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THE IRISH ARMY MUTINY OF 1924

by

Maryann Gialanella Valiulis

A Dissertation Submitted to the Faculty of the Graduate School  
of Loyola University of Chicago in Partial Fulfillment  
of the Requirements for the Degree of  
Doctor of Philosophy

November

1977

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## VITA

The author, Maryann Gialanella Valiulis, is the daughter of Joseph Gialanella and Mary (Della Fera) Gialanella. She was born July 20, 1947, in Newark, New Jersey.

Her elementary education was obtained at a private school in Newark, N.J., and her secondary education at Mount Saint Dominic Academy, Caldwell, New Jersey.

In September, 1965, she entered Marquette University, and in June, 1969, received the degree of Bachelor of Arts with a major in history. In August of 1971, she received a Master of Arts in history at Marquette University. While attending Marquette University, she was a member of Phi Alpha Theta, National Honorary History Fraternity and was elected Vice-President in 1969 and President in 1970 of the Alpha Delta Chapter.

In 1976, she published an article entitled "The Irish Army Mutiny of 1924," in Varieties of Ireland, Varieties of Irish-America, edited by Blanche Touhill. In April, 1976, she presented a paper on the same topic at a meeting of the American Committee of Irish Studies, University of Missouri, St. Louis campus.

## CHAPTER I

### THE RISE OF THE NATIONALIST MOVEMENT

The image of Ireland as the disaffected and rebellious child of the British Empire had been grounded in a lengthy and strong tradition. The Irish question played havoc with British politics and politicians and all attempts to evolve a successful relationship failed. Not content with colonial status, the Irish, utilizing both constitutional and revolutionary means, long had harassed Westminster with demands for more political freedom, agrarian change and an acknowledgment of their cultural uniqueness. The years between the end of the 19th and the beginning of the 20th Century saw the various strands of nationalism begin to coalesce into a loosely knit movement from which would emerge the pattern of national independence.

The bitter and divisive fall of Parnell in the 1890's disillusioned the Irish people somewhat with respect to parliamentary nationalism. The Irish Parliamentary Party, under the leadership of Charles Stewart Parnell, had captured the imagination and allegiance of the people. Parnell had created an efficient political machine and by skillfully exploiting Parliamentary custom and procedure made the I.P.P. a force which could not be ignored. He entered into an

alliance with Gladstone and the Whigs, promising Irish support in return for Home Rule. However, Parnell's involvement in a divorce scandal, his subsequent condemnation by the British and then the Irish church and his own refusal to resign the leadership of the I.P.P., split the party into two warring, hostile camps. Parnell himself died in 1891 and subsequent negotiations between the two factions resulted in reunification in 1900 under John Redmond. However, as one historian noted: "The divorce scandal, followed by the party split, disillusioned some nationalists and made others cynical about politics. After party unity was restored, these people were psychologically incapable of transferring to Redmond the emotional commitment they had once given to Parnell."<sup>1</sup> The Irish then turned their energy and attention away from parliamentary politics to the cultivation of cultural expressions of nationality.

The Irish literary Renaissance became the most polished expression of the new cultural nationalism. Yeats, Synge, A.E. and Lady Gregory wrote and produced plays in the Abbey Theater which they felt would enhance the intellectual and spiritual growth of the country. They were a significant force in awakening and stimulating the national consciousness. Other creative forces were also at work. In 1884, Michael Cusack started the Gaelic Athletic Association to

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<sup>1</sup>Lawrence J. McCaffrey, The Irish Question (Lexington, Kentucky: University of Kentucky Press, 1968), p.134.

encourage participation in native Irish games rather than foreign imports. Douglas Hyde and Eoin MacNeill, nurturing their own vision of nationality, jointly founded the Gaelic League in 1893, dedicated to reinvigorating and re-establishing the endangered Irish language. The Gaelic League quickly became a meeting ground for nationalists. Although it was theoretically outside the realm of politics, by 1915, the more radical elements had gained control and gave the League a definitely political character.<sup>2</sup>

Labour, too, was in a state of ferment. James Larkin, labour organizer, syndicalist and leader of the Irish Transport and Workers Union, led his men in a series of successful strikes, culminating the great lockout of 1913. The Union was beaten, if not broken, in this encounter and Larkin himself departed for America in 1914. James Connolly, who then assumed the leadership of the labor movement, blended socialist theories with nationalist feelings. He wanted to establish an Irish Socialist Republic. In pursuit of this aim and in order to defend his men from the police during the lockout, he created the small but skilled Citizen Army to fight for political and economic freedom. Connolly's belief in the need for and the desirability of both political and economic action would eventually lead him to

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<sup>2</sup>Kevin B. Nowlan, "Tom Clarke, MacDermott and the I.R.B.," in Leaders and Men of the Easter Rising: Dublin 1916, ed. F.X. Martin (Ithaca, New York: Cornell University Press, 1967) p.118.

join other nationalists in the Post Office in 1916.

Arthur Griffith contributed to the intellectual vitality of the period through his writings and the founding of the Sinn Fein movement. Griffith preached the doctrine of separation through passive resistance and emphasized the uniqueness of Irish nationality in all its expressions - language, literature, history and the arts. He exhorted his countrymen to develop a state which, through the development of its home industries, would be economically self-sufficient, politically independent with its own parliament and governing bodies and culturally free of the alien influence of the English. Griffith's Sinn Fein began as a small almost obscure party which, however, provided the embryo which would grow and develop into an all encompassing and successful nationalist movement.

The Irish Republican Brotherhood (the Fenians), which began in 1858 and became the bulwark of revolutionary nationalism, revitalized and regenerated, linked arms with all these groups and demanded an independent Irish republic. Stagnating through inactivity and eclipsed by the predominance of the Irish Parliamentary Party, the Brotherhood had been in a state of decay. However, the release from prison of Tom Clarke, an uncompromising and determined revolutionary, and his return to Ireland in 1907, together with the influx of young and ambitious men like Sean MacDermott, Bulmer Hobson and Denis McCullough, reinvigorated the Brotherhood. They assumed the leadership of the

organization and shed the passive, cautious, demoralized cloak which the Supreme Council had previously been content to wear. Although small in numbers, the I.R.B. managed to infiltrate and assume positions of authority in every major nationalist organization.

Turn of the century Ireland was a time of awakening and a time of cultural and intellectual revolution creating the climate which sparked the Rising of 1916. While cultural nationalism fashioned the backdrop necessary for the events of Easter Week, renewed political activity acted as the immediate catalyst. Once again the Irish Parliamentary Party focused the attention of the nation on Home Rule. The overwhelming Liberal victory of 1906 was followed by close elections in January and December, 1910, which gave the Irish party the balance of power at Westminster. However, while Prime Minister Herbert Asquith and his party had recognized their dependence on the I.P.P., they had not foreseen the degree to which Home Rule would be resisted by the Ulster Protestants. Similarly the Liberals did not realize the "treasonous" depths to which their Conservative opponents would sink in pursuit of power. Abetted and buoyed up by the Tories in England, the men of the North, under the leadership of Sir Edward Carson and Sir James Craig, prepared to resist the advent of Home Rule. They organized and armed the Ulster Volunteers to uphold their covenant of defiance. Against this display of determination, the weakness of Asquith and his Cabinet colleagues was

apparent and their pledge to Redmond and his followers became more and more qualified. A suggestion was made of special treatment for Ulster or part of Ulster. Talk of partition of Ireland, an idea repugnant to Redmond and his party and to the nationalists, was beginning to be heard.

However, the example of Carson and the Ulster Volunteers had an important effect on nationalists in the South. Deliberate flaunting of legality, Orange drilling and arming of men, and talk of treason was succeeding with the English Government while their own adherence to constitutional procedure was not enhancing prospects of Home Rule for a united Ireland. According to Bulmer Hobson and Eoin MacNeill, the events in the North shook the rest of Ireland out of its legal lethargy and eventually led the way to rebellion. Hobson wrote:

The Carsonite movement in Ulster shattered this futile reliance on legal agitation and on the manoeuvring of an Irish Party in the English Parliament; it rudely broke up the political make-believe on which the majority of the Irish people had subsisted for years and compelled them to face reality.<sup>3</sup>

MacNeill claimed that it was Carson who "transformed the whole situation in Ireland and opened the way for the

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<sup>3</sup>Bulmer Hobson, "The Foundation and Growth of the Irish Volunteers," in The Irish Volunteers, ed. F.X. Martin (Dublin: James Duffy and Co., Ltd., 1963), p.17.



overthrow of the English regime."<sup>4</sup> While these men perhaps overstated the importance of Carson and neglected to account for other factors, the fact remains that the Irish Volunteers were founded as a direct result of the arming of the North. MacNeill himself sounded the clarion call to arms on 1 November 1913, in An Clardheanch Soluis, the official organ of the Gaelic League. In an article entitled "The North Began," the author suggested that the rest of Ireland follow the example of Ulster and create their own Volunteer force. There were no barriers to the creation of such a group as " ... it appears that the British Army cannot now be used to prevent the enrollment, drilling and reviewing of Volunteers in Ireland. There is nothing to prevent the other 28 counties from calling into existence citizen forces to hold Ireland 'for the Empire.'"<sup>5</sup> MacNeill's suggestion was greeted favorably, especially by members of the Irish Republican Brotherhood who had been drilling secretly in preparation for the formation of some type of open, respectable military association. Bulmer Hobson, an I.R.B. member, and The O'Rahilly, an ardent nationalist, approached MacNeill and as a result of a series of discussions, the Irish

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<sup>4</sup>Eoin MacNeill, "How the Volunteers Began," in The Irish Volunteers, ed. F.X. Martin (Dublin: James Duffy and Co., Ltd., 1963), pp.74-75.

<sup>5</sup>Eoin MacNeill, "The North Began," in The Irish Volunteers, ed F.X. Martin (Dublin: James Duffy and Co., Ltd., 1963), p.6.

Volunteers were founded on 25 November 1913, at the Rotunda Rink in Dublin. The response was overwhelming - an estimated 3,500 men enlisted, planting the seed that would grow to become the Irish Republican Army and eventually the National Defence Forces of Ireland.

From its inception, the Irish Volunteers considered themselves to be a defensive, protective force, "founded expressly in response to a popular urge. It was a people's army."<sup>6</sup> The Irish Volunteers' objectives were succinctly stated in their Constitution: 1. To secure and maintain the rights and liberties common to all the people of Ireland; 2. To train, discipline and equip for this purpose an Irish Volunteer Force which will render service to an Irish National Government when such is established; 3. To unite in the service of Ireland, Irishmen of every creed and of every party and class.<sup>7</sup> Thus it was to be a voluntary, democratic, national and non-sectarian permanent force. The formation of the volunteers altered the balance of power in Ireland. The island now had a military group dedicated to insuring Home Rule, as well as one opposed to this measure. However, the men of the South did not intend to be in opposition to the Ulster force. Their leaders envisioned a time when the two groups would stand together.

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<sup>6</sup>F.X. Martin, Introduction to The Irish Volunteers ed. F.X. Martin (Dublin: James Duffy and Co. Ltd., 1963), p.IX.

<sup>7</sup>The Irish Volunteers, Constitution (1914), art. 1, sec. 1-3.

MacNeill expressed this sentiment very clearly when he said:

The more genuine and successful the local Volunteer movement in Ulster becomes, the more completely does it establish the principle that Irishmen have the right to decide and govern their own national affairs. We have nothing to fear from the existing Volunteers in Ulster nor they from us. We gladly acknowledge the evident truth that they have opened the way for a National Volunteer movement, and we trust that the day is near when their own services to the cause of an Irish Nation will become as memorable as the success of their forefathers.<sup>8</sup>

The Irish Volunteers were, from the beginning, infiltrated by the I.R.B., becoming almost a public front for the underground militant wing of the Brotherhood. As a military organization, the Brotherhood was in a position to act as the core of the Volunteer movement. I.R.B. members trained Volunteer recruits and moved into key positions within the new organization. The I.R.B. refrained, however, from making public the degree of control it had attained. In fact, some of the more well known Republicans deliberately refused positions of prominence in order to avoid associating the Volunteers with any particular philosophy. MacNeill, himself, thought to be a Redmonite, believed that all shades of opinion should be reflected on the governing Committee. Despite this attempt at political neutrality, the I.R.B. covertly shaped the early Volunteers to suit their own purpose, rebellion.

The creation and development of the Volunteer

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<sup>8</sup>F.X. Martin, ed., The Irish Volunteers (Dublin: James Duffy and Co., Ltd., 1963), pp.112-113.

movement had begun independently of the Irish Parliamentary Party. Its growth was impressive, numbering 75,000 by May, 1914 and increasing to 180,000 by September, 1914.<sup>9</sup> Redmond could not afford to ignore such a force. He had at first viewed the Volunteers as a threat to his party. However, in his effort to steer a Home Rule bill through Parliament and to strengthen Asquith's resolve vis-à-vis a united Ireland, he realized the strategic value of being able to speak with the force of the Volunteers behind him, à la Carson. In June of 1914, Redmond publicly demanded that twenty-five men, nominated by his party, be added to the Provisional Committee of the Volunteers, or he threatened to create a rival body. He rejected the board's suggestion to hold general elections in each of the counties to achieve broad sectional representation and preserve the elective spirit of the organization. In order to avoid a split in the movement, the Volunteer Executive acquiesced to Redmond's demand, though not without grave dissension and dissatisfaction, especially among I.R.B. members. The agreement was short-lived. The unity which MacNeill and his followers sought to preserve in June was shattered by September by the outbreak of World War I.

