that you would give us a lecture in public' and tells Kelly that he has already fielded a call from a furious Seanad voter (30 July, 1p);
- Form of undertaking to preserve the secrecy of the voting in the Seanad election, signed by Kelly (12 August, 2pp);
- Letter from Seán Mac Gabhann, Seanad Éireann clerk, requesting Kelly's presence at Leinster House as an elected member of the Seanad (22 August, 1p).

**P147/9** 1965–1969

7 items

##### **Promotional material**

Draft and final copies of a leaflet promoting Kelly's senatorial bid. Also includes similar advertisements for the campaigns of Garret FitzGerald (1965) and other candidates from the 1969 Seanad election.

**P147/10** July–August 1969

13 items

**Tallies and related material**

Includes list of senators, Kelly's estimates of potential votes in each county, dates on which he will contact voters by county, and official list of the final tally in which Kelly was elected.

**P147/11** July 1969

22pp

**Receipts**

For expenses incurred during the campaign. Includes hotel and rental car receipts.

**P147/12** August–September 1969

91 items

**Congratulatory messages**

Letters, cards, postcards and telegrams congratulating Kelly on his successful campaign for election to the Seanad. Includes:

- Holograph letter from former Taoiseach John A. Costello who writes that he is 'delighted to learn' of Kelly's election (13 August, 1p);
- Telegram congratulating Kelly on a 'magnificent vote and victory' from Garret and Joan FitzGerald (13 August, 1p);
- Letter from Paddy Harte TD, who writes 'I would like to think that in some small way we in Donegal contributed to your success' (16 August, 1p).

**P147/13** [July] 1969

4pp

**Newspaper cuttings**

Two articles written by Kelly during his election campaign, one titled 'What Fine Gael Must Do Now' and the other untitled but dealing with the importance of Fine Gael providing an alternative to Fianna Fáil.

### 2.1.2 Correspondence

**P147/14** May 1971–January 1973

12 items

#### **Political correspondence**

Pertaining to Kelly's career in the Seanad. Includes:

- Letter from Kelly to Liam Cosgrave advising him on points he should raise during a forthcoming meeting with Jack Lynch on the situation in Northern Ireland (14 August 1971, 2pp);
- Letter from Richie Ryan to Kelly informing him that he should proceed with the introduction of the Enforcement of Court Orders (Amendment) Act of 1971 (2pp);
- Letter from Kelly to Parliamentary Secretary David Andrews outlining Kelly's 'misgivings' about the Third Amendment of the Constitution Bill (2 March 1972, 4pp).

**P147/15** February 1970–December 1972

16 items

#### **Media correspondence**

Letters to various media sources from Kelly, generally offering corrections and opinions on political articles and reports on his work as senator. Some cuttings are included. Those contacted include the *Roscommon Herald* and the *Irish Times*.

### 2.1.3 Speeches and articles

**P147/16** October 1969–February 1973

74 items

#### **Speeches**

Given by Kelly to various organizations on a wide range of political and legal subjects throughout his Senate career. Some cuttings related to these speeches are included. Several speeches given in Irish are accompanied by translations. Speech topics include:

- the likelihood of the restoration of the Irish language (1969, 5pp);
- on the occasion of the death of Gerard Sweetman, a discussion of the two Inter-Party Governments, in one of which Sweetman served. Delivered at the Annual Dinner of the Piltown District Executive of Fine Gael, Waterford (9 February 1970, 4pp);
- discussion of the meaning of 'republicanism' at a Terenure branch of Fine Gael meeting (2 June 1970, 2pp);
- speech delivered at Seanad Éireann at the final stage of the Prohibition of Forcible Entry and Occupation Bill. Kelly writes that

**P147/16**

‘in view of the Minister [for Justice]’s disposition ... it might have seemed futile for Fine Gael to continue to press amendments at Committee and Report Stage, but we decided to do so rather than acquiesce in the Minister’s conduct’ (1970, 4pp);

- delivered at the inaugural meeting of the UCD Commerce and Economics Society, a speech on the nature of democracy (1 February 1971, 2pp);
- Jack Lynch’s handling of Northern Irish affairs, speaking at a meeting of the Terenure branch of Fine Gael (2 March 1971, 1p);
- calling for Tripartite talks on Northern Ireland at a meeting of the Irish Association for Cultural, Economic and Social Relations in Belfast. Accompanied by cuttings from the *Belfast Telegraph*, the *Irish News* and the *Newsletter* with reactions to the speech (24–25 May 1971, 17pp);
- Michael Collins’ legacy, given at the annual commemoration of his death, at Beál na Bláth (22 August 1971, 14pp);
- the republican groups opposed to Ireland’s entry to the EEC, whom Kelly calls ‘some of the most sinister’ that Ireland has ever seen (2 May 1972, 2pp);
- wives’ rights to maintenance in marital breakdown, delivered at a forum of the A.I.M. group in Dublin (24 January 1973, 2pp).

