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THE MAJESTIC GUARANTEE: FREEDOM OF SPEECH

The Non-Renewal of the “Section 31” Order.

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“If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence.”

Justice Louis D.Brandeis, Whitney v. California, 274US 357, 377, (1927)

“I...probably take the extremist view in favour of free speech, (in which, in the abstract, I have no very enthusiastic belief, though I hope I would die for it)...”

Justice Oliver Wendell Holmes, Mark De Howe, Holmes-Pollock Letters (1946)

Introduction¹

Freedom of speech is one of the Irish Constitution’s most majestic guarantees. The guarantee, however, is not one of absolute majesty. This is so because Article 40.6.1.i of the Irish Constitution provides that the State guarantees liberty for the rights of the citizens to express freely their convictions and opinions, subject to public order and morality.² Specifically, that provision in the Constitution provides that organs of public opinion such as the radio and the press must not be used to undermine public order or morality or the authority of the State. In effect, prior restraint receives constitutional sanction. A controversial epoch of prior restraint which lasted 23 years came to an end on January 19, 1994 when the Minister for Arts, Culture and the Gaeltacht, with the approval of the Government, decided not to renew the annual “Section 31” order.³ This article

examines the legal context in which the section 31 order was not renewed in 1994 and concludes that the majestic guarantee of freedom of speech has been enhanced as a result.

Reasons for Freedom of Speech

Why is freedom of speech necessary? First of all, freedom of speech enhances the social good by promoting the discovery of truth. The most powerful judicial expression of the argument that free speech promotes the discovery of truth was the dissent of Justice Oliver Wendell Holmes in *Abrams v. United States* (1919)⁴:

“But when men have realised that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas, that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That is at any rate the theory of our Constitution.”

The “marketplace of ideas” philosophy in relation to freedom of speech has considerable merit. Like all conceptions of constitutional theory, it is difficult to express the essence of the theory in a few short sentences. Justice Holmes’s figurative use of language has been described as relying too dangerously on metaphor for a theory that purports to be more hard-headed than literary.⁵ The marketplace model has also been criticised by many writers.⁶

Another function of freedom of expression is based on citizen participation in democracy: persons cannot intelligently make independent judgments in a self-governing society unless they are permitted to hear all possible views in relation to the issue in question.⁷ US Justice Brandeis in *Whitney v. California* (1927) expressed what may be described a representative judicial view of this free speech theory:

“Those who won our independence believed that the final end of the State was to make men free to develop their faculties: and that in its government the deliberative forces should prevail over the arbitrary....They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; ... that the greatest menace to freedom is an inert people; that public discussion is a political duty and that this should be a fundamental principle of American government.”⁸

A further ground for valuing freedom of speech is that freedom of speech enhances personal growth and self realisation. Many writers have grounded their defences of free expression on notions of self-realisation and self-fulfilment.⁹ Dr. Conor Cruise O'Brien as Minister for Posts and Telegraphs postulated the thesis concerning the enhancement of the development of a person's personality and self respect in the following way before arguing for a limitation of free expression on broadcasting:

“[The] State should leave purely verbal utterances strictly alone. Language, it is urged, can be a safety valve for feeling which might otherwise find more dangerous expression; debate, even using the most heated forms of argument, has a cleansing power; even the most detestable ideas – the advocacy of genocide, for example - should be allowed the widest possible public expression and then be met by reasoned argument.”¹⁰

Costello J's dictum in *Paperlink*¹¹ that “the very general and basic human right to communicate” was considered to be one of the personal unspecified rights of the citizen protected by Article 40.3.1 of the Irish Constitution must also be regarded as a basic function of free speech. There is a basic human need to communicate one's thoughts and emotions to fellow human beings. Costello J's analysis (in *Paperlink*) that the right to communicate must inhere in the citizen by virtue of his human personality illustrates the human and social dimension of the right to communicate and although he differentiated the right to communicate from the right to express freely convictions and opinions guaranteed by Article 40.6.1.i there is undoubtedly a general correlation between the two guarantees.