Redmond's initial support for the war was limited to pledging the Irish Volunteers to defend Ireland, leaving the British troops stationed there free to fight in France.

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<sup>9</sup>F.X. Martin, ed., "Eoin MacNeill on the 1916 Rising," Irish Historical Studies 12 (March, 1961):227.

However, he soon had a change of heart. Perhaps he believed that Irish participation on the side of the British would diminish the possibility of partition when Home Rule came into effect after the war. Perhaps it was "due to his personal involvement in the war, ... or a chivalrous reaction to the placing of Home Rule on the Statute book, or ... was inspired by Carson's appeal to the Ulster Volunteers to enlist for service overseas..."<sup>10</sup> Regardless of motivation, in a speech at Woodenbridge on 20 September 1914, the Irish leader called on the Volunteers to enlist and fight as members of the British forces, an idea totally alien to their spirit and purpose. The original leadership immediately repudiated Redmond's statement, thus dividing the infant organization into two camps. Most of the men followed Redmond. They became known as the National Volunteers and went to fight for the British. The rest, some 11,000 men, the bulk of these from the Dublin area, remained loyal to MacNeill. They retained their original name. The Irish Volunteers made a strenuous effort to recruit men into this truncated body. Organizers were sent throughout the country to whip up enthusiasm and increase enrollment. By October, 1914, they could claim 13,500 members. By April, 1916, the Volunteers numbered approximately 16,000 for the

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<sup>10</sup>F.S.L. Lyons, John Dillon (London: Routledge and Kegan Paul, 1968), p.359.

whole country, with 2,500 men located in the Dublin area.<sup>11</sup>

The war itself caused a further shift in the internal policy of the Volunteers. Fear of a British attempt to disarm them led the officers to contemplate and prepare for actual hostilities. The governing body of the Volunteers announced it would resist any attempts of suppression. Training and organizing were intensified and due to the successful gunrunning at Howth in July, 1914, some arms and ammunition were available. Among the members of the I.R.B. the advent of the war caused great excitement. Following the old maxim, England's difficulty is Ireland's opportunity, the revolutionary body sought to take advantage of England's involvement in the war and proclaim an independent Irish republic. Political developments in Britain could only have strengthened their determination and further convinced them of the righteousness of their cause. Bonar Law, F.E. Smith and Carson, leading conspirators in the Ulster rebellion, were now members of the reshuffled English coalition government.<sup>12</sup> As early as 1915, the Supreme Council of the Brotherhood established a military committee to plan, organize and execute a general rising of the Volunteers throughout the country. The Military

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<sup>11</sup>F.X. Martin, ed., "Eoin MacNeill on the 1916 Rising," Irish Historical Studies, 12 (March, 1961): 243 ff.15.

<sup>12</sup>John Redmond, also, had been offered a place in the Cabinet, but the tradition of an independent Irish Parliamentary Party dictated that he refuse.

Council originally consisted of Joseph Mary Plunkett, Patrick Pearse, Eamon Ceannt, Thomas Clarke, and Sean MacDermott. Later James Connolly and Thomas MacDonagh were co-opted. Pearse, MacDonagh and Plunkett were the poets, the visionaries of the Rising. Pearse, especially, was imbued with the idea of a blood sacrifice which would cleanse the soul and regenerate the spirit of Ireland. These men would be the seven signatories of the Proclamation of the Republic and the first members of the Provisional Government. That the I.R.B. could contemplate the staging of a rebellion without the cooperation of the Chief of Staff, MacNeill, is an indication of their dominance within the Volunteers. Ceannt was Director of Communications, Plunkett, Director of Military Operations, and Pearse, Director of Organization. All the Volunteer commandants appointed in March, 1915, with the exception of The O'Rahilly and de Valera (who subsequently joined the society for a brief time) were Brotherhood members who were aware of the plans for a Rising.<sup>13</sup> Pearse was the chief link between the two groups as he was in a position to order general manoeuvres for Easter week-end without arousing suspicion. The Military Committee felt that absolute secrecy was the key to success. Haunted by the memories of past revolutionary attempts gone asunder due to informers and spies, the Rising

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<sup>13</sup>Maureen Wall, "The Background to the Rising: from 1914 Until the Issue of the Countermanding Order on Easter Saturday, 1916," in The Making of 1916, ed. Kevin B. Nowlan (Dublin: Stationary Office, 1969), p.173.

leaders kept vital detailed information from their own members. While this tactic preserved security, their failure to enlighten sufficient officers throughout the country that a secret military council existed within the Volunteer structure and that orders issued from them were to be obeyed regardless of any other instructions, led to the disastrous breakdown in communications during the insurrection.<sup>14</sup>

The Military Council selected Easter Sunday, 1916, as the date of the rising. While the most elaborate plans were devised for the Dublin area, the revolutionary strategists did not ignore the provinces. The entire country was to participate in the military struggle. Pearse and his fellow leaders attempted, primarily through John Devoy and the Irish American Clan-na-Gael, to acquire arms from Germany. Arrangements were made to land the weapons off the coast of Ireland during Holy Week.

Through a series of mishaps and miscalculations, the plans of the rebels went awry. Hobson overheard a discussion at a Volunteer meeting vis-à-vis a rising and hurried to consult MacNeill. The two men then confronted Pearse, who acknowledged the secret plans. He persuaded MacNeill not to alter the military plans by showing him a bogus "Castle Document," which purported to be of British plans for the suppression of the Volunteers and the mass arrests of nationalists. Pearse strengthened his argument

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<sup>14</sup>Ibid.



by informing the Chief of Staff of the promise of arms from Germany. However, the Aud, the German submarine carrying the arms, was unable to make contact with the Irish off the coast of Kerry and the captain was forced to scuttle his ship when British warships appeared in the waters. Moreover, the Royal Irish Constabulary captured Sir Roger Casement, previously sent to seek German assistance in a rising and to recruit an Irish brigade from among the prisoners of war in Germany, almost immediately after he landed in Ireland on Good Friday. When MacNeill heard that the cargo from Germany never landed and that Casement himself was captured, he rescinded his decision and called off the general manoeuvres for Easter week-end. To insure that all commands would know of his countermanding order, he inserted a copy of it in the Sunday Independent. The Military Committee was undaunted by either the failure of the arms landing or MacNeill's refusal to go along with their plans. The Rising was re-scheduled for Easter Monday. Some officers never received this latest dispatch; and some, having received contradictory instructions, were so confused that they did nothing. The failure of the I.R.B. to establish a competent chain of communication effectively hindered the outbreak of insurrection throughout the country.

In Dublin itself, the Rising took place as planned, but with fewer men than originally expected and with no other centers of rebellion throughout the country to relieve the pressure on the main body of rebels, The Irish Volunteers

and the Citizens Army of James Connolly occupied strategic defensive positions in the city. At noon, the tri-color was raised over the General Post Office and Pearse read the Proclamation of the Republic establishing Ireland as a free and independent country.<sup>15</sup> The Easter rebels, approximately 1,000 men and women, kept the city paralysed for about a week. The British poured in troops and bombarded Sackville Street from a gunboat brought up the Liffey. After almost a week long struggle, the Irish were forced to surrender. The civilian population, of course, was unprepared for this event and reacted with surprise and contempt. They did not come out "with knives and forks" to join the Volunteers. Rather their general attitude was distinctly hostile. Many of them had sons, husbands or fathers fighting for the British; many were swept up in war fever and war profits.

The reaction of the British to the events of Easter Week, however, guaranteed its success. General Maxwell, hence called "Bloody Maxwell" by the Irish, summarily executed the leaders of the Rising, after the charade of a court-martial, stretching out the procedure by shooting only two a day. In particular the execution of Willie Pearse, killed simply because he was the brother of Patrick, and James Connolly, shot while strapped to a chair, made a deep

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<sup>15</sup>The tri-color, green for the Catholics, orange for the Protestants and white for the bond of love between them, became the nation's official flag. Another flag, green, with a gold harp in the center and proclaiming in Irish the "Irish Republic" was also raised.

impression on the people of Ireland. So did the gallant, brave conduct of the men. Their last words, their last poems leaked out and before long, the rebels who had been hooted and jeered at became the martyrs of 1916. Militarily they had failed, but as Pearse foresaw they had awakened the dormant spirit of nationalist Ireland.

Coupled with the executions, the British embarked upon the mass arrests of nationalists. In the prison camps of Frognoch and Lewes, the Irish Volunteers started to regroup and reorganize. Converts were made; beliefs deepened; and leaders emerged. Eamon de Valera, spared a death sentence perhaps because of his American citizenship, or perhaps because the British authorities felt that continuing the executions would be a mistake, was the natural choice as heir apparent to the movement. Released from internment, the veterans of 1916 were greeted with cheers and adulation. As Sinn Fein political candidates they were now gaining support among the people as the results of some key by-elections of 1917 amply demonstrated. In North Roscommon in January, 1917, George Noble, Count Plunkett, father of the Easter martyr, Joseph Plunkett, was elected. In South Longford, Joseph McGuinness, still a prisoner in Lewes jail, was victorious. In East Clare, in the summer of 1917, de Valera, declaring his adherence to the Proclamation of the Republic trounced his Irish Parliamentary Party opponent. De Valera's victory was an endorsement of 1916, a vote which showed "beyond a shadow of a doubt that the old party could

no longer claim to speak for Nationalist Ireland as a whole."<sup>16</sup>

The leaders of this new movement were plagued with disunity and divergence of aims and ideals. The English had dubbed 1916 the Sinn Fein rebellion. Unfortunately, no such consensus was present among the nationalists. Three main groups existed to compete with the Irish Parliamentary Party for the allegiance of the people: Sinn Fein, the Irish Volunteers and the Irish Republican Brotherhood. In the fall of 1917, the Sinn Fein and Volunteer Conventions took a major step towards uniting these diverse elements. At the Sinn Fein Ard-Fheis, a compromise formula was worked out that all groups could adhere to. Sinn Fein would work to secure the international recognition of Ireland as an independent Republic. Having achieved that, Sinn Fein left to the people the right to choose their own form of government. To further harmonize relations, Griffith stepped down, and Eamon de Valera was elected President of Sinn Fein. The Convention achieved the tenuous unity so vital to the young movement. The vague formula of 1917 was an umbrella under which all nationalists could take shelter. After the storm when it was necessary to translate ideals into specific realistic terms, discord and dissension would break through.

The Volunteer Convention followed the example of

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<sup>16</sup>F.S.L. Lyons, Ireland Since the Famine (New York: Charles Scribner's Sons, 1971), p.383.

Sinn Fein and elected de Valera its President. In addition, six of the twenty members elected to the National Executive were also members of the Sinn Fein governing body.<sup>17</sup> Thus a certain degree of cooperation between the two groups was assured, even though the Volunteers remained an autonomous body, entirely independent of Sinn Fein. The inter-relationship of political and military personnel set a pattern which would endure through the establishment of the Irish Free State. According to Richard Mulcahy, "the work done at the two Conventions of 1917 provided the basis of the Government-Army relationship which came so instantaneously and automatically into operation on the establishment of the Dail and endured so effectively."<sup>18</sup>

Just as the pre-1916 Volunteers had been infiltrated by the I.R.B., so too was the post-rising organization. The Brotherhood was forced to reorganize following the decimation of their leadership and the reduction of their rank and file during Easter Week. Men like Michael Collins and Richard Mulcahy were determined that the old secret society should again provide the leadership to guide and direct the liberation movement. A new constitution was drawn up and a new

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<sup>17</sup>The six members were: De Valera, Cathal Brugha, Michael Collins, Austin Stack, Diarmuid Lynch and Sean McEntee.

<sup>18</sup>General Richard Mulcahy, "The Irish Volunteer Convention 27 October 1917", The Capuchin Annual, p.409. Richard Mulcahy was the first Minister for Defence in the Irish Free State and Commander-in-Chief following the death of Michael Collins. He was previously deputy Chief of Staff of the Volunteers, Chief of Staff and assistant Minister for Defence in first Irish Governments.

Supreme Council formed. Sean McGarry became President; Michael Collins, Secretary; and Diarmuid Lynch, Treasurer. On the Volunteer Staff, Collins was the Director of Organization; Lynch, Director of Communications; Sean McGarry, General Secretary; and Richard Mulcahy, Deputy Chief of Staff. However, two powerful offices remained outside the I.R.B.'s control and hostile to it. Both de Valera, President, and Cathal Brugha, Chief of Staff, were former members of the Organisation and were now opposed to its revitalization. They thought it unnecessary to continue a secret society, condemned by the Catholic Church, when an open and popular movement existed in Ireland. But their antagonism to the I.R.B. was not all-consuming and they managed to cooperate with their former comrades. Thus while all three groups managed to paper over their differences with vague formulas and inter-locking leadership, sizeable obstacles remained which would eventually have to be overcome.