**P147/17**

November 1969–1972

11 items

**Articles**

Articles and memoranda written by Kelly throughout his senatorial career on various political topics. Includes:

- Observation on policy and tactics sent by Kelly to members of the Fine Gael Front Bench. Includes a reply from Gerard Sweetman (26 November 1969, 13pp);
- ‘Education and the Irish State’, an undelivered talk (1969, 16pp);
- Article on the Irish political system written in German (1972, 16pp).

### 2.1.4 Political files

**P147/18** August 1969–February 1971

8 items

#### **Decimal coinage**

File compiled by Kelly, consisting of items relating to the introduction of decimal coinage in Ireland, which includes:

- Copy of the Decimal Currency (No.2) Bill, as passed by both houses (1969, 9pp);
- The Coinage Regulations, pertaining to dimensions and design, as instituted by Charles Haughey (7 August 1969, 2pp);
- Notice of a motion proposed by Senators John Kelly and Alexis FitzGerald ‘that the Coinage (Dimensions and Designs) Regulations, 1969 be and are hereby annulled’ (14 November 1969, 1p);
- Copy of a letter sent to Minister for Finance George Colley by Kelly and FitzGerald, stating the reasons for their motion to annul the regulations, primarily what they consider to be ‘an altogether defective procedure ... in settling the design of the new coins’. They object that ‘no alternative designs were invited, no competition was held, and no advice sought from competent persons or bodies on the aesthetic element in the volunteered designs’ (22 May 1970, 3pp);
- Leaflet published by the Minister for Finance, detailing the designs for the new coins to be issued for the introduction of decimal currency. Photographs and details of each of these new coins are included (February 1971, 1 leaflet).

**P147/19** May 1970

4 items

#### **Arms Crisis debate**

Material related to the Dáil debate which followed the Arms Crisis within the Fianna Fáil government. Includes:

- Letter from J.W. Sanfey, general secretary of Fine Gael, congratulating Fine Gael deputies on their performance throughout the debate, and inviting them for ‘refreshments in the Party room’ the following week (11 May 1970, 1p);
- Letter from Alexis FitzGerald to John Kelly suggesting that ‘the bill ... be divided five ways between Michael O’Higgins, JC Dooge, Ted Russell, yourself and myself. The sooner the better’ (14 May 1970, 1p);
- Notes on the debate, examining the issues raised from the crisis and the potential future action of Fine Gael to take advantage of it, in both draft and finalized form. The draft copy is heavily annotated (May 1970, 28pp).

**P147/20** June 1970

6 items

**E.E.C. membership**

Items relating to Ireland's potential membership of the European Economic Community. Includes:

- Letter from Aidan Pender, editor of the *Irish Independent*, asking Kelly to write a series of articles to 'provide answers for the Man in the Street' on Ireland's future should it join the E.E.C. (1 June, 1p);
- Letter from Denis Corboy of the European Community Information Centre in Dublin, to whom Kelly sent his draft articles for the *Irish Independent*. Corboy writes that 'it is difficult for me to help you to any great extent because, basically, I do not agree with the approach of the article nor with the conclusions you reach', and includes some informational material on the E.E.C. (30 June, 32pp);
- Drafts of Kelly's *Irish Independent* articles (June, 14pp).

**P147/21** September 1972

6 items

**The 'Wigmore episode'**

Material related to an incident arising from the publication of an anonymous account of a meeting of the Fine Gael Front Bench in the *Sunday Independent*. In this account John Kelly was alleged to have referred to Labour Party colleagues as 'baboons'. The file compiled by Kelly on this matter includes:

- Newspaper cutting of the article in question, which also quotes the anonymous Fine Gael source as saying that 'Senator Kelly, in particular, is deeply resented. He is forever talking about doing something, but then disappears back to the University in the middle of a meeting', and speaks of the law profession within Fine Gael as 'impractical theorists who only devote their spare time to politics' (3 September, 2pp);
- Copy of the original anonymous account sent to the *Sunday Independent* (September, 2pp);
- Letter written by Kelly to Liam Cosgrave, T.F. O'Higgins and Patrick Hogan discussing the circumstances of the anonymous report, outlining his suspicions that the source was a member of the Front Bench, and exploring the possibilities for discovering the culprit's identity (September, 2pp);
- Copy of a letter to an unidentified recipient from Kelly, in which he describes how he believes he found the typewriter used to write the original account of the meeting in the Fine Gael headquarters in Hume Street, Dublin (15 September, 3pp);
- Letter from M.N. O'Neill, the marketing manager of Remington (Office Machines Division), who confirms that to the best of his knowledge, Kelly's suspicions about the Hume Street typewriter are correct (14 September, 1p).