Subject to the limitations of public order, public morality and the authority of the State, there is merit in the formulation of the right to communicate by a group of UNESCO experts in 1980:

“Everyone has a right to communicate. Communication is a fundamental social process which enables individuals and communities to exchange information and opinions. It is a basic human need and the foundation of all social organisation. The right to communicate belongs to individuals and the communities they compose.”¹²

The Section 31 Order

Section 31(1) of the *Broadcasting Authority Act 1960* as amended by section 16 of the *Broadcasting Authority (Amendment) Act 1976* which authorised the issuing of “section 31” orders provides as follows:

“(1) Where the Minister [for Arts and Culture and the Gaeltacht] is of the opinion that the broadcasting of a particular matter or any matter of a particular class would be likely to promote, or incite to, crime or would tend to undermine the authority of the State, he may be order direct the [RTE] Authority to refrain from broadcasting the matter or any matter of the particular class and the [RTE] Authority shall comply with the order.”

An order made by the Minister was to remain in force for a period not exceeding twelve months¹³ and applied not only to RTE (the broadcasting service effectively owned by the State) but also to the private broadcasting services.¹⁴

The first public directive was issued by the Minister for Posts and Telegraphs to the RTE Authority on October 1, 1971. Orders under section 31 of the 1960 Act¹⁵ remained continuously in force from October 1971 up to January 1994. The 1993 Order which on July 19, 1994 lapsed prohibited RTE and the “private” broadcasting services from broadcasting, inter alia, any matter which constituted an interview or report of an interview with a spokesman or with spokesmen for any one or more of certain named organisations including the Irish Republican Army, Sinn Féin and others.

The Section 31 Order in the Context of International Guarantee of Freedom of Speech

The charter of the United Nations (1945) to which Ireland subscribed on joining the United Nations on December 14, 1955¹⁶ refers at seven instances to human rights. Two concepts have come to dominate the human rights aspects of the international law of communications – the concept of freedom of information and the concept of a free flow of information. It is difficult to distinguish one from the other. The word “information” from the Latin “informare” – to give a form to something – suggests a unilateral process – a one-sided freedom. The shift in emphasis in international fora is now towards a new human right – the right to communicate. The emerging human right to communicate represents the apex of an ascending progression of rights and encompasses freedom of opinion and freedom of expression. The right to communicate involves a two way process – the right to inform as well as be informed – and includes the notions of access and participation, albeit subject to certain restrictions.

The concept of a human right to communicate had its first full expression in the French *Declaration of the Rights of Man* (1788) and the United States *Bill of Rights* (1791). These documents contain provisions on communication freedoms which not only influenced later constitutions but also international instruments of this century. Article 10 of the French *Declaration of the Rights of Man and of the Citizen* (1789) provided that no man “is to be interfered with because of his opinion, not even because of his religious opinions, provided his avowal of them does not disturb public order as established by law”. Article 11 enshrined further communications rights. The concept of “the unrestrained communication of thoughts and opinions” is stated to be “one of the most precious rights of man”. Thus, every citizen was to have the right to “speak, write and publish freely provided he be responsible for the abuse of this liberty in the cases determined by law.” This provision was followed by the First Amendment to the US Constitution which provides that Congress would “make no law... abridging the freedom of speech or of the press...” These provisions undoubtedly influenced the drafting of the *Universal Declaration on Human Rights*. *The Universal Declaration of Human Rights* – deemed to interpret the Charter – although non-binding in character, has served as a watermark for the promotion of human rights in the context of freedom of speech in relation to the right to communicate. Article 19 of the *Universal Declaration* expressly provides as follows:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The *International Covenant on Human Rights* opened for signature in 1968 and ratified by Ireland in 1989 codifies the provisions set out in the Declaration and has particular significance for the promotion of human rights in the context of freedom of speech including the right to communicate. The preamble to the 1966 Covenant rightly emphasises the importance of the creation of conditions – the proper climate – whereby “everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.” Article 19 has a particular relevance for freedom of speech and thus is quoted here in full:

- “1. Everyone shall have to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, or through any other media of his choice.
3. The exercise of the right provided for in paragraph 2 of this Article carries with it special duties and responsibilities.

It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputation of others;
- (b) For the protection of national security or public order, or of public health or morals.”

Member states of the United Nations agreed in *International Convention on the Elimination of all forms of Racial Discrimination* (1966) to declare “all dissemination of ideas on racial superiority or hatred, incitement to racial discrimination” an offence punishable by law.