In 1917, however, the British conveniently provided enough external stress to solidify the Irish. Faced with a growing shortage of manpower, Lloyd George and his colleagues toyed seriously with the idea of extending conscription to Ireland. Southern Irish opinion reacted violently against this threat. Irish Parliamentary Party leaders, Sinn Feiners, and the Catholic clergy shared the same platforms at mass rallies to resist conscription. As if they themselves were trying to intensify the problem, the English Cabinet revised the old policy of coercion, arresting most of the

Sinn Fein leaders on the very dubious evidence of a German plot. Michael Collins was one of the few leaders to escape arrest, a costly error for the British. Now in a position of dominance both in the Volunteers and in the I.R.B., he began to gather around him the men who would destroy Dublin Castle, the heart of British rule in Ireland.

British activity gave the Irish an impetus and a direction which they had previously lacked. As Piaras Beaslai, a prominent Sinn Feiner, Volunteer, and I.R.B. man wrote:

The English Government's proclamation, arrests, and other forms of coercion were of great assistance to Sinn Fein. They helped to strengthen popular sympathy and to create a united front in the face of the enemy. They also helped to save Sinn Fein from the embarrassments of framing and putting into execution a practical constructive policy.<sup>19</sup>

The ranks of the Volunteers swelled to approximately 100,000 men in October, 1918, as the issue of conscription drove men into their arms. To shape raw recruits into anything like a professional army was an exceedingly difficult task. Training took place without weapons, officers were part-time, and there were few instructors and fewer manuals. General Headquarters was unable to do more than issue overall directives on policy and organization. Control was left in the hands of local leaders who, to a large extent, determined

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<sup>19</sup>Piaras Beaslai, Michael Collins and the Making of a New Ireland, 2 Vols. (N.Y.: Harper and Brothers, n.d.) 1:180.

the shape of the Volunteer movement.<sup>20</sup> The Irish Volunteers had the men and the spirit with which to begin an army. The threat of conscription gave them something to fight against. This sense of purpose "gave cohesion to the nationalist effort, and it was this also which inevitably brought nearer the possibility of an armed conflict between the volunteers and the military authorities."<sup>21</sup>

Politically, events were working for the benefit of Sinn Fein. The Irish Parliamentary Party had not yet been able to secure the implementation of the Home Rule Bill, and despite conferences and negotiations, a unified Ireland was becoming more and more illusory. During the war, Home Rule had been passed but with the provisions that it not come into effect until after the end of the war and that the Ulster question be decided by special amending legislation. In 1917, Prime Minister Lloyd George had offered Redmond immediate Home Rule for the twenty-six counties, a proposal which the Irish leader totally rejected. Lloyd George then, on Redmond's suggestion, arranged a conference wherein Unionists and Nationalists could work out a solution to their differences. Sinn Fein and organized labour refused to attend the Convention. The Ulster Unionists remained obdurate and the Convention was a failure. Redmond himself died in

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<sup>20</sup>Florence O'Donoghue, No Other Law (Dublin: Irish Press, Ltd., 1954), pp.28-30.

<sup>21</sup>F.S.L. Lyons, Ireland Since the Famine (New York: Charles Scribner's Sons, 1971), p.395.



March of 1918, during the final sputterings of the conference. Dillon, now leader of the I.P.P., and his colleagues, were tainted by their identification with the Liberal party, associated with a policy which the Convention had demonstrated to be futile and plagued by the anger of the Irish people at the British for the execution of the 1916 leaders, the threat of conscription and the policy of coercion. The post-war election of 1918 showed the depth of Irish disillusionment with their traditional leaders and their desire for change. It was a bitterly fought contest. Sinn Fein was an outlawed party with most of her leaders in prison. Their platform was an affirmation of the republican ideal: abstention from Westminster; the promise to drive the English out of Ireland by whatever means necessary; the creation of a national assembly; and an appeal to the Peace Conference for recognition. Charges of fraud and intimidation abounded. Moreover, both sides were competing for the affection of the new electorate created by the Representation of the People Act of 1918. The results surpassed even the pessimistic prediction of John Dillon. The Irish Parliamentary Party suffered a defeat from which it never recovered, winning only six seats, four of which were in border constituencies and thus not contested. The Unionists won twenty-six seats. Sinn Fein won seventy-three seats. An analysis of the voting pattern shows the strength of Sinn Fein. In the 32 counties, Sinn Fein received 47.7 per cent of the vote cast. However, this figure is misleading as a more thorough

examination reveals:

Put in these terms, Sinn Fein strength is undoubtedly understated since these figures include heavily Unionist areas in the north-east which were contested for symbolic rather than expectant reasons. ... A better estimate of Sinn Fein strength can be arrived at by calculating the vote obtained in the contested constituencies in the '26-County' area of the country. Here Sinn Fein capture 46.73 per cent of the votes on the register and 64.86 per cent of the votes actually cast.<sup>22</sup>

The republican-nationalists rose from obscurity to power in meteor-like fashion. They now were the legally accredited leaders of Ireland. The next step would be to translate the ideals and rhetoric of revolution into reality.

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<sup>21</sup>Brian Farrell, The Founding of Dail Eireann (Dublin: Gill and Macmillan, 1971), p.48.

## CHAPTER II

### THE ANGLO-IRISH WAR

The victors of the 1918 elections in an attempt to establish themselves as the de facto as well as the de jure leaders of Ireland convened An Dail Eireann, a national assembly, on 21 January 1919. A small nucleus of Sinn Feiners, their ranks depleted by arrests,<sup>1</sup> began the task of constructing a government.

The first priority of the Dail was to reaffirm the free and independent Irish republic proclaimed on Easter Monday, 1916. The Declaration of Independence asserted that:

...we, the elected Representatives of the ancient Irish people in National Parliament assembled, do in the name of the Irish nation, ratify the establishment of the Irish Republic and pledge ourselves and our people to make this declaration effective by means at our command.

...

We solemnly declare foreign government in Ireland to be an invasion of our national right which we will never tolerate and we demand the evacuation of our country by the English Garrison.<sup>2</sup>

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<sup>1</sup>Of the 69 representatives elected, 34 were in prison, 5 were on missions abroad, 1 had been deported and 2 were absent because of illness. Three significant absentees were Eamon de Valera and Arthur Griffith, who were in prison, and Michael Collins, who was in England, although his presence was acknowledged during the roll call to mislead authorities.

<sup>2</sup>Ireland, Dail Eireann, Minutes of the Proceedings of the First Parliament of the Republic of Ireland: 16.

While both the tone and content of the Declaration of Independence were resolute and revolutionary, tragically adhering to the fatal flaw of die-hard Republicanism, the Constitution which the Dail ratified reflected the political values of the new leaders. The Constitution of 1919 demonstrated a strong commitment to a democratic parliamentary form of government, fully embracing the concept of popular sovereignty.

In an attempt to delineate the social and economic policy of the new State, the Dail adopted the Democratic Programme, a radical manifesto, not really reflective of the thinking of most of the representatives. It said:

We declare in the words of the Irish Republican Proclamation the right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies to be indefeasible, ... we declare that the Nation's sovereignty extends not only to all men and women of the Nation, but to all its material possessions, the Nation's soil and all its resources, all the wealth and all the wealth-producing processes within the Nation, and ... we reaffirm that all right to private property must be subordinated to the public right and welfare.

...  
It shall be the first duty of the Government of the Republic to make provision for the physical, mental and spiritual well-being of the children, to secure that no child shall suffer hunger or cold from lack of food, clothing, or shelter, but that all shall be provided with the means and facilities requisite for their proper education and training as Citizens of a Free and Gaelic Ireland.<sup>3</sup>

The Democratic Programme was a pragmatic political expedient necessary to strengthen the Irish Labour Party's claim to full representation at the upcoming international

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<sup>3</sup>Ibid., pp. 22-23.

socialist conference. The Dail hoped the conference would recognize its claim to independence and thus further its bid for international recognition.<sup>4</sup> The adoption of the Programme reflected the high degree of politicization of the new leaders, rather than their vision of Irish society. Many of the political revolutionaries feared that extending the parameters of the movement in this way to include social and economic issues would destroy the fragile unity already achieved and so desperately needed. The emphasis of the struggle was to be political; its main concern was to drive the British out of Ireland, not to create a utopian society. In general, an examination " ... of the original Dail Eireann, of its constitutional documents, its decrees, its priorities and policies adds to the original impression of an assembly at least as intent on maintaining the framework of an established society and its associated values as with attempting to change it."<sup>5</sup>

To bolster its claim to independence, the Dail sent a "Message to the Free Nations of the World," outlining the Irish claim to independence and calling on the international community to recognize and support her new national status at the upcoming Peace Congress. It was an idealistic and vain hope to assume that the victors of World War I, the countries which had proclaimed loudly about the right of

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<sup>4</sup>Brian Farrell, The Founding of Dail Eireann (Dublin: Gill and Macmillan, 1971), p.60.

<sup>5</sup>Ibid., p.78.

small nations to self-determination, would impose this standard on any but the vanquished. To President Woodrow Wilson and the rest of the delegates to Paris, Ireland would remain an internal British problem. If freedom were to be won, only the Irish themselves could achieve it.

Having sketched the theoretical framework of the new state, the Dail began to deal with the practicabilities of state-building. On January 22, 1919, it appointed a temporary ministry consisting of Cathal Brugha, Prime Minister; Eoin MacNeill, Minister for Finance; Michael Collins, Minister for Home Affairs; Count Plunkett, Minister for Foreign Affairs; and Richard Mulcahy, Minister for Defence. Plagued by arrests and the threat of arrests and groping its way through the darkness of inexperience and uncertainty, Dail Eireann did not become a serious reality until April 1, 1919, with the escape and release of some of its most notable members, " ... and from the proceedings of this second session dated what might be called the permanent constructive work of the Dail."<sup>6</sup> Mr. de Valera at that time became President of the Dail or Priomh-Aire. He selected for his Cabinet: Arthur Griffith, Home Affairs and the President's deputy; Michael Collins, Finance; Cathal Brugha, Defence; Count Plunkett, Foreign Affairs; Countess Markievicz, Labour, William Cosgrave, Local Government, Eoin MacNeill, Industry; and Robert Barton, Agriculture. The Cabinet, with most of

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<sup>6</sup>F.S.L. Lyons, Ireland Since the Famine (New York: Charles Scribner's Sons, 1971), p.403.

its members on the run, was unable to keep permanent records and was left very much to its own initiative. In spite of the obstacles, some departments achieved striking successes. For example, the Minister for Finance was able to float a National Loan, the Ministry of Local Government ultimately would dominate the local councils, and Dail Eireann Courts would eventually supercede those of the British.

One area which remained unsettled was the relationship of the Minister for Defence to the autonomous Volunteers. Cathal Brugha did not exercise direct control over the "army" nor did the Volunteers ever officially swear allegiance to the Dail. One difficulty was " ... that the armed forces of the republic had existed before the republic had actual parliamentary institutions,"<sup>7</sup> that is, the Volunteers were organized before the 1918 elections and the convening of the Dail. Thus, the army had an independent tradition outside the realm of civilian control. The Dail itself did not accept responsibility for the actions of the Volunteers until March, 1921, four months prior to the cessation of hostilities. This abdication of authority not only encouraged independent action but also led to a skeptical and distrustful attitude on the part of some officers vis-à-vis the government's ability and wisdom in making decisions

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<sup>7</sup>Kevin B. Nowlan, "Dail Eireann and the Army: Unity and Division," in The Irish Struggle 1916-1926, ed. Desmond Williams (Toronto: University of Toronto Press, 1966), p.67

affecting the military.<sup>8</sup> It established the precedent of the autonomy of the military which would plague the government through 1924. In 1919, the question of government control of the army drifted along without resolve as the actions of the Volunteers seemed to be pushing Ireland into a state of war with England.

The first dramatic incident of the upcoming guerilla war occurred at Soloheadbeg, simultaneously and coincidentally with the convening of Dail Eireann. Led by Dan Breen and Sean Treacy, the Third Tipperary Brigade attacked a Royal Irish Constabulary guard in order to acquire guns and explosives. The I.R.C. resisted and two policemen were shot and killed, thus opening the initial phase of the war. It was, in essence, a struggle between the Volunteers and the police.<sup>9</sup>

Soloheadbeg was condemned by the clergy, the public and the press. Even a section of Republican opinion did not support the men from Tipperary.<sup>10</sup> The incident was initiated by local leaders and not sanctioned by General Headquarters. It grew out of the conditions and frustrations of the Volunteer movement. The conscription issue had died with the end of the war; the political activity of the 1918 elections had

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<sup>8</sup>Florence O'Donoghue, No Other Law (Dublin: Irish Press Ltd., 1954), p.200; Dan Breen, My Fight for Irish Freedom (Dublin: The Talbot Press, 1944), pp.191-192.

<sup>9</sup>F.S.L. Lyons, Ireland Since the Famine (New York: Charles Scribner's Sons, 1971), p.410.

