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

**15 July 1916**

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

**[There is a separate memo on the diaries and expediency.]**

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 In September 1914 his pension was withdrawn in consequence of his known pro-German activities.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but he said they were invited to fight for the Turks and this was vehemently denied by Casement his evidence was withdrawn by the Crown and the Jury were directed to disregard it.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