Members of the United Nations meeting in Teheran (1968) to review the progress made in the twenty years since the adoption of the *Universal Declaration of Human Rights* and for the purpose of formulating a programme for the future proclaimed that the primary aim of the United Nations in the sphere of human rights was the achievement by each individual of the maximum freedom and dignity. With the aim of realising this object the Member States present solemnly proclaimed:

“[T]he laws of every country should grant each individual irrespective of race, language, religion or political belief, freedom of expression as well as the right to participate in the political, economic, culture and social life of his country.”

The Council of Europe, established pursuant to the *Statute of the Council of Europe* (1949), exerts a considerable influence on the regulation of freedom of expression in Ireland. The 1949 Statute specified that the aim of the Council of Europe was “to achieve a greater unity between [the members of the Council] for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress”. Certain basic values constitute the foundations of the Council of Europe and permeate its institutions – the concept of democracy, the rule of law and respect for human rights. Freedom of expression is the cornerstone of the Council of Europe’s policy in relation to communications law.

In the human rights area, the primary influence of the Council of Europe is via the *Convention for the Protection of Human Rights and Fundamental Freedoms*. Article 10 of the Convention plays a pivotal role in the regulation of communications. It provides as follows:

- “(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- (2) The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.”

Article 10 of the Convention guarantees a fundamental right – the right to freedom of expression. This right includes the freedom to hold opinions, the freedom to receive information and ideas, the freedom to impart information and ideas without interference by public authority and regardless of frontiers. Any interference by public authority with this right eg. By a law, would result in a violation of Article 10 unless such interference fell within one of the exceptions specified in Article 10(2) of the Convention.

Irish Law

Current Irish legislation contains sufficient prohibition on “subversive” advocacy without the crude resource to the wide-ranging section 31 order. The Broadcasting Authority Act 1960, as amended, prohibits the RTE Authority from including in any of its broadcasts anything that “may reasonably be regarded as being likely to promote or incite to crime or as tending to undermine the authority of the State.”¹⁷ A similar prohibition is enshrined in the *Radio and Television Act 1988* relating to the private broadcasting services.¹⁸ The *Prohibition on the Incitement to Hatred Act 1989* prohibits the broadcast of any item involving threatening, abusive or insulting visual images or sounds, if it is intended thereby to stir up hatred or, having regard to all the circumstances, hatred is likely to be stirred up thereby.¹⁹

RTE over the years adopted a conservative approach in relation to the interpretation of the section 31 orders. The judgments of O’Hanlon (High Court) and the Supreme Court in *O’Toole v. RTE* (1993)²⁰ ameliorated, to a certain extent, the conservative interpretation by RTE of the section 31 order. In effect, RTE had interpreted the order as banning members of Sinn Féin, per se, from the airwaves as distinct from spokesmen and persons representing or purporting to represent Sinn Féin. In fairness to RTE, the distinction was not necessarily as

clear cut as it might appear. In *O'Toole*, RTE refused to broadcast interviews with the plaintiff in his capacity as the chairman of a strike committee at a bakery in Dublin in 1990 on the grounds that he was a member of Sinn Féin. O'Hanlon J, held that the section 31 order did not prohibit the broadcast of any material emanating from or spoken by a person solely on the grounds that he was a

member of the Sinn Féin party. O'Hanlon J reasoned that if a Ministerial order had been made prohibiting all access to the airwaves at all times by a person who was a member of Sinn Féin, the validity of such an order would have to be considered and would in the judge's opinion be open to considerable doubt as a valid exercise of the powers conferred on the Minister under section 31 of the 6 *Broadcasting Authority Act, 1960* as amended. The judge also invoked the statutory obligations to observe rules of fairness and impartiality in broadcasting news and in its treatment of current affairs by stating that this obligation was infringed by RTE when it refused on arbitrary grounds to allow the views of workers involved in a major industrial dispute, which was arousing widespread public attention, to be put forward on their behalf by the plaintiff – the person they had appointed their spokesman.

The Supreme Court unanimously upheld the decision of the High Court in *O'Toole*. Finlay CJ in his judgment said that the submission on behalf of O'Toole that the ban constituted an addition or amendment of the terms of the order, rather than a method of implementing it, was valid and correct. O'Flaherty J in his judgment considered that someone speaking on an innocuous subject on the airwaves, even though he was a member of an organisation which included in its objectives a desire to undermine public order or the authority of the State, was neither outside the constitutional guarantee of freedom of expression nor within the Ministerial order.