<sup>10</sup>Florence O'Donoghue, No Other Law (Dublin: Irish Press Ltd., 1954), p.41; Dan Breen, My Fight for Irish Freedom (Dublin: The Talbot Press, 1944), p.34.



been successfully completed; and the majority of the Dail seemed content to pin their hopes on the upcoming Peace conference. There was no official military policy comprehensible to the average Volunteer. Active, aggressive leaders like Treacy and Breen of Tipperary and Liam Lynch of Cork were faced with the problem of declining morale and the very real threat of disintegration of their Brigades. They felt they had to go forward or the paralysis of inactivity would destroy the spirit of the movement. Up until this point, the policy of the Volunteers had been one of passive resistance. The British had been arresting men throughout the country for drilling or carrying arms and the Volunteers allowed themselves to be imprisoned without offering any resistance. Some of their leaders felt this policy was ineffective. Soloheadbeg was an attempt to spur the Volunteers to action. Dan Breen explained:

... that this business of going to jail and becoming cheap heroes must stop. We wanted a real army, not a hollow mockery. Even if such an army numbered a few score only, it would be far better than the present organisation. We thought Soloheadbeg would have been followed by active operations all over the country.<sup>11</sup>

Soloheadbeg was not immediately effective in the manner Breen desired but it was the beginning of growing pressure on G.H.Q. to authorize and sanction a policy of action and aggressiveness.

General Headquarters was aware of a changing

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<sup>11</sup>Dan Breen, My Fight for Irish Freedom (Dublin: Talbot Press, 1944), pp. 68-69.

atmosphere and in An tOglach, the official organ of the Volunteers declared:

Every Volunteer is entitled, morally and legally, when in the execution of his military duties, to use all legitimate methods of warfare against the soldiers and policemen of the English usurper, and to slay them if it is necessary to do so in order to overcome their resistance. He is not only entitled but bound to resist all attempts to disarm him.<sup>12</sup>

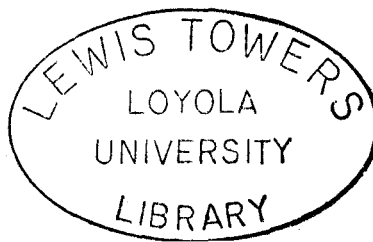
This attitude was further strengthened at the first meeting of G.H.Q. after the establishment of Dail Eireann when Cathal Brugha, Chief of Staff and Minister for Defence, stated that since Ireland now had a lawfully constituted government, elected by the people, the Volunteers became the army of that government and, as such, were entitled morally and legally to defend the Dail, " ... to slay the officials and agents of the foreign invader ... to put to death all spies, informers and all Irishmen who acted as agents of the foreigners in the warfare against us."<sup>13</sup> This major change in the policy of the Volunteers was not universally accepted in 1919; but by 1920 it would reflect both the mentality of and the reality in most of the country.

The Anglo-Irish War, which grew both in extent and in intensity from 1919 until the Truce in 1921, developed because of the exigencies of the time. As a guerilla war, a model for future wars of liberation, it was a radical departure from 1916. In all previous Irish attempts at

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<sup>12</sup>Quoted in Piaras Beaslai, Michael Collins and the Making of a New Ireland, 2 Vols. (N.Y.: Harper and Brothers, n.d.) 1:275.

<sup>13</sup>Ibid., p.270.



rebellion, the rebels directly challenged the military superiority of Britain, committing all their men to the field at one time. In 1919, the Volunteers did not have the men or the arms for another general rising against the military machine of the victor of World War I. No foreign allies were there to help them; no ship load of arms prepared to land on their shores. However, the Volunteers could claim legitimacy as the army of a popularly elected government. They " ... were fighting within a democratically established framework and this not only enhanced their own morale but was in part responsible for the support extended to them in their rural 'theatres of war.'"<sup>14</sup> The Volunteers fought in the only way available to them which gradually developed into a full scale guerilla war of liberation. As Michael Collins said, "We organized our army and met the armed patrols and military expeditions which were sent against us in the only way possible. We met them by an organised and bold guerilla warfare."<sup>15</sup>

The Volunteers were organized on a territorial basis. The smallest unit was the section. Next came the Company, then the Battalion, and finally the Brigade. Each Brigade was composed of seven Battalions. The number of men per Company might vary from fifty to a hundred. The men were

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<sup>14</sup>John A. Murphy, Ireland in the Twentieth Century (Dublin: Gill and Macmillan, 1975), p.14.

<sup>15</sup>Quoted in G.A. Hayes-McCoy, "The Conduct of the Anglo-Irish War," in The Irish Struggle, 1916-1926, ed. Desmond Williams (Toronto: University of Toronto Press, 1966), p.61.

part-time soldiers, fighting at night and then returning to their regular occupations during the day. Training was irregular. Many of the men, for example, never had target practice because of the lack of ammunition. In a real sense, much of their training came from participation in actual combat. As the war progressed, more men joined in full-time service but their numbers were always limited by the small quantity of arms available. The structure of the Volunteers was elastic, flexible, based on the demographical and geographical factors of the region. According to Tom Barry, an officer in Cork, this was all important because "it allowed for the development of a fighting machine under changing conditions and growing enemy pressure."<sup>16</sup> The Irish realized that if they were to succeed, they had to adapt their fight to their unique circumstances and not adhere to traditional military structure. Writing in An tOglach in 1918, Michael Collins said:

Forget the Company of the regular army. We are not establishing or attempting to establish a regular force on the lines of the standing armies of even the small independent countries of Europe. Our object is to bring into existence, train and equip as riflemen scouts a body of men, and to secure that these are capable of acting as a self-contained unit. ...<sup>17</sup>

The activity and aggressiveness of the Volunteers varied from area to area. Counties like Cork, Tipperary,

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<sup>16</sup>Tom Barry, Guerilla Days in Ireland (Dublin: Irish Press, Ltd., 1949), pp.8-9.

<sup>17</sup>Quoted in Piaras Beaslai, Michael Collins and the Making of a New Ireland, 2 Vols. (N.Y.: Harper and Brothers, n.d.) 1:205-206.

and Longford were very busy, while the West and Midlands, for example, generally remained quiet. The attitude of the local leaders was often the determining factor in deciding the degree of participation. The men elected their own officers. Clan loyalties and rivalries played as important a part as martial skills. General Headquarters did not interfere. They accepted and worked with the men chosen. Sometimes G.H.Q. found it necessary to exhort them to fight; sometimes, to proceed with more caution and prudence. In fact, General Headquarters exercised little control over what actually happened throughout the country. In the view of one historian, " ... the military policy in 1919-1920 was left very much to the leaders of the Volunteers," although " ... headquarters' staff kept a reasonably close grip over the major actions in the provinces, ..." <sup>18</sup> Dublin was hampered by the lack of a rapid communications system, a paucity of funds and a scarcity of weapons and ammunition. Most importantly, the nature of the struggle itself demanded a great deal of local autonomy. Clashes with the British were determined by the movement of enemy forces and the availability of men and equipment, factors either beyond the control of Dublin or which of necessity had to be left to the discretion of local personnel. Dublin staff officers were hampered by their unfamiliarity with and their

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<sup>18</sup>Kevin B. Nowlan, "Dail Eireann and the Army: Unity and Division," in The Irish Struggle 1916-1926, ed. Desmond Williams (Toronto: University of Toronto Press, 1966), p.72.

inexperience in fighting in the country, a fact not lost on provincial leaders. However, General Headquarters did set guidelines and coordinate policies gleaned from officers directly engaged in the fighting. Gradually, G.H.Q. would assume more control as the army became more structured.

In one important area, G.H.Q. gave invaluable aid to the Volunteers. During the course of the war, Michael Collins organized an Intelligence System which baffled the British and cracked the walls of Dublin Castle. Collins recruited men from inside the Castle. They provided him with information on raids, arrests, and troop movements. He also established his own Intelligence Staff. Liam Tobin became Chief Intelligence Officer, assisted by Tom Cullen and later Frank Thornton. Collins' people were everywhere, in post offices, on the docks, in telegraph offices. This complex network supplied the Volunteers with much valuable information.

Collins himself became the very heart of the revolution. He was not only Minister for Finance but also a member of the Supreme Council of the I.R.B., Director of Intelligence and, for a time, Adjutant-General of the Volunteers. Aptly nicknamed the "Big Fellow", he symbolized the liberation movement. Collins brought together the loose ends and synthesized the entire struggle against the British. Working with him were the officers who would form the nucleus of the Free State Army: Dick Mulcahy, Chief of Staff; Sean MacMahon, Quartermaster-General; Gearoid O'Sullivan,

Adjutant-General.

While G.H.Q. exercised only minimum control over the army, Dail Eireann had even less authority over the Volunteers. Speaking on April 10, 1919, Eamon de Valera, President of the Dail, said: "The Minister of National Defence, is of course, in close association with the voluntary military forces. . . .,"<sup>19</sup> thus indicating that at this stage the army was " . . . associated with rather than subordinate to the Dail Ministry."<sup>20</sup> It was a curious situation. Theoretically, the Volunteers remained an independent, autonomous body responsible only to its own Executive; yet they were commonly referred to as the army of the state. Dail Eireann regularly voted it funds and the Minister for Defence reported to the Irish assembly on its activities. However, the Dail, itself declared an illegal body in 1919, met less and less frequently and its meetings contained little discussion of military policy or objectives. In no sense did the Dail take an active role in the events of the war.

In January of 1921, in one of the few major Dail discussions on war time policy, certain disagreements and complaints surfaced concerning the way the country had drifted into war. A number of Deputies believed that they

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<sup>19</sup>Ireland, Dail Eireann, Minutes of the Proceedings of the First Parliament of the Republic of Ireland: 46-47.

<sup>20</sup>Kevin B. Nowlan, "Dail Eireann and the Army: Unity and Division," in The Irish Struggle 1916-1926, ed. Desmond Williams (Toronto: University of Toronto Press, 1966), p.72.

had not been kept sufficiently informed, that the Dail had not been convened frequently enough and "that members in the country who were outside of the Dublin circle, knew nothing of what was going on, heard nothing to guide them and had to rely altogether on their own judgment."<sup>21</sup> Sean MacEntee, the representative from South Monaghan, claimed that the "Ministry did not seem to pay any attention to his arguments and he said they were of the opinion they [the Government] could continue to govern the country while the Dail was in a state of hibernation. He thought if that policy was continued the results would be disastrous to the country."<sup>22</sup>

Approval of the direction the revolution had taken was not unanimous. Some deputies were uneasy with the military policy of the government. Roger Sweetman, the representative from North Wexford, resigned his seat in protest of the growing violence in January of 1921. He said that he was "in total disagreement with the policy pursued for some time back. ... He thought there was a number of people outside the Dail who did not see eye to eye with them on the present policy. ... He wanted to see nothing done which they as moderate men could not stand over in the main ..."<sup>23</sup>

Generally, however, the Dail endorsed the status quo,

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<sup>22</sup>Ibid., pp. 245-246.

<sup>23</sup>Ibid., pp. 243-244.



rejecting any suggestion of lessening the activities of the Volunteers or diminishing the struggle.<sup>24</sup> In effect, they as a body abdicated responsibility for the conduct and prosecution of the war. Due to the nature of the guerilla struggle, the result was that a small clique of dedicated and zealous men ran the revolution. A breakdown in the traditional chain of authority occurred with the local Volunteer units enjoying a great deal of independence from G.H.Q., with the army Executive not legally bound to the government, and with the Ministry effectively free from Dail control. The revolution maintained its cohesiveness because its leaders simultaneously occupied co-ordinated positions of authority in the Dail, the government and the army. Volunteer officers were elected to Dail Eireann and six members of G.H.Q. staff became Deputies: Michael Collins, Richard Mulcahy, Gearoid O'Sullivan, Owen O'Duffy, Piaras Beaslai and Liam Mellows. Distinctions between military and civilian became blurred and muted.

Clearly, the issue of civilian control of the army was not a paramount concern. The Dail seemed to have no fear of the military extending and usurping its rights. The discussion of March 11, 1921, on the establishment of a military dictatorship evidenced this. The House agreed that when

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<sup>24</sup>De Valera had been in America from June 1919 to December 1920 and the discussion on whether the struggle against the British should be lessened arose on his suggestion. His critics claimed that this proved how out of touch with the movement he was.

its membership fell to five, "the Army should take control."<sup>25</sup> Unquestionably, the leaders were worried about the survival of the Republic, the liberation of their country, the unity of the revolutionary movement; and not ethereal abstractions concerning the role of the military in society. That the Army was free from central military and political control to such a great extent had great importance in 1922. "The Army did defend the Republic from 1916 to 1922 but it did so in its own way with little concern about the Government's attitude."<sup>26</sup> The question which remained unanswered was whether Dail Eireann could control the Volunteers if it ever chose to do so.

An attempt was made to clarify the relationship between the Dail and the Volunteers in August of 1919. The Minister for Defence, Cathal Brugha, proposed that the soldiers swear an oath of allegiance to the Dail. He said that he regarded "the Irish Volunteers as a Standing Army and that as such they should be subject to the Government... The important thing was that the Irish Volunteers under their present Constitution owed allegiance to their own Executive. Since the Dail had come into existence there had been no Volunteer Convention, but one would be held as

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<sup>25</sup> Ireland, Dail Eireann, Minutes of the Proceedings of the First Parliament of the Republic of Ireland: 280.

