

NAAC 10

10th Report of the National Archives Advisory Council 2001

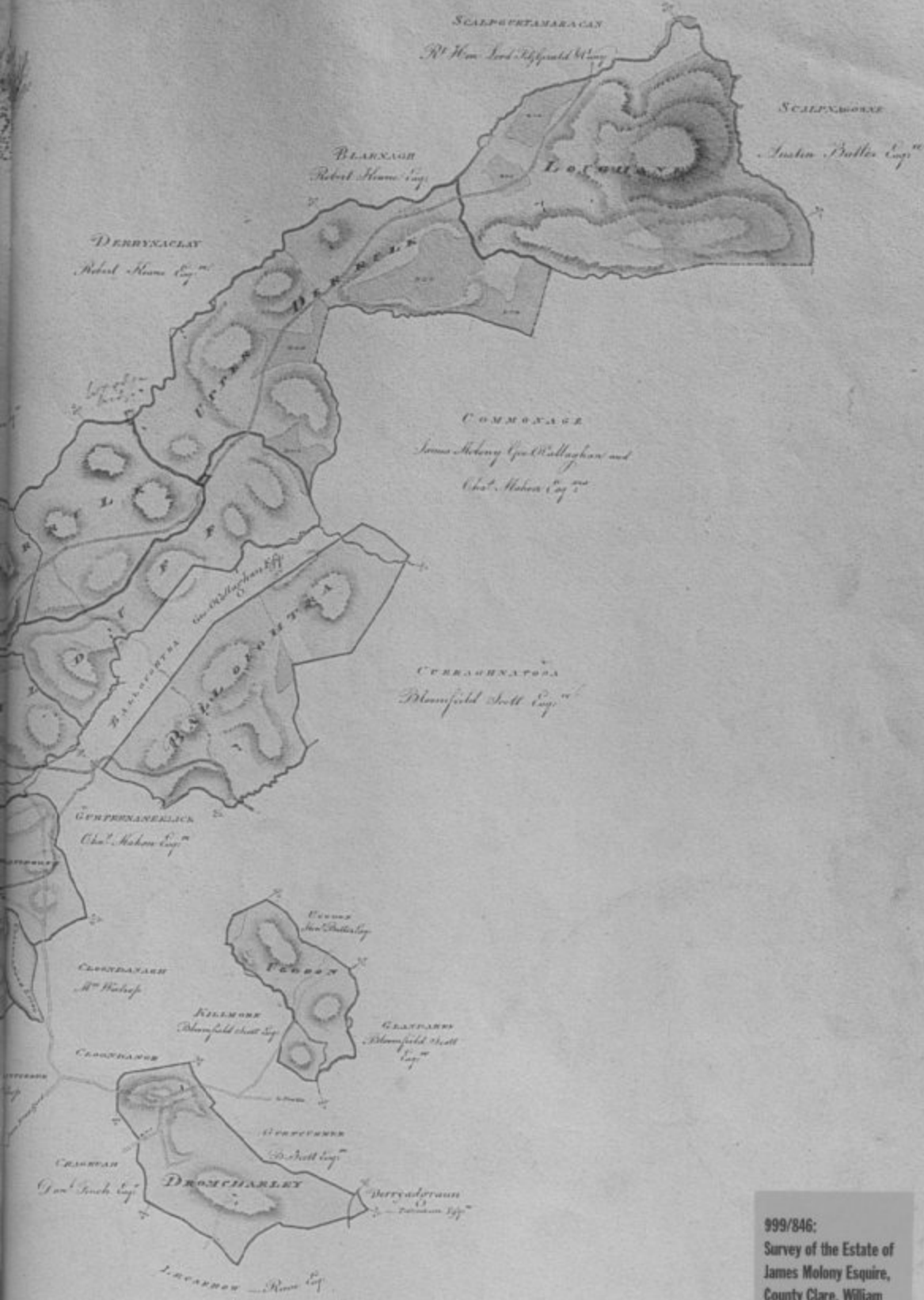


National Archives of Ireland

him into a chocolate soldier with the grandiloquent label of Commander-in-Chief. He urged Collins to get into uniform, to show himself off, but

NAAC 10

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999/846:
Survey of the Estate of
James Molony Esquire,
County Clare, William
Stokes, 1837.