**P147/22** December 1974

4 items

**Inauguration of Cearbhall Ó Dálaigh**

Includes an order of the commemorative service held for the late President Erskine Childers, an order of ceremony for the inauguration of President Ó Dálaigh, and a list of the signatories of the nomination papers of Ó Dálaigh.

**2.1.5 Media relations**

**P147/23** 10 November 1970

1p

**Press release**

Sent to various print media on Kelly's proposals to review the National Reports of An Chomhairle Ealaíon and of the trustees of the National Library.

**P17/24** January 1969–March 1972

37pp

**Newspaper cuttings**

Cuttings of articles and letters by Kelly in print media, mostly the *Irish Times*, and some cuttings of articles reporting on various speeches given by Kelly.

## 2.2 Dáil Éireann

### 2.2.1 Elections

**P147/25** April 1969

5pp

**1969 General Election: correspondence**

Letters from Declan Costello relating to Kelly's election campaign. Includes a draft letter requesting support which Costello has revised for Kelly. Costello writes (29 April) that he has been 'gravely disturbed' by the Maurice O'Connell affair and has felt 'too much of a hypocrite' to support Kelly's campaign since.

**P147/26** 1969

9pp

**1969 General Election: letters requesting support**

Handwritten draft letter to General [M.J.] Costello, soliciting his support for Kelly's candidature in the general election (not dated, 6pp). Typescript template with handwritten amendments of a letter intended to request support (not dated, 3pp).

**P147/27** 1969

2pp

**1969 General Election: list of possible supporters**

To be sent a letter requesting public support for Fine Gael. Includes Professor Basil Chubb, Ulick O'Connor, Eavan Boland and Pádraic Ó Caoimh.

**P147/28** 1969

3pp

**1969 General Election: promotional material**

Pamphlet entitled 'The Time for a Change Has Come' and fronted by a picture of Leinster House, in which a brief outline of Fine Gael's suitability for election is given. Space for supporters to sign their names is included.

**P147/29** May–June 1977

5pp

**1977 General Election: correspondence**

Includes:

- Letter from the Fine Gael National Executive conveying the decision that Kelly must stand in the South County Dublin constituency, acknowledging his unwillingness to leave his current Mid-County Dublin constituency, but assuring him that this was given ‘full and sympathetic consideration’. Unsigned (1977, 1p);
- Letter requesting Kelly’s presence at Dáil Éireann as an elected member for South County Dublin, from the Clerk of the Dáil (20 June, 1p).

**P147/30** June 1977

2pp

**1977 General Election: letters requesting support**

Handwritten draft letter and copy of the final version.

**P147/31** June 1977

7pp

**1977 General Election: campaign notes**

General notes written by Kelly in relation to the campaign, including:

- Statement of areas of influence of the three Fine Gael candidates in the South County Dublin constituency (June, 1p);
- Notes taken of issues raised by voters during Kelly’s door-to-door canvassing (June, 2pp).

**P147/32** 1977

14pp

**1977 General Election: Fine Gael Party material**

Information material for candidates. Included is a discussion of the performance of the National Coalition Government in relation to its 1973 ‘14-Point Programme’ and canvassing material entitled ‘Get Full Value From Every Vote’.

**P147/33** June 1977

3 items

**1977 General Election: promotional material**

Leaflet promoting Fine Gael with the tagline 'Now You've Got a Good Government. Keep It'. Flyers promoting Kelly and his constituency running mates, Sean Barret and Tom Hand.

**P147/34** January–February 1982

25pp

**1982 General Election: correspondence**

Concerning Kelly's campaign for re-election. Includes numerous letters which enclosed monetary contributions to the campaign, as well as:

- Letter from Richie Ryan, attaching his statement on why he has decided not to run in this general election (30 January, 3pp);
- Bulletin from the Fine Gael Press and Information Services instructing candidates to contact them for briefings before undertaking interviews with national media, and enclosing a question and answer document for candidates to quote from (2 February, 4pp).

