**Whatever happened to innocent until proven guilty?**

[**Letters to the Editor**](http://www.independent.ie/opinion/independent-journalists/letters-to-the-editor/)

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‘Roger Casement’s trial a travesty’

Ben Macintyre, a correspondent of 'The Times' of London, on July 31 described Roger Casement as a traitor and a homosexual.

Casement was Irish, born in Dublin and captured in Kerry where his enemies dared not trust any jury to find him guilty of treason. So he was tried by a jury in London. Leading the prosecution was England's Attorney-General, FE Smith, who two years previously was organising a proto-Freikorps to defy the British government and crown forces in arms.

The London trial was a travesty. Casement's reputation rests alongside that of Robert Emmet, Theobald Wolfe Tone and Lord Edward FitzGerald. He needs no pardon from monarch or commoner. Casement was never charged, let alone convicted by a jury of his enemies, of offences of a sexual nature.

I realise English laws on homosexual acts have been altered since 1916. I had thought that the principle that a man or woman must be presumed innocent until proven guilty had remained unchanged.

Perhaps I missed something?

*Donal Kennedy*

*Palmers Green, London N13, UK*

**LETTER TO INDEPENDENT**

Dear Editor,

Your correspondent Donal Kennedy says (Letters, 4 August) that “Ben Macintyre, a correspondent of 'The Times' of London, on July 31 described Roger Casement as a traitor and a homosexual.” True he did, but he did not insult him, rather he called on the British government to pardon Casement on the treason conviction. He only said that the government used Casement’s Black Diaries to ensure the reprieve campaign failed admittedly accepting he was gay.

As one of Roger Casement's biographers who for the first time published all his diaries in 2002, I have a problem with McIntyre's proposed royal pardon in that I am also a Unionist. Casement's separatist policies therefore do not appeal, not least because he did not give any thought to the wishes and needs of the Ulster Protestants. Instead he dismissed their leaders as bluffers and themselves treasonable.

Treason is a moveable feast and never prospers. But Casement's did, posthumously. Within a decade there was a separate Irish Free State. That is the only recognition he would have wanted. However, a century later, Ireland remains partitioned as there is no democratic mandate for Irish unity on the island, something even the IRA, which he first armed, now accepts.   
The commendable response by Casement's family in Co Antrim in 1916 was that he had committed treason yet they contributed to his defence fund. And they had sons serving in the Royal Navy.  
Republicans will not thank London for a pardon as Mr Kennedy indicates, especially as Ireland remains partitioned. They could not view him ever as a traitor. Moving his remains from Glasnevin cemetery to his preferred resting place of Murlough Bay in Ballycastle - contrary to London's 1965 agreement with Dublin - will therefore be opposed, as much by separatists as Unionists.   
The great irony is that so many Republicans deny Casement's homosexual activities despite the huge amount of internal consistency in the diaries, believing still that the British forged them. Indeed some have unwisely changed the argument, describing the diary's author now as a paedophile who groomed boys and thus not the saintly Casement.  
Jeffrey Dudgeon

**TIMES LETTER (UNPUBLISHED)**

From: jeffreydudgeon@hotmail.com  
To: letters@thetimes.co.uk  
Subject: Posthumous Appeal: Roger Casement - A Royal pardon?  
Date: Sat, 1 Aug 2015 15:22:01 +0100

Sir, As one of Roger Casement's biographers who for the first time published all his Black Diaries in 2002, I have a problem with Ben McIntyre's proposed royal pardon (July 31) in that I am also a Unionist. Casement's separatist policies therefore do not appeal, not least because he did not give any thought to the wishes and needs of the Ulster Protestants. Instead he dismissed their leaders as bluffers and themselves treasonable.

Treason is a moveable feast and never prospers. But Casement's did, posthumously. Within a decade there was a separate Irish Free State. That is the only recognition he would have wanted. However, a century later, Ireland remains partitioned as there is no democratic mandate for Irish unity on the island, something even the IRA, which he first armed, now accepts.   
The commendable response by Casement's family in Co Antrim in 1916 was that he had committed treason yet they contributed to his defence fund. And they had sons serving in the Royal Navy.  
Republican separatists will not thank London for a royal pardon, especially as Ireland remains partitioned. They do not view him as a traitor, but as a patriot. Moving his remains from Glasnevin cemetery to his preferred resting place of Murlough Bay in Ballycastle - contrary to London's 1965 agreement with Dublin - will therefore be opposed, as much by dissidents as Unionists.   
The great irony is that so many Republicans deny Casement's homosexual activities despite the huge amount of internal consistency in the diaries, believing still that the British forged them. Indeed some have unwisely changed the argument, describing the diary's author now as a paedophile who groomed boys and thus not the saintly Casement.

BOOK DETAILS    
*Roger Casement: The Black Diaries - With a Study of his Background, Sexuality, and Irish Political Life*  
A book of record including the never-before-published 1911 diary  
by Jeffrey Dudgeon

*Roger Casement: The Black Diaries* (659pp) was launched by Professor Paul Bew (now Lord Bew of Donegore)  on 21 November 2002 at the Linen Hall Library in Belfast. Full-page previews and photo-led extracts appeared in the Belfast Telegraph (18 November 2002) and Ireland on Sunday (17 November), with a news story in the Observer (Irish edition) the previous week.  RTE *The View* chose it as book of the week and broadcast a three-person panel review after a filmed reading by the author in the National Museum pictured beside Casement’s Irish Brigade uniforms. It was reviewed in the *Daily Telegraph*, on 28 December 2002, by the former Irish Taoiseach, or Prime Minister, John Bruton; and on 5 January 2003 in the *Sunday Telegraph* by Christopher Andrew, the MI5 historian and in the *Irish Independent* on 11 January 2003. In 1981, Jeffrey Dudgeon was the winning plaintiff at the European Court of Human Rights at Strasbourg in a case against the British Government. This resulted in the decriminalisation of homosexuality in Northern Ireland in 1982 and was the first successful gay human rights case in Europe.