10th Report of the National Archives Advisory Council 2001

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FRONT COVER

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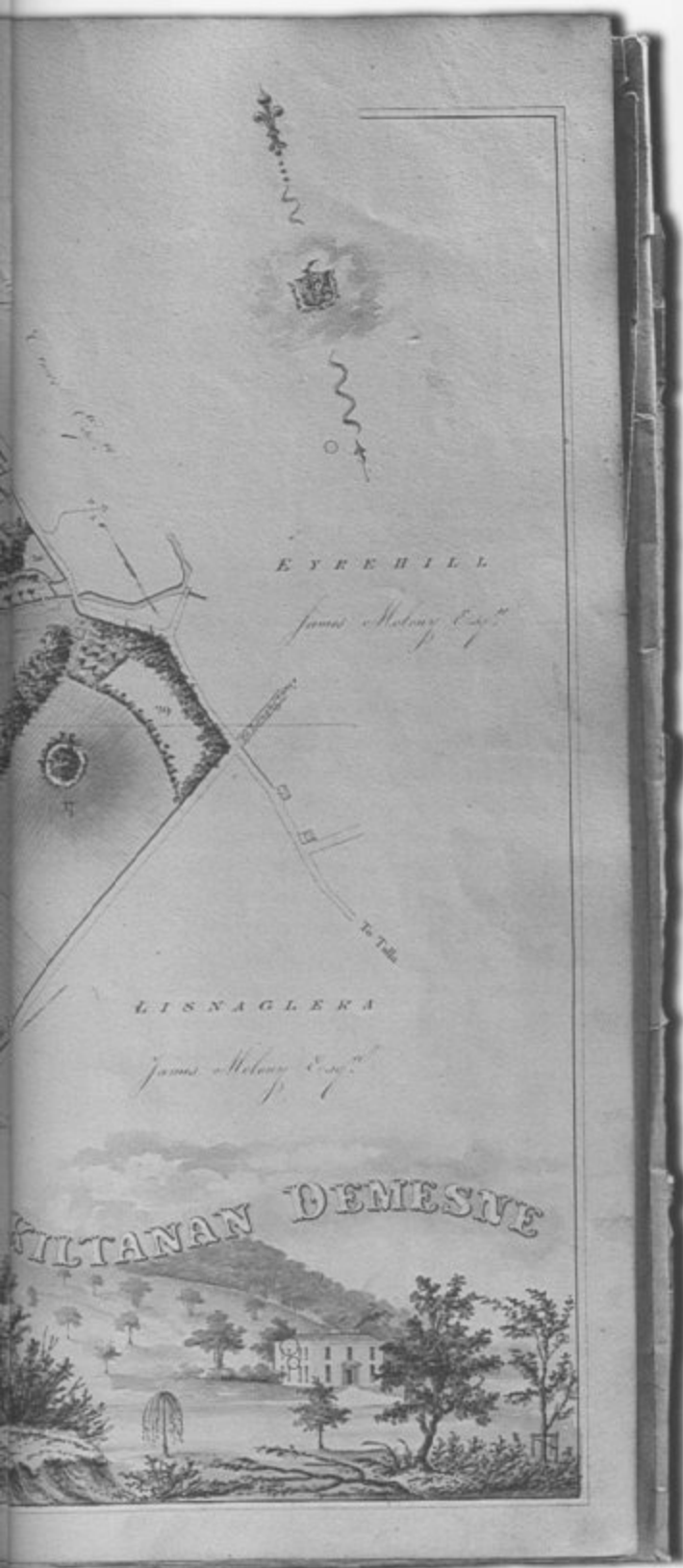
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Briefly, the answers to some of the letter of March 4th:- The Provisional Gov December 6th, 1922 -- a year to the day, Collins ceased to be Chairman of the Prov 1922. This last has to be demonstrated

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NATIONAL ARCHIVES ADVISORY COUNCIL 10th Report, 2001

This is the final report of the current Council. In these circumstances, therefore, the Council thinks it proper not only to report on its activities of the past year but also briefly to review the period as a whole and to indicate the policy areas which, in its view, should be accorded a degree of priority in the future.