**P147/35** January 1982

11pp

**1982 General Election: campaign notes**

Kelly's handwritten notes, encompassing the general politics of the election, party and government solidarity, leadership, and the budget.

**P147/36** 1982

7 items

**1982 General Election: Fine Gael Party material**

Material distributed to candidates. Includes:

- 'Let the Country Win', the Fine Gael programme for government (1982, 1 volume);
- Document analysing Fianna Fáil's election strategy, with note written to Kelly from Alexis FitzGerald on the initial page (3 February 1982, 3pp);
- Transcript of a debate between John Bruton and Martin O'Donoghue on R.T.É. Radio's *Saturday View*, hosted by Pat Kenny (13 February 1982, 17pp).

**P147/37** February 1982

4 items

**1982 General Election: promotional material**

Three leaflets advertising the benefits of voting Fine Gael/Labour at the general election, and a tricolour rosette-style sticker featuring the phrase 'Vote Fine Gael' and a black and white photograph of Garret FitzGerald.

**P147/38** June 1981–February 1982

3 items

**1982 General Election: tally results and analysis**

Tally results for the South Dublin constituency in the June 1981 and February 1982 general elections in two parts. Also includes an analysis of the June 1981 tally compiled by Louis Armstrong and Cathal Elliott.

**P147/39** January–March 1987

18 items

**1987 General Election: correspondence**

Numerous letters enclosing monetary contributions to Kelly's campaign. Also includes an invitation to participate in RTÉ's Election 1987 Programme on 18 February (12 February, 1p).

**P147/40** February 1987

6pp

**1987 General Election: campaign notes**

Lists of voters to contact and areas to canvas, with a map of the South Dublin constituency.

**P147/41** [February] 1987

24pp

**1987 General Election: Fine Gael party material**

A brief for the South Dublin constituency sent to Kelly with information on the health service.

**P147/42** February 1987

6 items

**1987 General Election: promotional material**

Leaflets featuring Kelly alone, and also with his running mates Nuala Fennell and Alan Shatter. Promotional sticker featuring the Fine Gael campaign slogan, 'Let's Build the Nation'.

**P147/43** [March] 1987

43pp

**1987 General Election: tally analysis**

For the Dublin South constituency.

### 2.2.2 Correspondence

**P147/44** March 1973–January 1990

10 items

**Political correspondence**

Small amount of correspondence sent or received by Kelly during his career as a TD. Includes:

- Letter to Liam Cosgrave from John Kelly, commiserating on the Taoiseach's ill-health and informing him of the 'terrifically strong feeling' against the proposed Wealth Tax (3 May 1974, 1p);
- Copy of a letter from Kelly to Fine Gael leader Alan Dukes, outlining the reasons why he feels he must decline Dukes' invitation to rejoin the Front Bench. He expresses his misgivings about the state of the Fine Gael party, writing 'what do we stand for that no one else stands for, or what justifies our separate existence, now that (unlike earlier times) it is not possible to fault F.F. convincingly on any of the old grounds?' (27 February 1989, 3pp);
- Copy of a letter to Declan Costello in which Kelly confides in him that at the dissolution of the Dáil, he will not stand again, saying 'I think 20 years is enough time to give it before reconsidering one's life. In that period, in particular, I have not been as active in the academic side of my life ... and would like now to devote myself more whole-heartedly to it'. Includes Kelly's draft statement declaring his intention not to run for election again (12–26 May 1989, 3pp).

**P147/45** April 1979–November 1989

7 items

**Media correspondence**

Letters to various media sources from Kelly, generally offering corrections and opinions on political articles and reports on his work as senator. Some cuttings are included. Also invitations from the *Irish Voice*, *Inside Ireland*, and *Anois* publications requesting that Kelly write articles for them. Drafts of the articles involved are included.

**2.2.3 Speeches and articles**

**P147/46** [1989]

1 volume

**Index to speeches**

Hardback copy book containing a handwritten index by Kelly to his speeches, 1969–89. The speeches are listed alphabetically by subject, with the dates the speeches were given included.