RTE's conservative approach to the section 31 issue is further illustrated by the case of *Brandon Book Publishers Ltd v. RTE* (1993)²². RTE refused to accept a radio advertisement by the Sinn Féin President, Gerry Adams, on the basis that it was in breach of the relevant section 31 order. Carney J, in a conservative judgment, reasoned that although since the case of *O'Toole*, an ordinary member of Sinn Féin might broadcast on a range of topics, nevertheless that so far as Mr. Adams was concerned his public persona was such that he could not be divorced in the public mind from advancing the cause of Sinn Féin. Carney J argued that the probable effect of broadcasting particular material by a public personality was a matter of judgment within the expertise of and exercisable by RTE and that the exercise of such judgment by RTE was not reviewable by the courts. To a certain extent, the core issue was side-stepped.

Justifying the non-renewal of the section 31 order in February 1994,²³ the Minister for Arts, Culture and the Gaeltacht, Michael D. Higgins, expressed the view that the core issue as far as he was concerned was not whether Sinn Féin per se any other group covered by the order was allowed access to the Irish airways. The core issue was about expressing confidence in the maturity of Irish people and their right to see and hear comprehensive news in current affairs coverage that was essential to support a fair and informed national debate on issues of national importance, to hear all views and shades of opinion and thereafter to make up their minds on the issue involved. He considered the matter “a basic issue of freedom of information and expression versus censorship.”²⁴

The Minister was conscious of the argument that censorship was invoked to serve a higher category of rights but he considered that the assumption was that the public could not draw distinctions between arguments and nuances of arguments. He considered that one must trust the public and also to regard the basic right of access to information as one that was essential in “a democratic set of practices of communication.”²⁵ The Minister stated that he was quite conscious of the provisions of Article 40.6.1.i of the Constitution (which guarantees the liberty to citizens to exercise freely their convictions and opinions) and its constraints. The Minister fully accepted that television and radio services must not be used to justify murder or incite others to violence. However, the Minister contended that the State’s constitutional obligations were fully met by current broadcasting legislation and the provisions of the *Prohibition of Incitement to Hatred Act 1989* and, accordingly, there no longer sufficient justification for orders under section 31. There is merit in the arguments of the Minister.

RTE have issued amended guidelines²⁶ in the context of the statutory provision²⁷ which prohibits anything which may reasonably be regarded as being likely to promote, or incite to, crime or as tending to undermine the authority of the State. In the context of Sinn Féin and Republican Sinn Féin the guidelines are conservative. The guidelines state that as a general rule, particularly in news and current affairs programming, proposals to include a contribution by a member of Sinn Fein or Republican Sinn Féin must be referred to the Divisional Head concerned and where appropriate such a contribution should be pre-recorded. Where no reasonable apprehension exists that a particular person would be likely to include matter in a broadcast precluded under section 18 of the 1960 Act above, then that person should in general be considered eligible to participate in a live broadcast. However, the editor and producer in charge of the programme and the programme presenter involved must be vigilant to ensure that a contributor in any live broadcast does not introduce matter contrary to the terms of the broadcasting legislation. If this occurs the presenter must ensure that the contribution is terminated forthwith.

Where it is proposed to include in a broadcast by RTE an interview with or a contribution from a spokesperson or formal representative of either Sinn Féin or Republican Sinn Féin or where it is proposed that a broadcast containing detailed articulation on behalf of either organisation of specific policy likely to touch upon matters covered by section 18, the approval of the relevant Divisional Head must first be obtained. No invitation to participate in a programme may be issued and no preparation of materials as described above for inclusion in the programme may be commenced without the approval of the Divisional Head in RTE. The material proposed to be broadcast must be submitted to the Divisional Head who will satisfy himself that the material to be broadcast will not conflict with the new guidelines.

The guidelines from the Independent Radio and Television Commission (IRTC)²⁸ could be described as being more liberal than of RTE. In a statement of principle, the guidelines refer to the guarantees of freedom of speech and freedom of expression of the Irish Constitution, refer to the importance of freedom of communication in democracy and consider that a flexible rather than a narrow interpretation of section 9 in the *Radio and Broadcasting Act 1988* which prohibits anything which may reasonably be regarded as offending against good taste or decency, or as being likely to promote or incite to, crime or intending to undermine the authority of the State, was appropriate. The guidelines rightly considered that there should be strong presumption against prior restraint or censorship of subject matter. Freedom of speech was stated to be an essential democratic right and while it was not absolute, the conditions of permissible interference by the State should be interpreted with caution.