ACTIVITIES 2001

The year under review was one in which the Council, in addition to its normal schedule of meetings, engaged in an exceptionally wide range of meetings with other bodies, both in the exercise of its statutory remit and as part of an outreach programme aimed at establishing appropriate working relationships with sister institutions on this and the neighbouring island.

1. Council Meetings

1 February 2001: a seminar on strategic planning led by Mr Ed Molloy, in which senior personnel of the National Archives also participated.

1 March 2001: Meeting of the Council to consider Mr Molloy's recommendations.

29 March 2001: Council meeting to complete Annual Report for preceding year.

19 June 2001: Meeting of the Council with Secretary General of the Department of Arts, Heritage, Gaeltacht and the Islands.

21 August 2001: Meeting of the Council to plan joint meeting of the Council with the Advisory Council to the Chief Executive Officer (and Deputy Keeper of the Records), Public Record Office of Northern Ireland.

28 August 2001: Meeting of the Council with Advisory Council to Dr Gerry Slater, Chief Executive Officer and Deputy Keeper of the Records, PRONI, followed by a reception at Bank of Ireland exhibition hall to launch a selection from the Act of Union Exhibition.

18 September 2001: Meeting of the Council to discuss possible amendments to the 1986 National Archives Act.

23 October 2001: Meeting of the Council with Commandant Victor Laing of the Military Archives and his staff, at the Military Archives.

4 December 2001: Meeting of the Council to make arrangements for joint session with the Lord Chancellor's Advisory Council on Public Records at the Public Record Office, Kew.

13 December 2001: Joint meeting between the NAAC and the Lord Chancellor's Advisory Council on Public Records, Kew.

2. Strategic Plan

At its meeting in February 2001, the Council had a seminar on strategic planning addressed by a consultant, as part of the overall plan by Government to institute a strategic planning process for all government departments and institutions. The outcome of this seminar was that it clarified for the Council that as it has no staff or management functions, and is statutorily restricted to an advisory role, the question of a strategic plan was more properly one for the National Archives itself. It has, accordingly, encouraged the Director in the implementation of this very valuable initiative by himself and his staff, and holds itself ready to offer the National Archives any support, advice or assistance required in this endeavour.

3. Meeting with Secretary General

At its meeting in June 2001, the Council had the opportunity to welcome the Secretary General of the Department of Arts, Heritage, Gaeltacht and the Islands, Mr Philip Furlong, for an invaluable and wide-ranging discussion at which all aspects of the Council's activities, its structures, and its statutory responsibilities were discussed. The Council's views were welcomed by the Secretary General, who noted that these would be considered in the context of the planned overall review of the relevant legislation, including both the National Archives Act 1986 and the National Cultural Institutions Act 1997. The Secretary General further suggested that the Council might consolidate its view on these matters for a submission to the Department and which could be subsequently published, with the observations of the Department, as a discussion document prior to the preparation of the necessary draft legislation.

The initial response of the Council to this invitation is, therefore, included in the section 'The Future' (below). It is, of necessity, a broad approach at this stage. At its meeting in September, the Council discussed in particular the views of its members on possible amendments to the National Archives Act 1986. The work of preparing a more detailed submission is ongoing, and will no doubt be completed by the incoming Council. The Council is confident in the expectation that the incoming Council will be consulted by the Department on the details of any draft legislation.

4. Meeting with Heritage Council

In April 2001 a sub-committee of the Council met the representatives of the Heritage Council in Dublin Castle, for a

discussion which included the important topics of archives awareness as part of preservation policy, the question of privately-held records, and graveyard records. The question of Ireland's signature of the Cultural Landmark Convention of the European Union was also discussed.

5. Meeting with Military Archives

In October 2001 the Council met with the Director of the Military Archives, Commandant Victor Laing, in the Military Archives at Cathal Brugha Barracks, Rathmines. Here the Council was briefed on the provenance, role and needs of the Military Archives, and was glad to indicate its full support for the vital work being done by this important national institution. This was the Council's second visit to the Military Archives (see the Council's 8th Report - 1999). Arising from this visit the Chairman wrote to the Secretary General of the Department of Defence to request that the contracts of those temporary archivists employed to catalogue the records of the Bureau of Military History be extended to allow this vital work to be completed.