**P147/47** March 1973–May 1990

c255 items

**Speeches**

Speeches given by Kelly during his sixteen years as a TD to various organizations throughout the country. A wide variety of political, social and legal topics are addressed. These were originally filed chronologically by Kelly in a lever arch file, and his original folder covers have been retained. The vast majority of the speeches are typed, with handwritten annotations. This file includes speeches on:

- The achievements of the National Coalition's first full year of government, delivered at the a.g.m. of the Waterford District Executive of Fine Gael. Kelly writes 'the Government has won back, in Northern trust, all the ground so disastrously lost under Fianna Fáil' (9 November 1973, 2pp);
- Fianna Fáil's stand on the issue of contraception, which 'contrasts poorly' with that of Fine Gael and Labour. Speech given at a meeting of the Churchtown branch of Fine Gael in Rathfarnham (25 February 1974, 3pp);
- The international perception of Ireland, which has gone from being that of a 'pig in the parlour' to the image of the 'bomb in the boot' and which can only be rectified when 'the monster of hatred and cruelty' in Northern Ireland can be laid to rest. Given at the St. Patrick's Night Dinner of the Irish Universities Club at Grosvenor House, London (17 March 1974, 3pp);

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- The possibility of extradition to Northern Ireland under the new Criminal Law (Jurisdiction) Bill, at a Fine Gael meeting in Walkinstown, County Dublin (11 April 1975, 2pp);
- The decline of the Irish language, which Kelly attributes in part to its being 'appropriated by political interests who use a superficial display of it as a short cut to certification as patriots', given in Connemara (13 April 1975, 5pp);
- Fishery limits and the EEC, delivered at the Rathfarnham branch of Fine Gael (16 March 1976, 2pp);
- Evidence of economic improvement in Ireland. Kelly cites the downturn in unemployment. Delivered at a dinner of the Federation of Insurance Brokers in Dublin (24 April 1976, 6pp);
- Ireland's contribution to bilateral aid programmes for Third World countries, speaking at a conference on the Third World at Kimmage Manor in Dublin (26 May 1976, 5pp);
- The position of the Catholic church on sectarian violence and on marriage law reform, saying that 'the Irish priesthood cannot easily escape from the expectations that the Irish people have of them'. Speaking at the Annual Dinner of the Bruree District Executive of Fine Gael at Ráth Luirc (Charleville), County Cork (6 January 1977, 3pp);
- In advance of the general election, an address to Fine Gael election workers at Little Bray in Dublin. Discusses the shortcomings of Fianna Fáil's plans for the economy, warning against their 'crazy parade of soft soap offers: thousands of instant extra jobs ... and a programme of borrowing so appalling that we could find ourselves nearly having to sell off a couple of counties in order to extricate ourselves from the burden' (7 June 1977, 2pp);
- The National Coalition's loss at the general election, which was due in part, Kelly feels, to the opposition's economic promises. He warns against either party approaching the next election 'with fresh sets of competing, over-bidding promises' (23 June, 1977, 3pp);
- 'Irish Identity and Ecumenism', delivered at the Dublin Rotary Club in Ballsbridge, in which Kelly attributes the dwindling Protestant community in the Republic to the Catholic Church's stance on the religion of children of mixed-religion marriages (10 October 1977, 3pp);
- Fianna Fáil's antagonism of Northern Irish Protestants, pointing out that there would have been no Sunningdale meeting 'let alone agreement' had Jack Lynch been Taoiseach at that time (16 January 1978, 4pp);
- 'The Urban Environment and Its Potential for Tourism', given at a seminar organized by the National Tourism Council. Kelly bemoans the dilapidated state of Dublin's Georgian architecture and its lack of urban amenities (16 January 1978, 9pp);
- RTE's monopolisation of broadcasting in Ireland (23 January 1978, 7pp);
- The possible denationalisation of public services which he calls 'typical of Fianna Fáil', speaking at a Fine Gael meeting in Clonskeagh, County Dublin, (14 September 1978, 4pp);
- The constitutionality of the An Post monopoly, delivered at the a.g.m. of the Dublin South County Constituency Executive of Fine