The liberal (and correct) philosophy of the Independent Radio and Television Commission is commendable and it is apt to quote a lengthy extract from its guidelines which illustrates that liberal philosophy:

“In general, the principle of freedom of speech dictates that there should no arbitrary limits imposed on the free discussion and debate of political points of view or ideas. In general, also, a policy of post-facto rebuttal or correction should be favoured over one of prior restraint. In particular, the reference to ‘likely to promote or incite to crime’ should be taken to refer to utterances which can reasonably be held to lead to identifiable criminal harm – that is to trigger an immediate and direct criminal action on the part of one or more people.

The presumption in a democracy is that viewers or listeners can decide responsibly how they should respond to what is said via the media in general, including the broadcasting media. The already exists in section 9(1)(a) and (b) [of the *Radio and Television Act 1988*] governing the provision of independent broadcasting, the obligation to take account of

diverse viewpoints, and the obligation to be objective and impartial. In this context, interviewers should be at liberty to ask political spokespersons to justify political ends. Implicit in this is the liberty to respond. In this, as in all matters of major political interest or controversy, the need to deal with issues in a balanced way and to ensure that the opportunity of rebuttal exists is particularly acute.

Freedom of communication serves fundamental democratic values. It also imposes a serious burden of responsibility on those who are involved in the media and – because of the higher risk factor involved in programming – on those who are involved in the broadcast media in particular, whether as journalists, presenters, programme controllers, company directors or proprietors. The trust that we would place in the integrity and ability of professional journalists in these matters notwithstanding, this burden of responsibility should not be treated with anything other than the utmost seriousness.”²⁹

Conclusion

Most civilised persons abhor violence; persons who wish to achieve their aims by means of violence must never be condoned in a democracy. The section 31 orders were used to ensure that, inter alia, Sinn Féin was not permitted in any broadcast to promote or incite to crime, or would tend to undermine the authority of the State.³⁰ However, the section 31 order did not differentiate between protected speech – speech protected by Article 40.6.1.i of the Constitution (freedom of expression) and unprotected speech – subversive advocacy. The section 31 orders were in excess of what was required by the public order requirements in Article 40.6.1.i of the Constitution. Reports of interviews with spokesmen of named organizations including Sinn Féin were banned absolutely. As stated above, the banning of interviews with spokesmen inciting to crime may be justified. However, the section 31 orders were overly broad. The orders prohibited, for example, the broadcasting speech of Sinn Féin spokesman on the merits of peace in troubled parts of the world. There was a waste of communication and expression freedoms.

In the section 31 orders the State should have pointed with exactness to the speech that violated the law. The section 31 orders focused on the character of the speakers. The Constitution does not permit the State to ban speech merely on the basis of the character of the speaker. What was prohibited under the section 31 orders was the act of communication rather than the content of the communication.

The writer welcomes the non-renewal of the section 31 order. The time has come to test the maturity of Irish broadcasters. Encouragement should be given to participate in the democratic process to those whose opinions in general we may loathe so that they can be convinced by argument, unless they so imminently threaten immediate interference with the law in relation to advocacy of violence or the undermining of the authority of the State that an immediate check is required to stop them.