The Council believes that the Military Archives has already established itself as a repository of major national and indeed international significance, with unique links to the defence community in all its aspects. The Council is of the opinion that building on this foundation requires not only an appropriate level of staffing but, at the appropriate level, a decision on allocation of the resources required to move this collection to its proposed new site at Collins Barracks, while retaining its present management structure.

6. Advisory Council, Public Record Office of Northern Ireland

In August 2001, the Council met, in Dublin, members of the Advisory Council to Dr Gerry Slater, Chief Executive Officer and Deputy Keeper of Records at the Public Record Office of Northern Ireland. This was followed by a reception at the Bank of Ireland Exhibition Hall to launch a selection from an exhibition of documents dedicated to the 1800 Act of Union. The exhibition was opened by the Northern Ireland Minister for the Department of Culture, Arts and Leisure, Mr Michael McGimpsey MLA, who is also Keeper of the Records, and the Chairman of the Council, Dr Margaret MacCurtain, replied to his speech at the request of the Department of Arts, Heritage, Gaeltacht and the Islands.



7. Lord Chancellor's Advisory Council on Public Records (U.K.)

In December 2001 a delegation of the Council participated in a first joint meeting with the Lord Chancellor's Advisory Council on Public Records in the Public Record Office in London. This was a further step in an important theme of the present Council's tenure - the forging of new ties with comparable bodies and national repositories elsewhere in these islands.

The delegation was formally welcomed by the Right Honourable the Lord Phillips, Master of the Rolls and chairman of the Lord Chancellor's Advisory Council on Public Records and by Mrs Sarah Tyacke, Keeper of Public Records. Working sessions involved two presentations. One, by Dr David Thomas of the PRO, was on remote access to records; the second, by Mr Charles Lysaght of the NAAC, was on the impact on the National Archives of Ireland of the 1997 Freedom of Information Act, and on comparisons between Freedom of Information legislation in both jurisdictions. These were followed by a tour of the Kew repository. Plans are currently in hand for a reciprocal visit by members of the Lord Chancellor's Advisory Council to Dublin in 2002, which the National Archives Advisory Council anticipates will further deepen relationships between the two institutions, contribute to greater mutual understanding, and possibly lead to important joint initiatives in the field of archives and public records.

8. Meeting with the Revenue Commissioners

In June 2001 a sub-committee met with members of the staff of the Revenue Commissioners in the office of the Attorney General to discuss a number of issues arising under the Artists' Exemption Scheme.

THE PAST FIVE YEARS: AN OVERVIEW

Since the present Council was appointed on 20 May 1997, there has been a substantial growth of public interest in the preservation and utilisation of archives generally, with a corresponding increase in the level of public expectation and demand. This is all to the good: a keen and intelligent public appreciation of the value of archival materials generally is the key to a deeper and more positive appreciation of our communal past.

For its part, the Council has been concerned, in its annual reports and in a number of meetings with the Minister, to underline not only the physical and other needs of the National Archives in Bishop Street, but legislative and other policy questions within the Minister's purview. It is pleased to place on record in this regard its appreciation of the Minister's patent interest in the Council and its work, and her positive approach to archive policy generally.

The Council has been happy to see the development and growth of cooperation between the National Archives and a number of other institutions whose work complements that of the National Archives itself. On the national level, these include primarily institutions such as the National Library and the Military Archives: links with the latter institution, in particular, have been of considerable mutual benefit, and National Archives staff played an important role in the development of a strategic plan for this vitally important institution. At regional and sub-regional level, the Council has been very pleased to welcome, and in appropriate ways to encourage, the development of archive policy and practice by many local authorities, whose invaluable records form as integral a part of our national heritage as those which are maintained at national level. Here too the work of National Archives staff, under their Director, Dr David Craig - often undertaken in addition to their heavy burden of regular responsibilities calls for particular acknowledgment.