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- Gael (20 February 1979, 2pp);
- The prospect of nuclear development in Ireland, and what Kelly describes as Fianna Fáil's chaotic energy policy. Delivered to Fine Gael constituency workers in Dublin in Kelly's capacity as spokesman on Economic Planning and Development, and Energy (30 January 1980, 3pp);
  - The comparisons to be drawn between pre-Famine Ireland's reliance on the potato and the West's reliance on oil, speaking at the Fine Gael Ard-Fheis (30 March 1980, 5pp);
  - Unemployment under Fianna Fáil, which has increased under their 'reckless mismanagement' (5 August 1980, 3pp);
  - Charles Haughey and the economy, in which Kelly says that 'the last ten days offer a perfect sample of Mr Haughey's style of government, in which attempted press manipulation and public relations are everything', and focuses on the increases in State expenditure during Haughey's time as Taoiseach. Given at the inaugural meeting of a new branch of Fine Gael in Donnybrook, Dublin (20 August 1980, 3pp);
  - Modernization of the Dáil electoral system, which Kelly believes should allow British residents of Ireland to vote, as is the case with Irish residents of Britain (26 April 1982, 3pp);
  - The possibility of the establishment of a Police Authority, speaking at a seminar organized by the Garda Representative Body in Dublin (19 May 1983, 5pp);
  - The resignation of Frank Cluskey and its ramifications for party politics in Ireland, which Kelly says have been unduly influenced by 'events that concluded before 80% of the population were born have locked us here into a type of confrontation which has nothing to do with the issues which overshadow us and our children'. Delivered at a lunch of the Dun Laoghaire Chamber of Commerce, in County Dublin (12 December 1983, 4pp);
  - The centenary of the Gaelic Athletic Association which Kelly says 'helped give a sense of self-respect to a demoralized nation' He calls for progress in Northern Ireland to be made through negotiation and understanding. Given to the Dublin Central Constituency Executive of Fine Gael (22 May 1984, 6pp);
  - Margaret Thatcher and the 'malignant' advice she is getting on Northern Irish matters, speaking at a meeting of constituency officers of Fine Gael in Clonskeagh, County Dublin (22 November 1984, 4pp);
  - The Progressive Democrats and whether they can 'break the Civil War mould' of Irish politics. Kelly admires Desmond O'Malley's spirit but feels a new political party is not the solution. Delivered at a meeting of the Ballinteer branch of Fine Gael (14 April 1986, 3pp);
  - The fiftieth anniversary of the Constitution, delivered as part of the Louvain Lecture to the Irish Club of Belgium, in Louvain (22 May, 1986, 12pp);
  - The passing of the Single European Act referendum which Kelly attributes in part to 'sections of the No-lobby and their style of campaign' (May 1987, 5pp);
  - Dublin Corporation, the Smurfit Foundation and what would eventually become the Anna Livia fountain in O'Connell Street. Kelly bemoans Dublin Corporation's allowing the foundation to

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erect the monument without following usual planning permission procedure, and accuses them of presiding over Dublin becoming 'the tattiest capital in Europe' (10 February 1990, 2pp);

- The Government's attempts to have the Gibraltar killings investigated properly, which Kelly believes is suffering due to numerous Irish complaints of British involvement in Northern Ireland reducing the effectiveness of such demands (9 March 1988, 4pp);
- The propriety of gifts given to the Taoiseach, Charles Haughey, and the defence of this by the Tánaiste, Brian Lenihan, speaking at a meeting of the Kanturk District Executive of Fine Gael, County Cork (21 October 1988, 3pp);
- Distribution of National Lottery profits (21 November 1988, 3pp);
- Ireland and Lithuania, and the possibility of offering 'a helpful Irish hand and voice' to their efforts to attain independence from the Soviet Union. Delivered at the inaugural dinner of the Brussels Association of UCD graduates (4 May 1990, 4pp).

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1977-87

33 items

### **Articles**

Reviews, opinion pieces and articles for various publications written by Kelly throughout his Dáil career. Some of these articles and pieces are written in Irish and in German. Includes:

- Reviews of Flann O'Brien's *The Hair of the Dogma* and Joe Haines' *The Politics of Power*. The publications these reviews appeared in are not noted (1977, 6pp);
- Piece entitled 'How to Stop Public Service Bashing', written for the *Journal of the Department of the Public Service*. The front of the journal is illustrated with a caricature of Kelly (September 1984, 8pp);
- 'American TV Please Copy', a piece written for *Inside Ireland* in which Kelly discusses the involvement of Irish-Americans in Northern Irish affairs (24 December 1984, 2pp);
- Article on the Patrick McVeigh extradition controversy in *The Times*. Photocopy of the published article included (15 June 1988, 5pp);
- *Irish Times* article on reforming local government. Cutting of published article included (11 June 1988, 6pp);
- Article on the legal and political status of Northern Ireland from the point of view of the Republic of Ireland. The original article is written in German, and an English translation is included (not dated, 19pp);
- 'Are Our Broadcasting Structures Out of Date?', exploring the broadcasting laws and government involvement in Ireland (not dated, 7pp);
- 'Admission to and Dismissal from the Public Service', which gives a constitutional background to civil service employment and conditions. The publication is not noted (not dated, 26pp).