<sup>26</sup> Joseph Curran, "Michael Collins and the Irish Free State" (PhD. dissertation, University of Chicago) p.29.

soon as possible. It was necessary to have this matter adjusted."<sup>27</sup> Not everyone agreed. Collins feared that the intrusion of politics and politicians into the war effort would hamper the drive for independence, an apprehension shared by other officers. Those who opposed the oath questioned the wisdom of removing control from their own executive. But Brugha prevailed. Since a Volunteer Convention would have been too dangerous, it was never held nor was the Constitution ever changed. The oath was administered by individual officers and the Volunteers officially became the Irish Republican Army, the I.R.A. This made no substantive difference because "the soldiers' first loyalty was to their commanders and the symbol of the Republic."<sup>28</sup>

Underlying the issue of Dail control over the army was the question of the power and influence of the Irish Republican Brotherhood. Collins felt that the actual reason for Brugha's insistence on an oath was to break the allegiance of the men to the I.R.B. In a sense, the oath issue was part of the struggle for control of the army. A rift was growing between Brugha and Collins. The I.R.B. was Collins' stronghold of power. By breaking its strength, Brugha would effectively reduce the Minister for Finance's influence. Exactly how powerful this secret organization was, is difficult to judge. In 1919, the I.R.B. had altered its Constitution, deleting from it the assertion that its

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<sup>28</sup>Joseph Curran, "The Decline and Fall of the I.R.B.," Eire Ireland 10 (Spring 1975): 17-18.

President was also the President of the Irish Republic, and also giving its approval to the oath of allegiance to the Dail as the lawfully elected government of Ireland. These actions were an acknowledgment by the Brotherhood that their role in Irish society had changed since 1916. Moreover, in terms of numbers, the I.R.B. was not very potent. For example, in the counties of Cork, Kerry and Waterford, while the Army numbered about 31,000 men, the I.R.B. comprised only 1,170.<sup>29</sup> One estimate of the strength of the I.R.B. was that its members did not exceed five per cent of the total strength of the Army.<sup>30</sup> However, the Brotherhood did have control over positions of authority. Many officers were I.R.B. men; and three members of the Supreme Council were on the staff of G.H.Q.: Collins, O'Sullivan and O'Duffy. According to one source, the I.R.B. "controlled most of the administrative machinery of the Army and could direct the manner of its operation without offending against the disciplinary code."<sup>31</sup> Actual meetings of the local circles diminished as the war intensified, but the myth of the I.R.B. remained strong and the influence of the Brotherhood in the Army continued to be questioned through 1924. To some, the Brotherhood was an anachronism which had outlived its usefulness and now tended to sap the unity of the revolutionary

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<sup>29</sup>Florence O'Donoghue, No Other Law (Dublin: Irish Press Ltd., 1954), p.189.

<sup>30</sup>Ibid., p.43.

<sup>31</sup>Ibid., p.199.

movement and to divide the allegiance of the men. To others, "it had vitality and significance in that it bound a group of men into a historic and respected brotherhood which evoked loyalty of a high order without undermining in any way the Army discipline under which they served."<sup>32</sup>

Not until March of 1921 did the Dail define its relationship, however, inaccurately, with the I.R.A. At the suggestion of de Valera, the Dail agreed to take formal responsibility for the actions of the I.R.A. and publicly acknowledge that a state of war existed between Ireland and England. This declaration would belie enemy claims that the I.R.A. was an irresponsible force, "a murder gang," and deny England this advantage in the propaganda war being waged in the press. Therefore, in an interview on March 30, 1921, de Valera stated:

... This army is, therefore, a regular state force, under the civil control of the elected representatives, and under officers who hold their commissions under warrant from these representatives. The Government is, therefore, responsible for the actions of this Army. These actions are not the acts of irresponsible individuals or groups, therefore, nor is the I.R.A. as the enemy would have one believe a praetorian guard. It is the national Army of defence.<sup>33</sup>

The Dail's acknowledgment in 1921 that a state of war existed in Ireland was certainly belated (albeit one which England refused to make). Slowly and gradually through 1920 the clashes and skirmishes between the I.R.A. and the

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<sup>32</sup>Ibid., p.43.

<sup>33</sup>Quoted in Florence O'Donoghue, No Other Law, (Dublin: Irish Press Ltd., 1954), p.162.

British grew more numerous. The tempo of the war intensified and its tone grew more savage. The Royal Irish Constabulary, ostracized as armed agents of the British and the chief target of the I.R.A. in the first phase of the war, had grown demoralized and their ranks dwindled. In the summer of 1920, the R.I.C. was augmented by the addition of the Auxiliaries, ex-officers of the British Army and the Black and Tans, ex-soldiers of the Crown, recruited for service in Ireland. The efforts of the British to quell the rebellion by arresting more and more suspected I.R.A. men only increased the number of full-time soldiers. It became increasingly dangerous to return to a place of employment after a night's engagement. Thus, more of the I.R.A. were forced "on the run." This necessitated a tightening of the organization. Training and instruction increased. Local Quartermasters developed plans for feeding and clothing their men. Communication and cooperation between units were expanded so that, by the spring of 1920, a coordinated operation to burn vacated police barracks throughout the country could be carried out. This was part of a new campaign by the I.R.A. to attack the enemy's stronghold in order to destroy them and thus hopefully to drive them out of the country.

Terror and counter-terror grew in ferocity and frequency throughout 1920, a year which witnessed the murder of Tomas Mac Curtain, Lord Mayor of Cork; the death of his successor, Terrence Mac Swiney, on a hunger strike in prison; and the wanton burning of Cork city itself. It was also the year of "Bloody Sunday". On November 21, 1920, Collins'

squad was responsible for the systematic elimination of British spies. Eleven men were killed. It was a ruthless action, justifiable in content, if not in style. British revenge was brutal. That same afternoon the soldiers fired on an innocent crowd attending a Gaelic football match in Croke Park, killing 12 and wounding 60. Overall, the death toll for 1920 was 176 R.I.C. killed, 251 wounded; 54 British soldiers killed, 118 wounded; and 43 I.R.A. men killed. In comparison, between May and December of 1919, 18 policemen had been killed.<sup>34</sup>

In November and December of 1920 the I.R.A. developed a new weapon with which to fight the British: the Flying Column. A group of about thirty men in each Brigade were recruited to become the elite units of the I.R.A. These men were given special training in defence tactics, attacking exercises, musketry, discipline, security measures, ambushes, town fighting and elementary sign and map reading. The mission of the Flying Columns was "continually to harass, kill, capture and destroy the enemy forces; to keep in check his attempts to rebuild his badly shaken civil administration; to guard and protect the building of their ... own State Institutions and the people who were establishing and using them."<sup>35</sup> The establishment of the Flying Columns

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<sup>34</sup>F.S.L. Lyons, Ireland Since the Famine (New York; Charles Scribner's Sons, 1971), pp. 410-415.

<sup>35</sup>Tom Barry, Guerilla Days in Ireland (Dublin: Irish Press, Ltd., 1949), p.23.

gave the Irish a mobile striking force which allowed them to expand their activities into more reluctant and apathetic areas.

The success of the guerilla campaign depended on the support and sympathy of the people. The I.R.A., especially the Flying Columns, needed food, sleeping accommodations, medical aid and information from their countrymen. Initial repugnance to Volunteer violence was considerably lessened by increased British terror. While some aided the I.R.A. out of fear, most of the local people, especially those in battle ridden areas, took great risks to help the guerilla forces. For the most part, aid and succor were extended" ... by a people steeped in the tradition of resistance to established authority. In turn, the courage and persistence of the ordinary Volunteer derived in large measure from the knowledge that his cause had popular backing."<sup>36</sup> In Tom Barry's view "The year 1920 closed with the struggle well-defined between Ireland and her ancient enemy. Now there could be no turning back. All Ireland had accepted to some degree the challenge of the growing British terror."<sup>37</sup>

The last six months of the war were characterized by full scale guerilla conflict. The I.R.A. had grown into

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<sup>36</sup>John A. Murphy, Ireland in the Twentieth Century (Dublin: Gill and Macmillan, 1975), p.20.

<sup>37</sup>Tom Barry, Guerilla Days in Ireland (Dublin: The Irish Press Ltd., 1949), p.60.



a more disciplined, better trained army. Its increased confidence and efficiency were demonstrated in May of 1921 by the burning of the Customs House in Dublin. This action was sanctioned by the government because the destruction of the files contained there would severely hamper British administration throughout the country. While the I.R.A. paid dearly in loss of men, 5 killed and 80 captured, in terms of morale and dramatic effect, it was a success. An tOglach evaluated the operation euphorically: "The burning of the Customs House symbolized the final collapse of English civil administration in the country."<sup>38</sup>

However, the British military forces refused to collapse. Sir Neville Macready, Commander-in-Chief of the British forces in Ireland, calculated that there were 40,000 soldiers and policemen occupying Ireland by July of 1921. Other estimates put the figure as high as 50,000 soldiers and several thousand police. The Irish were greatly outnumbered. While its total membership may have been as high as 15,000 the number of I.R.A. men on active "working" service only ranged from 3,000 to 5,000 men.<sup>39</sup> Its numbers were consistently limited by the shortage of arms and ammunition. The strain and tension of war was having its effect. Martial law had been proclaimed in various parts

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<sup>38</sup>Quoted in Piaras Beaslai, Michael Collins and the Making of a New Ireland, 2 Vols. (N.Y.: Harper and Brothers, n.d.) II:222.

<sup>39</sup>F.S.L. Lyons, Ireland Since the Famine (New York: Charles Scribner's Sons, 1971), pp. 414-415.

of the South. At a conference of officers of the Southern Brigade, one of their most urgent demands was that the conflict become "more widespread and truly national in scope."<sup>40</sup> This would ease the burden on the military and civilian population in the heart of the war who were being pushed to the limit of endurance. In spite of certain inherent advantages of guerilla warfare, the I.R.A. was faced with tremendous obstacles and whether they could ever have truly and unconditionally defeated the British remains questionable. As one historian noted: "Terror and counter-terror had in fact resulted in a stalemate."<sup>41</sup>

When the British realized that Ireland was not going to be quickly pacified, they actively began to seek a political solution. Prime Minister Lloyd George and his coalition government was coming under increased pressure from both English and world opinion to settle the Irish struggle. In December of 1920, Lloyd George asked Archbishop Clune of Perth to act as intermediary between the two hostile forces. Both sides agreed that it was necessary to stop the killings, burnings and raids and to create an atmosphere favorable for peace negotiations. One very serious obstacle existed, however. The British insisted that the Irish turn over their arms. This would have been

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<sup>40</sup>Florence O'Donoghue, No Other Law (Dublin: The Irish Press Ltd., 1954), p.153.

<sup>41</sup>John A. Murphy, Ireland in the Twentieth Century (Dublin: Gill and Macmillan, 1975), p.22.

tantamount to surrender for the I.R.A., leaving them at the mercy of the British at the negotiating table. During the next six months, Lloyd George vacillated between talk of peace and talk of victory. While distinguished visitors were being sent to Dublin in search of a formula to end the conflict, the Prime Minister and the "die-hard" faction in the Coalition, were claiming they had the rebels on the run, "had murder by the throat," and were confident of victory very soon.

A turning point in British policy came on June 22, 1921, with the opening of the Northern Irish Parliament by King George V. Prior to this, in March of 1920, the British had passed the Better Government of Ireland Bill (the Partition Act) which created two separate Irish governments: the Dublin Government, with responsibility for 26 counties; and the Belfast Government, ruling over the 6 predominately Protestant counties.<sup>42</sup> The King's speech expressed the wish that Ireland enter into an era of peace, contentment and goodwill. It was a signal that the Coalition Government was now serious about a truce. Lloyd George rescinded his demand for the surrender of weapons and arrangements for a cessation of hostilities proceeded.

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<sup>42</sup>The Partition Act curiously defined "better government" as a mixture of the outdated Home Rule idea and the new and dangerous concept of partition. This Bill had little relevance in the South, but it was of striking importance in the North. It provided the Ulster Protestants with a strong barricade behind which they could retreat if any pressure for unification or reconciliation was applied. They were now masters of their own house.

On Monday, July 11, 1921, a truce was declared. War was over, at least for a time. To the Irish, it was greeted as victory. The Truce was partially necessitated by Ireland's military condition: lack of arms and munitions and a growing shortage of manpower. A respite would give the I.R.A. a chance to regroup its forces. However, serious drawbacks to an armistice also existed. A period of peace would break the momentum and intensity of the war. More importantly, the truce would destroy an important and vital weapon of the I.R.A. - secrecy. This fact was not lost on Michael Collins, whose life depended on his anonymity:

Once a truce is agreed and we come out into the open, it is extermination for us if the truce should fail. ... We shall be ... like rabbits coming out from their holes; and pot-shots for the 'farmers' should the truce ever fail.<sup>43</sup>

The terms of the Truce were: On behalf of the British Army it is agreed as follows:

1. No incoming troops, R.I.C., and Auxiliary Police and Munitions and no movements for military purposes of troops and munitions, except maintenance drafts.
2. No provocative display of forces, armed or unarmed.
3. It is understood that all provisions of this truce apply to the martial law area equally with the rest of Ireland.

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<sup>43</sup>Rex Taylor, Michael Collins (London: New English Library, Ltd., 1970), p.110.

4. No pursuit of Irish officers or men or war material or military stores.
5. No secret agents, noting description or movements, and no interference with the movements of Irish persons, military or civil, and no attempts to discover the haunts or habits of Irish officers and men.
6. No pursuit or observance of lines of communication or connection.