The Council has also been concerned to situate its work within a wider perspective: archival policy and practice can only benefit from the widest possible sharing of experience among sister institutions, more especially institutions on these islands. Accordingly, the Council believes that the initiative as a result of which an important series of meetings has taken place between the Council and its counterpart in Northern Ireland, the Public Record Office of Northern Ireland, is one that will be of lasting significance for cultural policy on the island of Ireland and which will bring substantial benefits for researchers generally. A similar initiative in relation to the Public Record Office in Kew is ongoing, and may be expected to be similarly fruitful.

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● National Archives: Premises

The biggest single development during this Council's term of office was undoubtedly the announcement by the Minister, on 30 December 1997, of a major new building for the National Archives, to be constructed by the Office of Public Works at a projected cost of £13 million.

This development was warmly welcomed in our 1997 Report. Subsequent to this announcement, there were fresh developments in that a new plan, aimed at a fuller exploitation of the Bishop Street site in order to address more adequately the needs of the National Archives, was drawn up. This further development was in turn warmly welcomed by the Council.

In mid-2001, this proposed enhancement of the original development plan was sanctioned by the Department of Finance, subject to exploration of the option of a Public/Private Partnership. This major initiative promises not only to improve the facilities for users of the National Archives but, in particular, to remedy the space problems which have over the years impeded the orderly and timely transfer of records from Government Departments, and have militated against the full development of the National Archives as a national cultural institution.

The Council has not expressed a view on the merits of a Public/Private Partnership but is very concerned lest the exploration of this option should entail any further or avoidable delay in providing the National Archives with the storage accommodation, the space for public services and suitable offices for the staff which it so desperately needs.

The Council's anxiety on this score is increased by the fact that the full exploitation of the Bishop Street site was previously delayed by consideration of the question as to whether the National Archives might be suitable for decentralisation. Indeed this Council now faces the depressing prospect that its five years in office will end without there having been any substantial practical progress made on meeting the accommodation needs of the National Archives - needs which, on the appointment of the present Council in 1997, were characterised as 'urgent'. Final decisions are now required as a matter of urgency.

The Council is nonetheless pleased to report that work has already commenced on the provision of an additional reading room and ancillary facilities at Bishop Street, which will further enhance the services available to users.

AN PEAR BRÉIGE



"Cé hé tusa agus cad tá tú a údhamh
annso?"
Sin í an céist acá an cailín a cur ar an
bpear so.
Ac ní féidir leis an bpear freasrad a
tabairt uirthi.
Pear bréige isead é.
As an mbaile mór isead an cailín agus ní
féada sí rud dá leicéid sin riamh ceana.
Beid scéal aici le hinnsint anois.

EDUCATIONAL COMPANY

● National Archives: Human Resources

The staff of the National Archives have given manifold evidence, in the year under review, of their professionalism and competence, often under difficult circumstances, in their allocated fields of endeavour. As previous Reports of this Council have argued, however, existing staff resources are at best a minimum level of response to the needs of a national cultural institution at this level, and the Council believes that the overall level of professional staffing should be kept constantly under review.

In this context, the Council particularly welcomes a number of recent decisions, notably decisions on the creation of a number of new posts and on grading. Further details of these changes appear in the Report of the Director. Given that the shortage of qualified archivists which inhibited expansion of professional staff until relatively recently has now been remedied to a considerable extent, it is to be expected and hoped that the positive effects of the important internal re-organisation which has recently taken place will be amplified by additional recruitment so that the division of responsibilities attendant on re-organisation will be given practical effect at all levels of the organisation.

● National Archives: Reader Services

A number of aspects of the current operations of the National Archives as they affect its external publics have been brought to the Council's attention during the past five years, and the Council believes that it is appropriate to draw attention to some of them at this stage so that the incoming Council, and the management of the National Archives itself, can make them part of an ongoing agenda.

Chief among these is undoubtedly the question of opening hours, which we raised in our first report five years ago. This question has not yet been addressed, and continues to pose serious difficulties for readers. Given the importance of the National Archives as a national repository of archive material, and the fact that many researchers and other users are in full-time employment with little free time for focused research, there is a patent need for longer, or at least staggered opening hours so that the important resources of the National Archives can be made more widely available. The Council, while it recognises that changes of this kind will inevitably have resource implications,

suggests that the provision of the additional resources necessary, and the organisational changes involved, should be addressed with some urgency.