END NOTES

1. For a general overview see, Editorial, "The Lifting of Section 31", (1994) 12 *ILT (ns)* 49; Colum Kenny "Section 31 and the Censorship of Programmes," (1994) 12 *ILT (ns)* 50-52; Desmond M. Clarke, "Section 31 and Censorship: A Philosophical perspective", (1994) 12 *ILT (ns)* 53-56; Philip Alston and Gerard Quinn, "The Nature and Scope of States Parties' Obligations under the International Covenant on Economic, Social and Cultural Rights", (1987) 9 *Human Rights Quarterly*, 156-229; The Irish Council of Civil Liberties, "Submission to Ministerial Review of Section 31", 1993; Michael O'Flaherty, "Implementation of the International Covenant on Civil and Political Rights – Ireland Before the Human Rights Committee", (1993) 11 *ILT (ns)* 225-233; Eamonn G. Hall, *The Electronic Age: Telecommunication in Ireland*, Oak Tree Press, Dublin, 1993, chapters 16, 26 and 27; and Broadcasting Authority Legislation: Motion, 438 Dáil Debates, cols 208-245, February 1, 1994 and 438 *Dáil Debates*, cols 537-578, February 2, 1994.
2. See also *State (Lynch) V. Cooney*, [1982] IR 337
3. The Order had been issued pursuant to section 31 of the *Broadcasting Authority Act 1960* as amended by s. 16 of the *Broadcasting Authority (Amendment) Act 1976*. The *Broadcasting Authority Act, 1960 (Section 31) Order, 1993* (S.I. No 1 of 1993) lapsed on January 19, 1994.
4. 250 US 616 (1916)
5. L.H. Tribe, *American Constitutional Law*, Second Edition, Mineola, New York, 1988 p. 786.
6. See for example, Baker, "Scope of the First Amendment of Freedom of Speech", 25 *UCLA* 964 (1978); Ingber, "The Marketplace of Ideas; A Legitimising Myth", 1984 *Duke LJ* 1.
7. See Alexander Meiklejohn, "The First Amendment as an Absolute", (1961) *Sup Ct Rev* 245-265.
8. 247 US 357, 375 (1927).
9. See, for example, R. Dworkin, *Taking Rights Seriously* (1977); M. Redish, *Freedom of Expression: A Critical Analysis* (1984); Baker, "Scope of the First Amendment of Freedom of Speech", 25 *UCLA L Rev* 964 (1978); Redish "The Value of Free Speech", 130 *UPal Rev* 591 (1982); Richards, "Free Speech and Obscenity law: Towards a moral Theory of the First Amendment", 123 *UPal* 45 (1974).

10. 1979 *Dáil Debates*, Col 782, March 12, 1975 on the Second stage of the *Broadcasting Authority (Amendment) Bill 1975*.
11. *AG v. Paperlink*, [1984] ILRM 373.
12. UNESCO Right to Communicate Working Group, Ottawa, 1980, quoted by D. Fisher in *The Right to Communicate*, A Status Report, UNESCO, Paris, 1982 P. 54.
13. Section 31 (1A) of the *Broadcasting Authority Act 1960* as amended by the substitution by section 16 of the *Broadcasting Authority (Amendment) Act 1976*.
14. Section 9(1) (d) of the *Radio and Television Act 1988*.
15. *Broadcasting Authority Act 1960 (Section 31) Order 1993* (S.I.No. 1 of 1993).
16. Ireland submitted its application to join the United Nations on August 2, 1946 but was not admitted to membership until December 14, 1955. Dr. Eugene Chossudovsky, formerly an officer in the UN Secretariat and a fellow of the United Nations Institute for Training and Research, in an article in *The Irish Times* of December 16, 1985 stated that the inordinate delay in granting membership to Ireland was due to "(1) differing views as to the need for normal diplomatic relations between members of the United Nations; (2) varying perceptions of the stance adopted by some applicants, including Ireland, during the Second World War; but mainly due to (3) the marked deterioration of "East-West" and especially US-USSR political relations during much of the period in question".
17. S. 18(1A) of the *Broadcasting Authority Act 1960* as inserted by s. 3 of the *Broadcasting Authority (Amendment) Act 1976*.
18. Section 9 (1) (d) of the *Radio and Television Act 1988*.
19. S.3 of *Prohibition of Incitement to Hatred Act 1989*. See annotation of the 1988 Act by Hilary Delany in *Irish Current Law Statutes Annotated*, Sweet & Maxwell, 1989.
20. [1993] ILRM 458.
21. S. 18(1) of the *Broadcasting Authority Act 1960*, as amended by substitution by s. 3 of the *Broadcasting Authority (Amendment) Act 1976*.
22. [1993] ILRM 806. At the time of writing, it is understood that this case is under appeal.
23. 483 *Dáil Debates*, col. 227, February 1, 1994.
24. *Ibid.*
25. *Ibid.*
26. *Broadcasting Authority Acts, 1960-1993, Section 18(1) Guidelines*, RTE, January 20, 1994.
27. Section 18(1) of the *Broadcasting (Authority) Act 1960* as amended by substitution by s.3 of the *Broadcasting Authority (Amendment) Act 1976*.
28. *Interim Guidelines for IRTC Sound Broadcasting Service*, IRTC, Dublin, January 20, 1944.
29. *Ibid.*
30. Section 31(1) of the *Broadcasting Authority Act 1960* as amended by s. 16 of the *Broadcasting Authority (Amendment) Act 1976*.

End