On behalf of the Irish Army it is agreed that:

- a. Attacks on Crown Forces and civilians to cease.
- b. No provocative displays of force, armed or unarmed.
- c. No interference with Government or private property.
- d. To discountenance and prevent any action likely to cause disturbance of the peace which might necessitate military interference.<sup>44</sup>

If the Truce were terminated, seventy-two hours notice would be given. I.R.A. units were granted leave but were advised to stay in close contact with their commanders in the event the negotiations broke down. Upon returning home, the young freedom fighters were greeted like a victorious army. Their ranks swelled with "trucileers," men who joined the I.R.A. after the fighting had ceased. It was a time to bask in glory, to forget the hardships, the stench of war, and the fear of death, and to try to return to normalcy, though not to the conditions of ante-bellum

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<sup>44</sup>Quoted in Dorothy Macardle, The Irish Republic (London: Transworld Publishers, 1968), pp.434-435.

society. The years of fighting had altered the normal sociological development of a large segment of the population. They had become accustomed to danger and excitement. They were heroes. Coupled with and urged on by the braggadocio of the non-combatant trucileers, the "army of the people" grew disdainful of the non-military population and began "to domineer over civilians and despise politicians."<sup>45</sup> The I.R.A. came to believe that they had actually won the war with England.

The Truce brought an end to the army's predominance. The emphasis now shifted from military to diplomatic skirmishes. A war of letters ensued. The British offered limited Dominion Status. The Irish spoke of independence and self-determination. Finally, after two and a half months of vying for position, both sides agreed to discuss "how the association of Ireland with the community of nations known as the British Empire may best be reconciled with Irish national aspirations."

As their plenipotentiaries, the Cabinet selected Arthur Griffith, Minister for Foreign Affairs, as chairman of the delegation; Michael Collins, Minister for Finance, as second-in-command; and Gavan Duffy, T.D. (Dail Deputy), Robert Barton, Minister for Economic Affairs, and Eamon Duggan, T.D., the latter two having been responsible for negotiating the truce. Erskine Childers was appointed

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<sup>45</sup>Ibid., p.492.

secretary to the delegation. The selection of the negotiators was surprising since de Valera had seemed the obvious choice to the Cabinet and the Dail to lead the Irish. He had headed the preliminary negotiations with Lloyd George and, in general, was the most experienced diplomatically. To his colleagues' dismay, however, the President refused to attend, claiming that his place as head of state was in Ireland. He cited the tragedy of President Wilson at Versailles as precedent. Moreover, as the symbol of the Republic, he wanted to keep himself free from the taint of compromise in order to rally the people, if necessary, to resume the fight. However, de Valera was the one figure who could unify the different political factions and, as such, was needed in London. By not attending the conference, de Valera jeopardized any potential agreement.

By October of 1921, the beginnings of a serious split in the Cabinet became apparent. A significant difference of opinion existed between the self-styled die-hard Republicans, like Brugha and Stack, who refused to go to London, and the more moderate approach of men like Griffith. Cathal Brugha exhibited open personal hostility towards Collins. Griffith had opposed the appointment of Childers. In spite of this, Griffith and Collins were chosen to lead the delegation and Childers was selected as secretary. The internal tensions and strain with its resulting disharmony worked against any proposed settlement, a difficult task even in the most congenial atmosphere. As de Valera noted:

Their plenipotentiaries would go over to do the best they could for the Irish nation and the Irish people. He again warned them of the fact they were sending men to do a thing a mighty army and navy could not do. They had got to face facts no matter how high their ideals were and to deal with a practical situation as they found it. The time was come to get to serious work. The men going over would be going to face a most difficult task.<sup>46</sup>

Negotiations began in London on October 11, 1921.

Lloyd George, Lord Birkenhead, Austin Chamberlain and Winston Churchill constituted the very formidable opposition the Irish had to face at #10 Downing Street. The strategy of the Irish Cabinet was to concentrate on matters of finance, trade and defense, and to leave the more difficult, more illusive problems of Ulster and the Crown for last, when the hostile and strange atmosphere would hopefully have begun to evaporate. The advantage of such a battle plan to begin negotiations in less sensitive areas was that the Irish would have time to evaluate the determination and commitment of the British, but there was also a great risk. If negotiations broke down, it would most probably be over these two issues and prolonging the period of artificial peace was creating an unhealthy atmosphere in Ireland, one neither of war nor peace but a type of limbo.

The second prong of Irish strategy was to ensure that any break in negotiations would be over Ulster and not over allegiance to the Crown. On the question of national unity, they felt they would retain world sympathy, claiming

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<sup>46</sup>Ireland, Dail Eireann, Private Sessions of the Second Dail, (1921): 96.



that a small minority, the North-East, was blocking a settlement. A break over the oath to the King would make them appear merely obstinate and turn world opinion against them.

The British were offering Dominion Status, with limitations on defense, finance, and trade. In effect, they abrogated the right of the Irish to defend themselves and made special demands for the use of her ports. The Irish argued for neutrality, reasoning that a neutral, free Ireland would be more sympathetic to British interests. In the area of trade, the British wanted to guard against the possibility of tariff barriers. The Irish delegation maintained that their industrial development demanded that they have the freedom to decide what their tariff structure should be. In addition, the Irish demanded complete internal fiscal autonomy.

The Irish response to Dominion Status was de Valera's formula of External Association, an idea decades ahead of the evolution of the Commonwealth. Its salient feature was the inclusion of the Irish Republic within the broad confines of the British Empire as a neutral sovereign state, externally associated with the states of the British Empire for purposes of common concern-like defence, peace and war. Conspicuous by its absence was a direct oath of allegiance to the King although Ireland would contribute to his annual tribute. The British did not agree to this new arrangement. To them, the question was simply

would the Irish accept the Crown or not.

The Ulster problem was perhaps the most complex issue facing the negotiators. For unity, the Irish would probably accept the Crown in some manner. In a statement to the Dail on August 17, 1921, President de Valera said:

As far as I am concerned, I would be willing to suggest to the Irish people to give up a good deal in order to have an Ireland that would look to the future without anticipating distracting internal problems.<sup>47</sup>

The Irish strategy vis-à-vis Ulster was to guide events so that Sir James Craig, leader of Northern Ireland, would have to maintain his position without English support. The Irish were convinced that Ulster would join them if the English removed their backing. However, the Partition Act of 1920 presented the Southern Irish with a fait accompli, a separate government in the six county area with its own Constitution and Parliament and both Dublin and London had previously agreed that there would be no coercion of Ulster.

The question of Dominion Status or External Association was examined in detail. One of Ireland's strongest arguments against accepting status equal to the Dominions was its geographical proximity to England. The very real fact of distance insured that the activities of the Irish would be of infinitely more concern to the residents of #10 Downing Street than those of a country as far away as

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<sup>47</sup>Ireland, Dail Eireann, Minutes of the Proceedings of the First Parliament of the Republic of Ireland, (1921): 15.

Canada. Since the position of the States within the Commonwealth was so ill-defined and dependent on practice rather than on existing law, the closeness of the two islands strongly indicated that, while the Crown would be merely a symbol elsewhere, in Ireland it would be a reality. The British would have effective control over Ireland because the Crown, through its Ministers and Parliament, could make laws, veto bills, and appoint the Governor-General. In order to meet this objection, the British gave the Irish delegation the option of inserting any clause they desired to insure that the position of the Crown in Ireland would be no more in practice than it was in Canada or any other Dominion. In coming to terms with one of Ireland's main objections to Dominion Status, the British made a definite concession.

In the beginning of December, the negotiations reached a climax. The British had presented a draft agreement and the Irish Cabinet had rejected it. On December 4, 1921, Griffith, Duffy and Barton presented their counter-proposal of External Association to the English. The Prime Minister maintained that, instead of furthering the negotiations, the Irish draft was a step backwards. They could not understand the difficulty in accepting a status equal to that of Canada. At that, Gavan Duffy blurted out that their difficulty was coming into the Empire. A wave of excitement immediately swept through the room. The central problem which the Irish had carefully refrained from

verbalizing was now out in the open. This simple statement revealed the entire rationale behind the concept of external association.

A crisis atmosphere now surrounded the conference. On December 5th, the Prime Minister decided to apply maximum pressure and force the Irish to reach a decision, either to come to terms or face the prospect of terrible and immediate war. Lloyd George offered some final concessions, including a modified oath in which the Irish swore allegiance to their Constitution but pledged themselves to be loyal to King George in his role as head of the Commonwealth. The British also relented in their demand for complete control of Irish defence. They acknowledged the right of Ireland to build vessels necessary for the protection of revenue and fisheries. In addition, a phrase was included implying that Ireland would undertake a share in her coastal defence. The Irish were allowed a restricted army and the entire defence issue would be reviewed at a conference in five years. As a final inducement, Lloyd George offered fiscal autonomy.

On the problem of Ulster, the British proposed the establishment of a Boundary Commission composed of one representative from each of the three sides involved. By leaving the inhabitants free to decide their own political destiny, the Prime Minister strongly suggested that the Dublin government would save Tyrone and Fermanagh, and parts of Derry, Armagh, and Down. Assuming the inclusion of these

areas, the North would be forced economically to join the South.

The Irish were not totally in favor of the Commission. They hesitated; and, in that moment of hesitation, Lloyd George showed himself to be a politician par excellence. To insure the acceptance of his scheme, the Prime Minister produced a memorandum which Griffith had signed on November 12 promising not to publicly repudiate the proposal of a Boundary Commission as an alternative to an all-Irish Parliament while the Unionist Conservative Party conference was going on. Lloyd George, the "Welsh Wizard", interpreted this pledge to mean that negotiations would not be broken over Ulster and Griffith would accept the Boundary Commission if necessary. He asked the Irishmen if he would honor his word. Griffith replied: I have never let a man down in my whole life and I never will."<sup>48</sup>

One man had been won over. Not satisfied, the Prime Minister melodramatically declared that all members of the delegation must sign or bear the responsibility for the dire consequences which would follow. He issued an ultimatum: the Irish delegates must decide that night whether it would be peace or war. They were allowed no time to return to Dublin to discuss it with their colleagues.

The Irish retired from the conference room and a heated and passionate debate ensued. Unfortunately, no one

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<sup>48</sup>Quoted in F.S.L. Lyons, Ireland Since the Famine (New York: Charles Scribner's Sons, 1971), p.435.

thought to telephone de Valera in Dublin. Finally, Collins decided to sign and the rest followed his example. At 3 o'clock in the morning of December 6th, a tired and troubled team of plenipotentiaries executed the Anglo-Irish Treaty.

Why did the Irish sign? For three of the five representatives, the answer is fairly obvious. Duffy, Barton, and Duggan acquiesced because they would not bear the responsibility for the war that Lloyd George had prophesized would follow.

Michael Collins executed the agreement primarily because he thought that the Treaty was the best Ireland could obtain from Britain and that the Dominion Status offered them gave Ireland the basics, the substance of freedom which would allow Ireland to grow and develop in peace. The modified oath eased his conscience while the Boundary Commission held out at least the promise of unity. Moreover, as a military man, Collins more than any other Irish leader, knew the massive onslaught which could be directed against Ireland if Britain so desired. He also knew that it was questionable whether Ireland could withstand it. He believed that the decision of war or peace belonged to the Irish people alone. They should have the opportunity to decide their fate.

Arthur Griffith was perhaps the most satisfied with the Treaty. To him, it was the fulfillment of his life's work. It gave Ireland what he felt was necessary for her

development as a nation - economic and domestic freedom and control over her own education. While the memorandum of November 12th had indeed placed the Chairman in a difficult situation, nothing in it could actually have forced him if he was not at least practically predisposed to sign. The promise he had given Lloyd George was limited and dictated by the Liverpool Convention. Griffith signed because he was basically in agreement with the terms of the Treaty and, like Collins, cognizant of the fact that this was the best compromise they could attain.

When news of the agreement reached Dublin, it was received with neither joy nor satisfaction. On December 8th, de Valera released a statement to the press urging the people to reject the Treaty. He said:

The terms of this Agreement are in violent conflict with the wishes of the majority of this nation as expressed freely in successive elections during the past three years. I feel it my duty to inform you immediately that I cannot recommend the acceptance of this Treaty either to Dail Eireann or the country. In this attitude I am supported by the Ministers for Home Affairs and Defence.

...  
The Army as such is of course not affected by the political situation and continues under the same orders and control. The greatest test of our people has come. Let us face it worthily, without bitterness and above all without recriminations. There is a definite constitutional way of resolving our political differences - let us not depart from it, and let the conduct of the Cabinet in this matter be an example to the whole nation.<sup>49</sup>

An open split was now apparent. Both sides began preparing for the all important treaty debates in An Dail Eireann.

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<sup>49</sup>Quoted in Dorothy Macardle, The Irish Republic (London: Transworld Publishers, 1968), p.544.

### CHAPTER III

#### THE CIVIL WAR

The Treaty debates began in December of 1921. Passion, emotion and personal hostility saturated the proceedings. The veil of war time unity which had cloaked deep differences was now lifted to reveal numerous factions and grave divisions. The men and women of Dail Eireann who gathered in the Council Chamber of University College, Dublin, were very much aware that they were being called upon to determine the future of Ireland. The debates centered primarily around the oath of allegiance to the Crown, inclusion in the British Empire, the nature of Dominion status and the abandonment of the Irish Republic. Ironically, deputies said very little about the partition of Northern Ireland. They were being forced to choose between the ideal of the liberation struggle and the practical realities of the political climate. The weight of the dead, especially the most recent martyrs, bore heavily on them. Friendships dissolved. Former comrades who had trusted each other with their lives found themselves hurling epithets at one another. It was a bitter time, in part, perhaps, because of the gravity and consequences of the issue, the alternative to the Free State was resuming the war with Britain. The



choice was simple: vote for or against the Articles of Agreement between Ireland and Great Britain, vote for or against the Treaty.

