**TNA HO 144/1636/311643/53**

**Ernley Blackwell memo [a draft I think]**

**15 July 1916**

**J. No. 20546**

**[He wrote a separate memo on the background and the trial.]**

 The question of expediency.

 It has often been laid down that 'political' ‑ which I take to mean 'party' ‑ considerations should not for a moment be allowed to influence the Home Secretary in advising His Majesty, accusation of this kind was warmly repudiated by Mr. Asquith in 1893 in the case of the release by him of two of the Irish dynamitard prisoners (Hansard Vol. VIII, Vol. 944).

 The same objection does not apply when national as opposed to party, issues are at stake and the question whether at this moment it is expedient to hang Casement may perhaps properly be taken into account.

 The Foreign Office from the start appear to have taken the view that in order not to 'alienate more Irish American sentiment we could not safely hang Casement unless we first published the fact of his private character as disclosed in his Diaries.

 There are obviously grave objections to any sort of official or even inspired publication of such facts while the man, waiting trial or appeal or even waiting execution. Perhaps I do not fully appreciate the danger which the Foreign Office sees ahead in America if the law is allowed to take its course in this country but the attitude adopted is rather a humiliating one.

 I see not the slightest objection to hanging Casement and afterwards giving as much publicity to the contents of his diary as decency permits so that at any rate the public in America and elsewhere may know what sort of man they are inclined to make a martyr of.

 I understand that several members of the Government are inclined to the opinion that it may be inexpedient to execute Casement. I suppose it is feared that in addition to the American question the hanging of Casement may interfere with the Irish settlement.

 If Casement had been taken to Dublin a few days later he would of course have been court martialled and shot and would have been a l5th martyr.

 The shooting of the 14 leaders is said to have given a great impetus to the Sinn Fein movement. I am inclined to think that the rebellion itself and its results have given the impetus and that the situation today would have been much the same whether Pearse, Connolly and the rest had been shot or merely sent to Portland with a confident expectation of amnesty and early release.

 Casement's value as a martyr is already a good deal discounted. His private character is by this time pretty generally known in London. The 'Daily Express' on three occasions has openly stated that he is a moral degenerate addicted to unmentionable offences and has cited his 'diaries’ in proof.

 But assuming that the view is right that on national grounds it is inexpedient that Casement should be hanged I am quite at a loss to understand what it is hoped to gain by a Statutory Inquiry as to his sanity before a reprieve is announced. From the report of Drs. Percy Smith and Maurice Craig it is practically certain that Casement cannot be certified insane and sent to Broadmoor.

 If the intention is that the report of a Statutory tribunal of Alienists; which would probably be in similar terms, is to be made an excuse for respiting Casement on account of his mental condition he will have to be sent to penal servitude with a 'stigma' upon him which he and his sympathisers will say is far worse than death. There will be a demand for the evidence upon which the Alienists have based their opinion. Is the diary then to be published and in what form? It will of course be called a forgery and the original will somehow or other have to be proved. Mr. Doyle is now doing his utmost to inform the American President and public that attempts are being made to spread false reports of Casement's vices!

 It appears to me that British public opinion has been entirely left out of account. Are the Government prepared to face the storm of indignation with which the reprieve will be greeted in this country? The public know that Casement is not insane, as they understand insanity, and they will simply regard the Inquiry as a subterfuge. It will be said that Casement has been reprieved not upon national but upon party grounds to further what is and always has been the policy of a section of the Cabinet in Irish matters.

 The papers with few exceptions will quote the words of the Commissioners :‑

“The general conclusion that we draw from the “evidence before us is that the main cause of the

“rebellion appears to be that lawlessness was allowed to “grow up unchecked, and that Ireland for several years' past has been administered on the principle that it was “safer and more expedient to leave law in abeyance if ''collision with any faction of the Irish people could “thereby be avoided.”

[crossed out: and they will point to such news as “Early this morning 1000 Sinn Feiners disappointed “by the non‑arrival of released Republican prisoners at “Cork wrecked the recruiting offices, hissed the military pickets “and sang rebellious songs.”

?? \* This portion not included in memos printer for Cabinet

 [Westminster Gazette, 14.7.16]

 I am afraid that the settlement of the Irish question may be more prejudiced by the reprieve of Casement after “medical inquiry” than it would be hindered by his execution and that the same will be true as regards the prosecution of the war generally.

 If Casement is to be reprieved I am sure that it would be better to state frankly the reasons whatever they may be which have induced the Government to take that course.

 Nothing is to be gained by reprieving him on one ground and pretending to have done so upon another.

 So far as I can judge it would be far wiser from every point of view to allow the law to take its course and by judicious means to use these diaries to prevent Casement attaining martyrdom.

**TNA HO 144/1636/311643/53**

**15 July 1915**

**Sir Ernley Blackwell’s initial memo to cabinet on Casement and execution or reprieve.**

J. No. 20546

Roger David Casement.

 Prisoner was born on the 1st September 1864. In 1895 he was appointed H.M. Consul at Lorenzo Marquez and in 1898 Consul for Portuguese West Africa. During the war in South Africa he was engaged on special service at Cape Town in 1899 and 1900 and received the Queen's medal. In 1900 he was transferred to King Leopold's Congo State, and in addition was appointed in 1901 to be Consul for part of the French Congo Colony. In 1905 he was made a C.M.G., in 1906 was appointed Consul for the State of San Paulo to reside at Santos. He was promoted to be Consul-General at Rio de Janeiro in 1908 and on June 20, 1911, was made a knight. In the same year he received the Coronation medal. From 1909 to 1912, while titular Consul-General at Rio de Janeiro, he was employed in making inquiries relative to the rubber industry, and on August l, 1913 he retired on a pension.