The provision of the new Reference Room in the near future will undoubtedly alleviate some of these problems, but is not in itself a complete answer to the access problems of which the Council has been made aware. Part of the additional resources required might be generated by the development of a focused retail outlet within the building for products based on archival and genealogical materials.

Another area in which the Council is pleased to see that important preparatory work has been undertaken is in relation to finding aids. The coordination and - eventually - digitisation of such finding aids on a phased basis will add immeasurably to the utility of the National Archives for those who use them, as well as obviating the considerable demands that are at present regularly made on staff time by users unfamiliar with the existing finding aids. The Council believes that such work should be given a high priority, including the provision of additional resources if necessary, if the core work of the existing archival staff is not to be increasingly eroded by the need to continually, and repetitively, remedy inadequacies in the information systems at the point of usage.

The Council has become aware of the emergence, on an informal basis, of a Readers' Group, comprised of regular users of the National Archives. The Council welcomes this development and believes that, suitably structured, such a group could play a valuable part in the future. Further reference to possibilities in this area is made below.

In the same context, the Council has welcomed an initiative by the National Archives management team to initiate a survey of readers' opinions. Such a survey is an important step in the process of establishing full and fruitful communication between the needs and interests of users and the professional and institutional priorities of the National Archives. The Council anticipates that the results of this study, when ready, will be made available to the new Council, and that it will form an important part of the background to that Council's deliberations.

In November 2001 members of the Council attended the launch by its chairman, Dr Margaret MacCurtain, of the important National Archives publication *Lovers of Liberty? Local Government in 20th Century Ireland*, edited by Catriona Crowe and Diarmaid Ferriter, in the Custom House. The Council, in welcoming this publication, would like to underline the continuing importance of scholarly publications in this field by both staff members of the National Archives and by users of the national collections.

This information was accessed by the Chairman of the Provisional Government on 21st March 1968. It is a copy of a document that has to be removed from the National Archives. It is a document that has to be removed from the National Archives. It is a document that has to be removed from the National Archives.

• The National Archives: Reform of Legislation

1. The council believes that the legislation relating to archives needs to be updated. This involves review not only of the National Archives Act, 1986 but also of the Local Government Act, 1994, the Harbours Act, 1996 and the Freedom of Information Act, 1997.

The Freedom of Information Act, 1997 makes the records of government departments and of other public bodies accessible to members of the public as well as making personal records available to those affected by them. It sets up an Information Commissioner to whom an appeal may be made by those dissatisfied with the decision of a government department or other public body in relation to access to records under the Act. The Act differs from the equivalent legislation in other countries in not making available to members of the public, copies of records created before the Act came into operation, which was in 1998. It was stated by the responsible minister when the legislation was being debated in the Oireachtas that the date from which records would be made available would be moved backwards as resources permitted. Five years on, no move has been made to do this. Greater access to records created before 1998 would assist historical research into the recent past. It is anomalous to have a situation where records over thirty years old are available under the National Archives Act, those created since 1998 are available under the Freedom of Information Act while those for the intervening years are not available at all. The Council also believes that it would be desirable if copies of records made available to members of the public under the Freedom of Information Act, 1997 were then lodged in the National Archives so as to be more readily available for general inspection.

The Freedom of Information Act, 1997 has created a situation where the withholding of post-1998 public records is permitted only in precisely defined circumstances and is subject to independent review by the Information Commissioner. The Council believes that the National Archives Act should be amended to make this regime applicable to pre-1998 records. There is no logic in a situation where the withholding of records created since 1998 has to be justified with reference to strict criteria and is subject to appeal to the Information commissioner while there is no similar regime for records created before that.



Murphy's documentary evidence...
 Father devious subtlety he eased Collins out of the C...
 him into a chocolate soldier with the grandiloquent I...
 to-Chief. He urged Collins to get into uniform to...