Outside the Dail, a substantial majority of the people were satisfied with the agreement, a fact which would become increasingly more evident as the debates progressed. To them, it was an honorable peace. The press, the business community, the clergy, the County Councils, for the most part, all urged ratification. However, a significant segment of the population viewed the Treaty as a sell-out of the revolution. The negotiators had not brought back a Republic, and nothing less would be accepted. The I.R.A. was split on the issue of the Treaty. The majority of G.H.Q. officers favored acceptance: Richard Mulcahy, Chief of Staff; Eoin O'Duffy, Deputy Chief of Staff; J.J. O'Connell, Assistant Chief of Staff; Gearoid O'Sullivan, Adjutant-General; Sean MacMahon, Quartermaster-General, Piaras Beaslai, Director of Publicity; Emmet Dalton Director of Training; Diarmuid O'Hegarty, Director of Organization; and, in his role as Director of Intelligence, Michael Collins. Opposed to the Treaty were: Liam Mellowes, Director of Purchases; Rory O'Connor, Director of Engineering; Seamus O'Donovan, Director of Chemicals; and Sean Russell, Director of Munitions. While those against the Treaty were in a minority on Headquarters Staff, they had strong backing from divisional commandants, like Liam Lynch, brigade leaders

like Oscar Traynor, and their rank and file.<sup>1</sup> Vocal discontent was especially prominent from the Southern divisions. Very often, the attitude of the local officers determined whether his men would accept or reject the Treaty.

The Truce had been a mixed blessing for the army of the Republic. They had used the opportunity to reorganize and revamp their forces. The process of forming divisions was extended throughout the country. Recruiting was vigorous. Some arms and munitions were acquired. However, the absence of war time conditions and restrictions also meant a relaxation in discipline and a breakdown in control. Numerous violations of the Truce resulted. Segments of the I.R.A. grew belicose, romanticizing and overstating their struggle of the last two years. Their disdain of the non-military increased and "large numbers of them developed a militaristic spirit, regarding themselves as superior to mere civilians and politicians."<sup>2</sup> A state of lawlessness grew in the country as "the nominal control of local units exercised by General Headquarters and the Dail Government during the war became even less meaningful, while the personalities and opinions of local commanders assumed even greater importance.... The I.R.A. became more and more a law unto itself."<sup>3</sup>

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<sup>1</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), pp. 235-236; J. Bowyer Bell, The Invisible Army (London: Sphere Books, Ltd., 1972), p.46.

<sup>2</sup>Joseph Curran, "Consideration of the Irish Revolution: The Free Staters" University Review V (Spring, 1968): 38-39.

<sup>3</sup>Ibid., pp. 39-40.

And, according to Liam Lynch, "We have declared for an Irish Republic and will not live under any other law."<sup>4</sup>

The underlying question tormenting the Deputies was whether the army would accept the dictates of the Dail, regardless of the outcome of the vote on the Treaty. Having allowed the I.R.A. freely to chart its own course during the war, the Dail was unsure whether it could now establish control. Because the I.R.A. was not a professional army, because it was not accustomed either to strict discipline or complete subservience to civil authority, the possibility of a rebellion by the army was very real indeed. In fact, the I.R.A. had a tradition of independence and political awareness and involvement. The men of the republican army were citizen-soldiers, motivated to fight by their ideals and beliefs, successors to the men of 1916 and guardians of the Republic. As Seamus Robinson, Commandant of the Tipperary Brigade and T.D. for Waterford, said: "If we had no political outlook, we would not be soldiers at all."<sup>5</sup> President de Valera's statement that the army was not affected by the Treaty debates was unrealistic, given the history and development of the army. As one observer noted: "The Army, because of its spirit and character, because of the very factors

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<sup>4</sup>Quoted in John Murphy, Ireland in the Twentieth Century (Dublin: Gill and Macmillan, 1975), p.49.

<sup>5</sup>Ireland, Dail Eireann, Debates on the Treaty between Great Britain and Ireland, (1921-1922): 289-290. (Herein-after referred to as Treaty Debates).

that had made it an effective weapon of liberation, could not be insulated against the storms of passion and controversy which began to rage around the question of the Treaty."<sup>6</sup> The problem was not that the men of the I.R.A. had their own opinions on the Treaty, but that some of them might attempt to dictate to the Dail, to enforce their views with arms.

Deputies were subjected to intimidation and threatened by soldiers. For example, a notice was given to the senior Deputy for Cork City which stated:

To all T.D.'s in Cork No. 1 Area:

(1) On December 10th the Staff of the First Southern Division and all Brigade Commandants met and sent forward to G.H.Q. a unanimous demand for the rejection of the Treaty proposals.

(2) You are reminded it is your duty to support this demand.

(3) To act otherwise would be treason to the Republic to which we have sworn allegiance.<sup>7</sup>

Mr. Fahy of Galway claimed: "I was approached by a member of the I.R.A. as I came here today and told if I voted for the Treaty I would be shot."<sup>8</sup> Everyone condemned the threats of violence. The Minister for Defence gave repeated assurances that the discipline of the army would be enforced. President de Valera declared: "If the army as a national army does not

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<sup>6</sup>Florence O'Donoghue, No Other Law (Dublin: Irish Press Ltd., 1954), p.196.

<sup>7</sup>Ireland, Dail Eireann, Private Sessions of Second Dail, (1921-1922): 182.

<sup>8</sup>Ibid., p.128.

obey the Government and until the Dail is dissolved any man who does not obey the Government, if there is any scrap of an army left to arrest him, he will be arrested."<sup>9</sup> The Chief of Staff, Richard Mulcahy, affirmed his belief that the army would remain loyal no matter what occurred. He explained that the army leaders were just expressing their opinions and that any lack of discipline was unintentional and would be corrected. With a characteristic insensitivity to the fears of those not directly involved with the military, a trait which would later plague him during his tenure as Minister for Defence, Mulcahy stated: "I don't know what undercurrent of irritation is troubling people in regard to the army."<sup>10</sup>

Trying to keep the situation in balance, the Minister for Defence issued instructions that the army, as an army, was not to interfere in non-military affairs. That proved a difficult order to follow. The presence of officers of the I.R.A. in the Dail guaranteed that no matter how scrupulously they tried to separate their roles as soldiers and Deputies, the pressure of the army would be felt during the debates. The dilemma of Gearoid O'Sullivan, Adjutant-General and County Carlow T.D., illustrates this confusion of roles:

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<sup>9</sup>Ireland, Dail Eireann, Private Sessions of Second Dail, (1921-1922): 134.

<sup>10</sup>Ibid., pp. 132-133.

When I was summoned to this meeting of the Dail I thought it my duty to consult the people who elected me to the Dail and I went on Monday evening to Carlow. ... I met the people who proposed me, seconded me, and elected me. I met the Brigade Commander and he spoke on this matter and I said, 'I have been discussing this matter with people I have a right to discuss it with. I can't discuss it with you.'<sup>11</sup>

Not all I.R.A. Deputies were as particular as the Adjutant-General.

Moreover, both sides used the popularity and influence of army leaders to gain support for their positions. The pro-Treaty leaders selected Commandant Sean McKeon, famous as the "Blacksmith from Ballinalee" and recognized hero of the "Troubles", to second the motion for ratification of the agreement. The anti-Treaty people produced a statement from well-known and respected officers, Liam Lynch, Ernie O'Malley, Oscar Traynor and Michael MacCormaic, which protested "against the use of our Division of the Army to influence public opinion and the opinion of members of Dail Eireann in the direction favourable to the Treaty; and we desire, secondly, to state that we maintain unimpaired our allegiance to the Irish Republic and to it alone."<sup>12</sup>

Like the I.R.A., the Irish Republican Brotherhood could not keep itself aloof from the debate on the Treaty. Collins, now President of the organization, tried to place the prestige and influence of the Brotherhood behind the

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<sup>11</sup>Ibid., pp.129-130

<sup>12</sup>Treaty Debates, pp.289-290.

Treaty. He argued that they could use the Treaty to gain their ultimate aim of a Republic and that the present military situation made an accommodation advisable. But unity could not be secured in the I.R.B. anymore than in the I.R.A. or in the Dail. While a meeting of the Supreme Council on December 10, 1921, endorsed acceptance of the Treaty, the vote was not unanimous (12-4). The Council issued the following order:

The Supreme Council, having due regard to the Constitution of the Organisation, has decided that the present Peace Treaty between Ireland and Great Britain should be ratified.

Members of the Organization, however, who have to take public action as representatives are given freedom of action in the matter.<sup>13</sup>

Throughout the country, various local I.R.B. units rejected the order to accept the Treaty and the entire South Munster Division declared against the Treaty.<sup>14</sup> The split certainly hampered any attempt by Collins to secure support for the agreement. Traditional historians have credited the I.R.B. with being one of the major forces behind the Treaty's majority in the Dail. Revisionist interpretation, however, argues that the role of the Organisation has been over emphasized, citing the opposition to the Treaty within the I.R.B. and the freedom given to Brotherhood deputies to vote

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<sup>13</sup>Quoted in Florence O'Donoghue, No Other Law (Dublin: Irish Press Ltd., 1954), p.190.

<sup>14</sup>Ibid.

as their consciences and constituencies dictated.<sup>15</sup>

In the Dail, Arthur Griffith moved for the ratification of the Treaty between Great Britain and Ireland. He argued that it provided for "an Ireland developing her own way of existence, and rebuilding the Gaelic civilisation broken down at the battle of Kinsdale," and that it would end the bitter conflict which for centuries had poisoned the relations between the two countries.<sup>16</sup>

In response, President de Valera appealed to the Dail to vote against ratification of the agreement because it was "absolutely inconsistent with our position; it gives away Irish independence; it brings us into the British Empire; it acknowledges the head of the British Empire, not merely as the head of an association, but as the direct monarch of Ireland, as the source of executive authority in Ireland."<sup>17</sup> Thus, the debate continued.

Those who supported the Treaty did so for a variety of reasons. Some agreed with Arthur Griffith that it was an honorable document, justifiable in and of itself. Others felt as Michael Collins did that "it gives us freedom, not the ultimate freedom that all nations desire and develop to,

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<sup>15</sup>See, for example, Joseph Curran, "The Decline and Fall of the I.R.B.," Eire Ireland X (Spring, 1975): 14-23.

<sup>16</sup>Treaty Debates, pp. 22-23.

<sup>17</sup>Ibid., p.26.



but the freedom to achieve it."<sup>18</sup> Still others believed with Richard Mulcahy that although the agreement was a defeat, it could be utilized for the development of the nation. He did not want the Treaty, but felt that while "none of us want the Treaty ... I see no solid spot of ground upon which the Irish people can put its political feet but upon the Treaty."<sup>19</sup> Many concurred with Gavan Duffy that there was simply no other alternative to immediate war but acceptance of the agreement.

President de Valera had tried, in private session, to provide the Dail with an alternative, Document #2. In an effort to secure unity and avoid an open split, the President tried to modify the agreement so that the Irish could put forth a unanimous counter-proposal. As he often said in the course of the debates, he was trying to find something, some formula, which everyone could accept. Basically, Document #2 was an updated edition of de Valera's idea of External Association. Ireland would remain a Republic, an associated Republic. All legislative, executive and judicial authority would derive from the Irish people. For purposes of common concern, however, she would be associated with the states of the British Commonwealth and "for the purposes of the Association, Ireland shall recognise His Britannic

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<sup>18</sup>Treaty Debates, p.32.

<sup>19</sup>Treaty Debates, p.142.

Majesty as head of the Association."<sup>20</sup> The pro-Treatyites reminded the Dail that the British had already rejected these terms. They insisted that this was not a viable alternative but an effort to obfuscate the real issue. Furthermore, they charged that the difference between the two documents was not so great that those who were prepared to accept the one, could not, in principle, accept the other.

Die-hard Republicans also rejected Document #2. They wanted an isolated republic with no oaths, no ties, no "association" with the British Empire. Their demand was for total and complete sovereignty. Facing further dissension, de Valera withdrew his proposal. As one of his biographers noted "the President was forced to conclude that if the deputies themselves did not understand his proposition, it might be interpreted generally as an unworthy departure from the old idea of an isolated Republic. Political instinct made him wary of the taint of compromise."<sup>21</sup>

The main objection to the Treaty was one of principle. These men and especially the women members of the Dail had sworn an oath to uphold the Republic, had been prepared to die for Irish freedom and could not in conscience now accept Dominion Status. It was a question of honor and there could

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<sup>20</sup> Ireland, Dail Eireann, Private Sessions of Second Dail, (1921-1922), Appendix 18: 321.