## 2.2.4 Reports and memoranda

**P147/49** 10 July 1981

9pp

### **Summary report of a meeting at the Foreign and Commonwealth Office**

Details of a meeting between John Kelly as Minister for Foreign Affairs and officials, with the Lord Privy Seal, Sir Ian Gilmour, and the Secretary of State for Northern Ireland, Humphrey Atkins. The meeting included discussions on the hunger strikers and their impact on public opinion in the Republic. Includes some of Kelly's handwritten notes in which he writes that the 'IRA is the beneficiary' of divisions between the British and Irish governments, and 'how do you see this ending?', which as per the report, he asked Atkins at the meeting.

**P147/50** April 1970

4 items

### **Memoranda**

Several memoranda, circulated throughout the Fine Gael Party. Includes:

- The drafting of new rules for Fine Gael members, from William Finlay. This memorandum dates from before Kelly's period as a TD (April 1970, 1p);
- Tactics Committee Proposals for the Front Bench, in which members of the Front Bench are given instructions on their future duties, e.g. 'tackle jointly some important areas of policy' and 'members to be rostered to visit different constituencies on regular basis'. Unsigned (not dated, 1p).

## 2.2.5 Media relations

**P147/51** May 1982

8pp

### **John Kelly interview in *Magill***

Entitled 'John Kelly, Backbencher', the interview examines Kelly's reasons for leaving the Fine Gael Front Bench and his views on politics in Ireland more generally. He is quoted as saying that politicians in Ireland 'tend to offer to relieve people of functions which perhaps they would be well able to carry out themselves' which he believes may 'cripple their innovative capacity and make them all the more dependent on a centralised body'.

**P147/52** 1979–85

3 items

**Summaries of points**

Summaries of points made by Kelly in Dáil debates. Includes main points made by Kelly during the Budget debates of 1981 and 1985.

**P147/53** November 1977–May 1989

25 items

**Statements**

Released by Kelly and Fine Gael to media outlets on various topics and issues during his career as TD. Includes:

- The growth of armed robbery in Dublin. Kelly describes the levels of criminal violence to be ‘unequalled since the Civil War’ (19 November 1977, 2pp);
- Reports of an oil pact made between the Fianna Fáil government and the Soviet Union. Released in Kelly’s capacity as Fine Gael spokesman on Industry, Commerce and Energy (16 April 1979, 6pp);
- Possible reimposition of motor tax by Fianna Fáil, seen by Kelly as ‘a symptom of the Government’s desperation in their search for money, not of their dedication to the cause of conserving energy’. Released during Kelly’s time as Fine Gael spokesman on Economic Planning and Development (28 November 1979, 2pp);
- Total unemployment reaching 115,000, ‘a cruel judgment on 3½ years of Fianna Fáil government’ (11 November 1980, 1p);
- Kelly’s response, as Minister for Foreign Affairs, to reports that the H-Block activists were beginning a campaign to demand the early recall of the Dáil. Kelly says that although they treat the Dáil ‘as a pawn in their sinister game’, their activities contravene the Irish constitution and they will not be taken seriously (12 August 1981, 2pp);
- Kelly’s decision to leave the Front Bench, while also reiterating his support of Garret FitzGerald. He cites his desire to ‘speak with greater independence than I think is compatible with the membership of the Front Bench of any party’ (28 April 1982, 1p);
- Kelly’s decision not to seek or accept nomination as a candidate in the 1989 general election. He makes special mention of his gratitude to Liam Cosgrave for appointing Kelly as his Parliamentary Secretary on his first day in the Dáil (26 May 1989, 1p).

### 3. FINE GAEL PARTY MATERIAL

**p147/54** April 1970

9pp

**Constitution and rules**

Party document outlining the conditions for membership of the Fine Gael Party.

**P147/55** 1970–73

7 items

**Electoral material**

Documents pertaining to elections and related Fine Gael policy. Includes:

- Draft document dealing with the possibility of a general election in the following twelve months due to ‘present stresses within Fianna Fáil’. A list of twenty-four constituencies with the best likelihood of turning to Fine Gael from Fianna Fáil is included (11 June 1970, 4pp);
- Fine Gael electoral strategy for the 1973 election, which discusses marginal constituencies and the possible gains to be made if Fianna Fáil has a significant loss of support. Marked confidential (1970, 6pp);
- ‘Out of Their Own Mouths You Know Them!’ Draft publicity document which outlines the failings of the Fianna Fáil Government (1972, 2pp);
- Observations on policy and tactics, sent by Kelly, while a senator, to members of the Fine Gael Front Bench. He examines the reasons why, despite favourable political conditions, Fine Gael lost the 1969 election, and what can do done to ensure the best chance of victory at the 1973 election (1972, 10pp);
- Report comparing the effects of the current Irish electoral system with the effects of alternative systems, if introduced, by John Whyte. Includes comments on the report by an unidentified Fine Gael member (not dated, 10pp).