2. In other respects the interrelationship of Freedom of Information and the National Archives legislation needs to be worked out more systematically and logically than under the existing legislation. Any differences in the categories of records covered by the two Acts needs to be examined and justified. Consideration needs to be given to whether the prohibition of the disclosure of certain records by or under the Freedom of Information Act should also prevent their release under the National Archives Act. While this may appear logical, it disregards the reality that some of the reasons for withholding records under the Freedom of Information Act may not have much validity many years later.
3. The transfer of departmental records to the National Archives for public inspection in accordance with section 8 of the National Archives Act, 1986 has not been satisfactory. In part this has been because of the failure of some departments to comply with their legal obligations under the National Archives Act. It is a scandal when government fails to comply with the law and the Council believes that the legislation must be tightened up to prevent this. The creation of a statutory post of department archivist with authority and responsibility to ensure that departments observe the law would be helpful. At present, each department has a Certifying Officer whose functions are limited to examining those records that come up for transfer to the National Archives under the 30 year rule. The proper management and care of records includes, of necessity, a proper system for the certification of records which the department or its officers may wish to destroy and this would be a central responsibility of the proposed departmental archivist. The appointment of a departmental archivist who would work closely with the National Archives in relation to establishing generally agreed systems for the transfer of records (particularly and increasingly those records and indexes that may be transferred in digital form), would also address the fact that the record of some departments in relation to their obligations to transfer records has been erratic.
4. The process by which records may be certified under section 8 of the National Archives Act, 1986 and so exempted from disclosure is also in need of review. In an age when photocopying facilities are readily available it must be questioned if records should be withheld on the ground that they are in regular use in a department or are required in connection with its administration. It is anomalous that in this but not in other cases where records are withheld there is no obligation to obtain the consent of an authorised officer in the Department of the Taoiseach. The other grounds on which records may be withheld need to be reviewed in the light of the Freedom of Information Act, 1997. Clarification is necessary on the particulars that must be given of records that are withheld and the division of responsibility between the relevant

departments and the Director of National Archives in relation to records that have been transferred for safe-keeping to the National Archives despite having been certified so as not to be available for inspection by the public.

5. The Council also considers that the appointment of an ombudsman for members of the public who wish to make formal representations relating to services provided by the National Archives might also usefully be considered.

● Records of bodies other than Departments of State

The Council is firmly of the view that the provisions of the National Archives Act making disclosure of records mandatory should be extended to commercial semi-State companies and public bodies formed since the National Archives Act came into effect. This would include, for instance, bodies such as the Dublin Docklands Authority, the Euro Changeover Board, the Housing Finance Agency and the Blood Transfusion Service. In this regard, the schedule of bodies covered by the FOI Act may serve as a useful guide.

In relation to commercial semi-State bodies, and particularly those scheduled for privatisation, the Council has already made its concerns known to the Minister. The situation continues to be one of some urgency, and in this regard the Council's view is that an appropriate mechanism ought to be inserted into any legislation for privatisation which will make specific provision for part of the proceeds of privatisation to be devoted to the care and management of the records of the bodies concerned in an appropriate manner.

The Council is, however, aware that a number of these matters fall outside the scope of the Council's own activities and indeed of the statutory provisions of the 1986 Act, in that a number of other government departments, and pieces of legislation (in addition to the FOI Act these include the Data Protection Act 1987, the Local Government Act 1994, and the Harbours Act 1996). Accordingly, it believes that the establishment at an early date of an inter-departmental committee to initiate the necessary study of this area would greatly facilitate the coordination and ultimately the passage of the amending provisions that may be thought appropriate.

● Local Authority Archives

The situation in relation to local authority archives has improved substantially since the present Council came into office. Many local authorities have now employed qualified archivists to carry out the tasks - at once daunting and exceptionally rewarding - of tackling the back-log of preservation and of establishing workable records policies. Although the Council has no direct role in the matter, it has the statutory function of advising the Department of the Environment and Local Government in relation to archival matters. In this context, it is pleased to note the recent establishment of a Local Authority Archivists' Group, and the fact that this group is involved, with others, in the preparation of a national retention policy for local authority records.

The Council is of the opinion that such a policy must be firmly grounded in cultural and heritage strategy; that it should take advantage of the growing numbers of qualified archivists available to do this work; that the employment of such archivists should receive full and appropriate support, in relation to duration of contracts and salary levels, within the local authority staffing framework; and that the resource implications of this vitally important work, both capital and current, should be addressed positively by the competent authorities.