 In September 1914 his pension was withdrawn in consequence of his known pro-German activities. He is believed to have been at that time in America and sometime later he went to Germany.

 In December 1914 he was in that country at liberty and evidently a welcome guest. In that month all the Irish prisoners from the different camps were collected at Limburg.

 Casement visited them on many occasions and addressed them inviting them to join the “Irish Brigade”. As soon as the Germans had won a naval victory and cleared the way they were to be landed in Ireland to strike a blow for Irish freedom against their English enemies.

 In the event of Germany losing the war each man would be sent to America with a gratuity. Five witnesses, Irish soldiers exchanged to this country, spoke to these overt acts and their evidence was undisputed save in unimportant details e.g. whether the rations of those who refused to join were reduced in order to punish them or merely as a part of a general reduction owing to the blockade. A sixth witness, gave similar evidence, but he said they were invited to fight for the Turks and this was vehemently denied by Casement his evidence was withdrawn by the Crown and the Jury were directed to disregard it.

 Counsel and Casement also attempted to make the point that the Brigade was only to be used after the war. The Brigade never materialised - a bare platoon of about 50 men was all that responded. The remainder of the 2,400 prisoners to their credit indignantly refused his tempting offers of freedom and a German uniform with harp and shamrock on the collar and hissed and booed him when he spoke.

 So far as we know only one man of the platoon has attempted to land in Ireland, Daniel Julian Bailey, who came with Casement in the submarine and was put up for trial after him but was acquitted no evidence being offered by the Crown. There can be little doubt that if the men had responded and a Brigade had been formed they would have been used in Ireland, on the western front or elsewhere as occasion offered. The Germans would have been glad no doubt to place them in trenches opposite our Irish regiments in the hope of making converts in any case the enrolment of a considerable number renegade Irish soldiers would have had a powerful moral effect upon our Allies and neutrals.

 The indictment contained a further count of waging war against the King by setting forth on a warlike expedition from Germany.

 On the morning of Good Friday, 21st April, Casement, Bailey and one Monteith, who has evaded arrest, landed in a collapsible boat from a German submarine on the western coast of Ireland near Tralee.

 They buried mauser pistols and ammunition in the sand and seem to have separated. Casement was arrested that day hiding in an old excavation known as McKenna's fort. Bailey was arrested later.

 On the same day a steamer flying the Norwegian flag was overhauled by the 'Bluebell' H.M. patrol boat, 90 miles off the south west coast of Ireland and 138 miles from Queenstown. She said she was the 'Aud' bound from Bergen to Genoa”.

 She was told to follow the Bluebell but when nearing Queenstown she broke out the German naval ensign and sank herself. The crew of 20 German bluejackets and 3 officers put off in boats under a white flag and surrendered. A diver proved that the cargo consisted of Russian rifles of 1905 pattern (said to number 20,000) and a quantity of ammunition.

 Casement after arrest dropped a paper which proved to be a code containing expressions which clearly pointed to military operations to be conducted from a German base.

 The direct evidence on this count of the Indictment was to Casement having come from Germany was rather weak but the inference that his landing at Tralee was connected with the 'Aud's' shipment of arms is irresistible and could not be seriously disputed.

 A motor car which was apparently intended to convey Casement and his companions to Dublin dashed off on the night of his arrest and fell over a cliff the two occupants being killed.

 The Sinn Fein rebellion in Dublin on the following Easter Monday was only referred to indirectly by the Attorney General and evidence with regard to it would not have been strictly relevant but it cannot be disregarded in assessing the measure of the prisoner's guilt. If Casement had succeeded in reaching Dublin in time and had been taken with Connolly and the rest he would have been tried by Court Martial and shot and no one here or in America or Ireland could have disputed that his fate was as richly deserved as that of any of the other leaders.

 Casement failed to give evidence on oath and there was really no defence on the facts nor was any defence possible.

 His Counsel took the point that at common law and under the statute of Edward III the offence of treason by adhering to the King's enemies would only be committed by a person “within the realm”.

 The text books and decisions of some 500 years are against him including the recent decision in R. v. Lynch.

 On merits the only defence or rather excuse was the plea urged by Mr. Sullivan and by prisoner in his lengthy speech in arrest of judgment that his treason to England was nothing but Irish patriotism and that everything he had done should be condoned on that account.

 Casement's claim that the 'Brigade was only to be used after the war to resist the Ulster Volunteers was quite inconsistent with the terms of his secret code and the facts generally. It was probably an afterthought prompted by the political associations of the Attorney General.

 It is difficult to imagine a worse case of High Treason than Casement's. It is aggravated rather than mitigated by his previous career in the public service and his private character - although it really has no relation to the actual offence with which he is charged - certainly cannot be pleaded in his favour.

 If the decision is to be taken in accordance with the Rules which ordinarily govern Home Office practice there are no possible grounds for interference with the sentence.

 I have dealt in a separate memorandum with the question of his diaries and the bearing they may have upon the decision.

SEB 15.7.16