**P147/56** 1966–[69]

2 items

**Fine Gael and Education**

Fine Gael’s Educational Policy, 1966, a major policy document detailing the party’s aims in all areas of education, and its intentions of reorganising the Department of Education. Sent to Kelly, with compliments, by Liam Cosgrave. Also includes a document outlining

**P147/56** Fine Gael's commitment to the institution of community schools in Ireland (1969).

**P147/57** 1970–71

5 items

**Fine Gael and Northern Ireland**

Fine Gael party documents on the situation in Northern Ireland  
Includes:

- Report discussing Fianna Fáil's Northern Irish policy, which the author finds lacking, writing 'I won't call it a policy, because "policy" suggests the power to influence events'. The report is on Seanad Éireann headed paper (1970, 3pp);
- Confidential outline of facts relating to an unidentified Fine Gael member [possibly John Kelly himself] and their contact with Northern Irish politicians (27 October 1971, 4pp);
- Detailed report entitled 'The Problem', which examines the historical, social and economic causes of the political problems in Northern Ireland, and the possible solutions available. The authors are David Clarke, Marie Gannon, Avila Kilmurray, Charlie McManus and John O'Grady. They thank various Fine Gael politicians in their acknowledgments, including John Kelly (1972, 33pp);
- Copy of the Northern Ireland Constitutional Proposals presented to the British parliament by William Whitelaw, Secretary of State for Northern Ireland (March 1973, 34pp).

**P147/58** 1964–66

4 items

**Dissociated Fine Gael documents**

Includes:

- Notes on the Succession Bill, 1964, prepared by Michael O'Higgins (1964, 7pp);
- Report on public enterprise in Ireland, and by what means it ought to be encouraged (24 September 1966, 13pp);
- Text of a speech given by Liam Cosgrave at the Fine Gael Ard-Fheis at the Mansion House, Dublin, reviewing the achievements of the Government in the two months since they were elected (19 May 1973, 21pp).

**P147/59** April 1966–July 1974

9 items

**Fine Gael committees**

Documents and correspondence related to Kelly's participation in various Fine Gael committees. These include the Fine Gael Constitutional and Administrative Reform Committee (30 April 1966), the Central Policy Committee (16 September 1966) and the Fine Gael Planning and Development Committee (16 July 1964). The documents involved are generally notifications to attend meetings, with some minutes included.

**P147/60** November 1970–October 1976

2 items

**Fine Gael and the media**

Letter from David Clarke enclosing information on Fine Gael's Publicity Bureau and some notes on the media campaign plan for the next election (4 November 1970). Also includes a photocopied press release from the Fine Gael Government recording their appreciation of Cearbhall Ó Dálaigh's services to the State on his resignation as President of Ireland (October 1976).

**P147/61** 1967–78

9 items

**Fine Gael publications**

Publications by the Fine Gael Party both for publication and for distribution within the party. An issue of *Iris Oifigiúil* is included. Fine Gael publications include:

- Prototype of a new Fine Gael newsletter called *The Citizen*, designed by Kelly. Handwritten notes on the specifications of the publication are included. Kelly writes that it should be bigger than what he has designed here: 'Spectator size? Hibernia size?' (1967, 3pp);
- 'The Will to Win in '68', distributed by Fine Gael Central Branch Committee, which contains an appeal for donations. The committee needs £700 for their operations in 1968, and 'we say that those who agree with our aims have the duty of helping us to get this sum'. The committee members are named on the reverse of the leaflet, and include Dónal Flynn and Vincent O'Neill as well as John Kelly (1968, 1 leaflet);
- First issue of *Fine Gael* magazine, published by the Oireachtas Party. The magazine includes a message from Liam Cosgrave as well as features such as 'Lobby Correspondent', 'A Column for Branch Secretaries' and 'Joke of the Month'. Short pieces in a more serious vein on tourism and the Fianna Fáil Party are also

- P147/61** included. The Editorial Board includes Dick Burke, Pat Hogan and Gerry L'Estrange (1970, 26pp);
- Official timetable of the Fine Gael Ard-Fheis at the RDS, Ballsbridge, Dublin (May 1978, 12pp).

**P147/62** November 1966

3pp

**Membership card**

John Kelly's membership card for the Nutley branch of the Fine Gael Party. The card is fronted by a small black map of Ireland with a dark blue background. Signed by branch secretary Veronica Meenan.