● General

It would, in addition, like to make it clear that the experience its members have acquired during the past five years continues to be available to the Minister in any way the Minister might think appropriate. Further, in the context of its welcome for the proposed establishment of a Readers' Group as a voluntary organisation, it suggests that consideration might be given, once such an organisation has been established on a viable basis, to the possible appointment of a nominee of such an organisation as a member of the National Archives Advisory Council in the future.

Finally, it would also like to put on record its belief that its effectiveness as a Council would be considerably enhanced by the provision of modest permanent accommodation, and by the allocation, on a full-time or guaranteed part-time basis, of the administrative support necessary to ensure the progress of its initiatives and the achievement of its objectives.



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APPENDIX

National Archives Advisory Council

MEMBERSHIP AND SECRETARY

The Council consists of a Chairman and not more than eleven other members. The current Council was appointed on 20 May 1997 for a five-year term.

Margaret MacCurtain, M.A., Ph.D., F.R.H.S.

Chairman. Historian; Senior Fellow, Faculty of Arts, University College Dublin.

Niall Bradley, B.A.

Kildare County Manager.

Mary E. Daly, M.A., D. Phil., M.R.I.A

Associate Professor of Modern Irish History, University College Dublin; member of the Irish Manuscripts Commission; member of the Board of Visitors of the National Museum of Ireland.

John Horgan, Ph.D

Professor of Journalism, Dublin City University; author.

Liam Irwin, M.A., H. Dip. Ed.

Head, Department of History, Mary Immaculate College, University of Limerick.

Charles Lysaght, M.A., M.Litt., B.L.

Academic lawyer and writer

Patricia McCarthy, B.A., D.A.A.

Archivist, Cork Archives Institute; member of the Society of Archivists.

Susan Parkes, M.A., M.Litt., F.T.C.D.

Former Senior Lecturer in Education, Trinity College Dublin; education historian.

Peter Rigney

Industrial Officer, Irish Congress of Trade Unions; labour historian.

David Sheehy, B.A., D.A.A.

Archivist, Dublin Diocesan Archives; member of the Society of Archivists.

Anngret Simms, Ph.D., M.R.I.A.

Associate Professor of Geography, University College Dublin; member of the Irish Manuscripts Commission.

John Wilson, M.A., H. Dip. Ed.

Former Tánaiste and Minister

SECRETARY TO THE COUNCIL

Joseph Meleady

Department of Arts, Heritage, Gaeltacht and the Islands.

THE WHITE HOUSE
WASHINGTON

October 7, 1970

Dear Taoiseach:

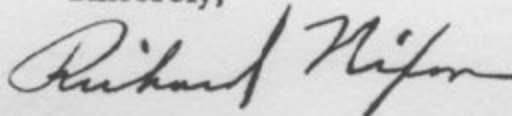
Mrs. Nixon and I want to express to you our deepest gratitude for the warm and generous hospitality we received from yourself, the members of your Government and from the Irish people. It was a special pleasure for me to return to Ireland, and for both of us to take this opportunity to renew our associations with the land and the people which have such special meaning for us personally, and whose vision and faith have given so much to America.

I greatly welcomed the opportunity to exchange views with the members of your government, and also to see both the East and West of Ireland and to meet leaders from so many areas of Ireland and of Irish life. After even so short a visit, it is easy to see why President De Gaulle commented, on leaving Ireland, that "I will be lonely for this place."

The magnificent silver sauceboats will always remind us of your kindness. Our personal Irish ties give them a particular significance, and we will treasure them also as gracious mementoes of a memorable and deeply enjoyable trip.

With warm personal regards,

Sincerely,



An Taoiseach
Mr. John Lynch, T.D.
Department of the Taoiseach
Government Buildings
Upper Merrion Street
Dublin 2

2001/6/493:

Dept. of the Taoiseach file: letter from Richard Nixon to the Taoiseach expressing gratitude for the hospitality shown to him and Mrs. Nixon during their recent visit to Ireland, 7 October 1970.

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