

THE AMERICAN COMMISSION ON CONDITIONS IN IRELAND

INTERIM REPORT

How Great Britain Met Insurrection.

It is with the means used by the British Government to meet the situation brought about by the defection of the Irish people that this Commission was required chiefly to concern itself by the terms of its appointment. Since no exponent of the policy of the Imperial British Government availed himself of the opportunity offered by the invitation of the Commission to appear in defence or explanation of the British policy in Ireland, the Commission has been forced to determine the outlines of this policy partly by the proven actions of the Imperial British forces in Ireland and partly by decrees, orders, and other official British proclamations put in evidence.

Civilised Governments meet such a situation in one of two ways—(1) a declaration of "a state of war" and suppression of the insurrection under the rules of warfare as recognised and practised by civilised peoples; or (2) a declaration of martial law under which responsible Governments maintain their authority when the ordinary processes of civil law are deemed inadequate.

It does not appear that the Imperial British Government used the first of these two measures to meet the situation in Ireland, at least until February 24, 1921, when a decision of the King's Bench in the case of John Allen declared that a "state of war" existed in Ireland. It seems clear that, until this date, proclamations of martial law and the Restoration of Order in Ireland Act of 1920 were relied upon to legalise the British policy of repression. But the facts suggest that the actual operation of this policy was not based upon law. There exists neither under the laws of war nor under the codes of martial law in civilised States any justification for assassination, pillaging, or terrorism as a means of suppressing insurrection. And yet this Commission is reluctantly forced to the conclusion by evidence to be set forth in the succeeding chapters, that such means are relied upon by the Imperial British forces in Ireland to bring the Irish people once more under the control of the Imperial Crown.

Irish Resistance.

It is admitted by witnesses who have appeared before us that during the years 1919 and 1920 following the creation of a Republican Government members of the Imperial British forces have been killed by the forces of the Irish Republic. No direct evidence has been presented as to these killings or as to their exact number. These are the cases customarily referred to by spokesmen of the Imperial British Government as the "murders of policemen." We have heard testimony that the greater number were slain in conflicts between the forces of the Irish Republican Army and the Imperial British forces—often in raids by the Irish to secure arms and ammunition. The rest, it is testified, were killed either because they were spies or because they were guilty of some specific crime directed against Irish Republicans; and had been tried and condemned before death. (We note that it is generally conceded that among the victims of this procedure were no women or children, aged or infirm, priests or ministers.) It is not contended that the victims were present at these trials, and we have received no proof of the circumstances alleged in extenuation of these killings. We may take cognisance of the fact that among the more prominent of the victims were Inspector Swanzy, indicted by a coroner's jury as one of the murderers of Lord Mayor MacCurtain of Cork; and Colonel Smyth, concerning whom witnesses presented proof that he incited his men to wholesale slaughter of Sinn Feiners. We have also been impressed by the evidence developed by a British military tribunal in the trial of one Teeling that Lieutenant Angliss, one of the British officers who were killed in Dublin on November 21, 1920, had been living as a civilian in a house in Dublin under the assumed name of MacMahon. Furthermore, evidence has

been presented which would seem to indicate that no British "police" or soldiers were killed by the Irish in 1917 or 1918 with the single exception of an inspector who was injured leading a baton charge to suppress a public assembly, and who died later of his wounds. There is evidence, however, that during these two years the Imperial British forces had carried on a campaign of suppression in which more than a thousand Irish were arrested without warrant and deported, or held in custody without trial; that fairs and markets were prohibited; assemblies of unarmed men and women were broken up by violence; and about a dozen Irishmen were killed by bullets or bayonets handled by Imperial British "police" or soldiers. But when all this has been set forth it seems established by the evidence that certain discriminate assassinations were the deliberate work of Irish citizens.

The Commission would point out that murder is not a question of date. And if the Irish assassinations are in essence executions, yet the accused is perforce absent from his trial; and the condemned not being in custody, the executioners in error may dispatch some uncondemned person. We deeply deplore the whole procedure no matter how great is the provocation as contrary to the dictates of social morality. If the purpose of assassination was to safeguard the people, it has failed; the British terror was not arrested by it but has continued in spite of it and has progressively intensified. Assassination would seem to us necessarily degrading to those who actively participate in it: injurious to the fair fame of the Irish people; and harmful to the cause of Ireland in the public opinion of the world.

British Responsibility.

The Commission, however, understands that the British Government has not abandoned its claim to be the titular custodian of law, justice, and order in Ireland. Political assassination especially in a country where ordinary murder is as uncommon as in Ireland is a phenomenon whose causes require investigation. It has therefore seemed of paramount importance to examine the means used by the British Government to enforce whatever principles of justice it deems applicable to Ireland, and to ascertain, if possible, upon what principles this justice is grounded. For, if we accept the claim of Great Britain that it is in control of affairs in Ireland, we cannot escape the conclusion that the British Government must accept responsibility for the deplorable conditions that have followed upon its attempts to maintain its authority.

We find that the Irish people are deprived of the protection of British law, to which they would be entitled as subjects of the British King. They are likewise deprived of the moral protection granted by international law, to which they would be entitled as belligerents. They are at the mercy of Imperial British forces which, acting contrary both to all law and to all standards of human conduct, have instituted in Ireland a "terror" the evidence regarding which seems to prove that:

1. The Imperial British Government has created and introduced into Ireland a force of at least 78,000 men, many of them youthful and inexperienced, and some of them convicts; and has incited that force to unbridled violence.

2. The Imperial British forces in Ireland have indiscriminately killed innocent men, women, and children; have discriminatedly assassinated persons suspected of being Republicans; have tortured and shot prisoners while in custody, adopting the subterfuges of "refusal to halt" and "attempting to escape"; and have attributed to alleged "Sinn Fein Extremists" the British assassination of prominent Irish Republicans.

3. House-burning and wanton destruction of villages and cities by Imperial British forces under Imperial British officers have been countenanced, and ordered by officials of the British Government; and elaborate provision by gasoline sprays and bombs has been made in a number of instances for systematic incendiarism as part of a plan of terrorism.

4. A campaign for the destruction of the means of existence of the Irish people has been conducted by the burning of factories, creameries, crops, and farm implements and the shooting of farm animals. This campaign is carried on, regardless of the political views of their

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