<sup>21</sup> Mary Bromage, De Valera and the March of a Nation (London: Hutchinson and Co., Ltd., 1956), p.152.

be no compromise on such an issue. As Liam Mellows said:

To my mind the Republic does exist. It is a living tangible thing, something for which men gave their lives, for which men were hanged, for which men are in jail, for which the people suffered, and for which men are still prepared to give their lives. It was not a question so far as I am aware, before any of us, or the people of Ireland, that the Irish heifer was going to be sold in the fair and that we were asking a high price so that we would get something less. There was no question of making a bargain over this thing, over the honor of Ireland, because I hold that the honour of Ireland is too scared a thing to make a bargain over.<sup>22</sup>

Those who argued for acceptance of the Treaty emphasized that above all else, the agreement gave the Irish the substance of freedom. Under the terms of the Treaty, Ireland would be able to control her own domestic affairs. She would be free to develop her own economy and to end the British exploitation of her resources. Irishmen, in charge of their own education, consequently would be able to nurture and foster a Gaelic society complete with Irish values, culture and language. According to Piaras Beaslai, the Treaty offered them the chance "to realize the visions of Thomas Davis, of Rooney and Pearse, of a free, happy and glorious Gaelic state."<sup>23</sup> Under the terms of the Treaty, moreover, Ireland would finally be rid of the hated British forces and legally able to raise her own army. This was especially important to the I.R.A. Deputies. That the agreement would bring the evacuation of the British Army was a

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<sup>22</sup>Treaty Debates, p.180.

<sup>23</sup>Treaty Debates, p.23.

reoccurring theme in their speeches. As Commandant Sean McKeon stated:

To me this Treaty gives me what I and my comrades fought for; it gives us for the first time in 700 years the evacuation of Britain's armed forces out of Ireland. It also gives me my hope and dream, our own Army, not half-equipped but fully equipped, to defend our interests. If the Treaty were much worse in words than it is alleged to be, once it gave me these two things, I would take it and say as long as the armed forces of Britain are gone and the armed forces of Ireland remain, we can develop our own nation in our own way.<sup>24</sup>

In dealing with the question of the Crown and the oath of allegiance, the pro-Treaty forces attempted to minimize their importance. They explained that the oath the Irish would take was different from that of the other Dominions. The Irish would swear true faith and allegiance solely to the Constitution of the Irish Free State and would only agree to be faithful to King George and his heirs by virtue of common citizenship and membership in the British Commonwealth. This, they claimed, was not an oath to the King, but to the Irish Free State. The anti-Treatyites argued that this was a distinction without a difference. They would swear no oath either of allegiance or faithfulness to the British monarch, symbol, to them, of English oppression and tyranny.

Inextricably coupled with the problem of the oath of allegiance was the question of inclusion within the British Commonwealth. The Republicans rejected the idea of equal status with the other Dominions. Those countries were

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<sup>24</sup>Treaty Debates, p.23.

former colonies with strong ties to England. Ireland was a nation in her own right, herself a mother country. Moreover, Ireland did not desire to enter into this particular community of nations and was being forced, under threat of war, to join a supposedly voluntary association. The pro-Treaty party spoke of entering the Commonwealth with their heads up. As one Republican was noted, it would be more accurate to say they were going in with their hands up. In addition, England was demanding of Ireland what she required of no other Dominion - the use of Irish ports, a definite compromise of Irish sovereignty. The anti-Treaty representatives claimed that this demand of port facilities was indicative of England's real attitude toward Ireland. Only sixty miles from the Irish coast, England would never allow Ireland to attain real freedom and thus possibly sever her relationship with the Empire. Occupation of the ports would provide the British with a convenient base to interfere with and retard any Irish movement towards complete independence.

The Collins-Griffith group admitted that the geographical proximity of the two countries presented special problems. To compensate for that proximity, the plenipotentiaries insisted that the Treaty include the provision that the relationship between Ireland and England be the same in law, practice, and constitutional usage as that of Canada and England. Any attempt by the British to violate the rights of the Free State would thus be a threat to all the Dominions by establishing a dangerous precedent. Collins

himself felt that the other Dominions were "in effect, introduced as a guarantee of our freedom, which makes us stronger than if we stood alone."<sup>25</sup> Moreover, Dominion status offered Ireland the international recognition, which she had long sought in vain, and admission to the League of Nations, steps towards achieving complete and full partnership in the family of nations.

The question of the partition of Northern Ireland received little attention in the Treaty discussions. As one of the biographers of de Valera noted: "The most remarkable feature of the debates, including the President's speeches, was the lack of emphasis on the partition clauses of the Treaty. Almost everyone seemed to accept the contention of Griffith and Collins that the boundary commission clause would mean the ending of partition, by cutting off so much of the northern area as to make the rest non-viable."<sup>26</sup> Those opposed to the settlement could do little more than to state the obvious fact that the agreement did not guarantee unity and protest that they were deserting their Republican comrades in the North. Short of coercion, however, a policy previously rejected, they had no alternative to offer. Moreover, as one pro-Treaty deputy pointed out, "a Republic would definitely alienate the North-East

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<sup>25</sup>Treaty Debates, p.34.

<sup>26</sup>Thomas P. O'Neill and The Earl of Longford, Eamon De Valera (Boston: Houghton Mifflin Company, 1971), p.179.

Ulster corner and divide our unfortunate country into two separate and distinct areas and into two races for all time."<sup>27</sup>

Possible alternatives and their consequences were debated at length. A rejection of the Treaty would probably mean a resumption of war - "terrible and immediate war." Were the British bluffing and could the Irish afford to gamble? The Minister for Defence claimed that the army was "in a much better position to fight now than when the Truce started."<sup>28</sup> Some of his officers disagreed. While the army had more men, they were still short of arms, despite the efforts to import guns during the Truce. Commandant Sean McKeon reported:

I know perfectly well I have charge of four thousand men. ... But of that four thousand I have a rifle for every fifty. Now that is the position as far as I am concerned and I may add that there is about as much ammunition as would last them about fifty minutes for that one rifle.<sup>29</sup>

Those who favored risking a return to war emphasized the Irish military efforts of the Black and Tan period. They felt the I.R.A. could continue the fight effectively enough to force the British to agree to a Republic. To these claims, the Chief of Staff, Dick Mulcahy, responded that "we have not been able to drive the enemy from anything but a

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<sup>28</sup>Ireland, Dail Eireann, Private Session of Second Dail, (1921-1922): 128.

<sup>29</sup>Ibid., p.225.

fairly good-sized police barracks."<sup>30</sup>

The two sides also disagreed on whether the people would support the army if the Dail rejected the Treaty. All felt that without popular support, any military effort was doomed to failure. The pro-Treaty faction argued that the Irish people alone had the right to determine the question of war or peace. They proposed that the Republicans abstain from voting against the Treaty, thus insuring its ratification by the Dail, and thus allowing the people in a referendum either to accept or reject the agreement. Collins argued that:

I would not be one of those to commit the Irish people to war without the Irish people committing themselves to war. ... I don't want a lecture from anybody as to what my principles are to be now. ... I can state for you a principle which everybody can understand, the principle of government by the consent of the governed."<sup>31</sup>

The proponents of the Treaty highlighted the benefits and blessings of peace which would accrue to the nation under the Irish Free State. The Republicans argued that not peace but chaos and dissension would flow from such a state. Mary MacSwiney promised to be the "first rebel" of the new government.<sup>32</sup> Seamus Robinson asked: "Will the Volunteers follow this new Government? I know that I can speak at any rate for my own brigade and I do not believe they will. ...

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<sup>30</sup>Treaty Debates, p.143.

<sup>31</sup>Treaty Debates, pp.34-35.

<sup>32</sup>Ibid., p.111.



Many Volunteers will think that this will be ultra vires and will have no binding, moral, legal or any other weight with us."<sup>33</sup> And Liam Mellows prophesized that the Treaty would not bring peace because:

... there will be restless souls in the country who will not be satisfied under this Free State to make peace possible. I use no threats, but you cannot bring peace by compromise. ... We stand, some of us, where we always stood and despite all that has been said in favour of this Treaty we mean to continue standing where we stood in the past. Whatever may happen, whatever the road may be in front of us, we intend with God's help to travel it.<sup>34</sup>

After the Dail recessed for Christmas and the Deputies returned home, they fully recognized the support the Treaty commanded among the vast majority of the people. Certainly this fact weighed heavily on those who were wavering in their decision. Some delegates switched their position as a result of the pressure of public opinion. The Christmas respite gave the Free Staters a definite edge. To their repertoire of arguments, they could now add the certainty that the people were strongly in favor of ratification. The de Valera party contended that the populace was being stamped-ed into favoring the Treaty especially by the press and the pulpit, and that they did not truly understand what the Treaty meant. If they realized the implications of the agreement, the people would reject it. As President

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<sup>33</sup>Ireland, Dail Eireann, Private Sessions of Second Dail (1921-1922): 239-240.

<sup>34</sup>Treaty Debates, pp.227-234.

de Valera explained: "and whenever I want to know what the Irish people wanted I had only to examine my own heart and it told me straight off what the Irish people wanted."<sup>35</sup>

Before the recess, passage of the Treaty was at best questionable; after the Christmas interlude, it was fairly certain. Speechmaking continued through the first week of January, but it had now degenerated into bitter accusations and personal recriminations. Cathal Brugha's vicious denunciation of Michael Collins as a fraud, a war hero only in the annals of the press, was but one extreme example of the poisonous atmosphere permeating the Dail.<sup>36</sup> Finally, on January 7, 1922, the Speaker called the roll and Dail Eireann approved the Articles of Agreement between Great Britain and Ireland, 64 to 57, a margin of merely seven votes. Immediately following the vote, the Minister for Defence said: "So far as I am concerned I will see, at any rate, that discipline is kept in the army."<sup>37</sup>

In retrospect, the Treaty proved to be what Collins had claimed it was, a stepping stone to a Republic, albeit a 26 county Republic. Dominion status was the most far reaching offer the British ever made to the Irish. Given their imperialistic attitude, it was unrealistic to expect them to forgo the trappings of monarchy and Empire in 1922.

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<sup>35</sup>Treaty Debates, p.274.

<sup>36</sup>Treaty Debates, pp.326-334.

<sup>37</sup>Ibid. p.347.

The most unsatisfactory aspect of the Treaty proved to be the sections dealing with Northern Ireland. In a greivous error of judgment, the Irish delegates trusted the promises, interpretation and implication given them by Lloyd George, without receiving any firm guarantees.

The ratification of the Treaty ushered in a period of confusion and chaos. While an armed conflict may not have been inevitable,<sup>38</sup> from January to June, the country drifted inexorably into civil war despite the numerous attempts to restore unity and harmony. The solidarity and friendship of the past two years were soon replaced by enmity and discord and finally by a war of brother against brother.

On January 9th, Arthur Griffith succeeded de Valera as President of the Dail. De Valera lost re-election by only two votes. Reluctantly, the deputies realized that if the Treaty were to be implemented, de Valera's continuation in office would be impossible. Republicans stomped out of the Dail in protest of the election of a President whose aim was to dismantle the Republic. A period of governmental confusion and ambiguity followed. The Republicans returned to the assembly and Griffith formed his Dail ministry. In addition, according to the terms of the Treaty, a transitional Provisional Government was to be established to supervise the transfer of power. On January 14, the

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<sup>38</sup>John A. Murphy, Ireland in the Twentieth Century (Dublin; Gill and Macmillan, 1975), p.47.

Parliament of Southern Ireland, established by the Partition Act of 1920 and ignored in the South until this date, was convened. Sixty pro-Treaty deputies and four University representatives elected the necessary Provisional Government officials and adjourned. Michael Collins was selected as Chairman. Most of his ministers held duplicate positions in the Dail Government. Collins himself was Minister for Finance in Griffith's Cabinet.

The Republicans made much of the duality of ministerial positions, demanding assurances from each Minister that they acknowledge the Dail as the sovereign parliament of the nation and recognize that the authority to act arises only from that body. The entire proceedings took on an air of unreality. Michael Hayes, Minister for Education in both the Dail and Provisional Governments, cut through the absurdity of this procedure, when upon being asked what was the relationship between the Minister for Education of Dail Eireann and " ... another Minister for Education that we hear spoken of" replied that the relations were of "an intimate and cordial character."<sup>39</sup> The policy of the Republicans was to obstruct and obfuscate. They harassed and hampered the Government with questions, amendments and constitutional traps. Neither side displayed much restraint; and the war of words, verbal attacks as stinging as bullets, only

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<sup>39</sup>Ireland, Dail Eireann, Official Report (28 February 1922 to 8 June 1922):93.

exacerbated the already volatile temper of the country and the army.

Initially, the anti-Treaty elements in the army, later known as the Irregulars or Executive Forces, were appeased by the statement of the new Minister for Defence, Richard Mulcahy, that "the army will remain the army of the Irish Republic."<sup>40</sup> They watched and waited as Dublin Castle, symbol of British rule, was handed over to the Irish on January 16th. Two weeks later, the Irish Republican Army marched into Beggar's Bush Barracks to occupy their new headquarters. The British had begun to evacuate military posts throughout the country. The Black and Tans were moving out and the Royal Irish Constabulary was being disbanded. By April, Mulcahy was able to report to the Dail that the evacuation of the R.I.C. was practically complete and that the army had taken over approximately 40 military positions.<sup>41</sup>

The policy of the army was to allow local I.R.A. units, regardless of their position on the Treaty, to occupy abandoned barracks. To a great extent, this decision was necessitated by the fact that the Government did not have enough loyal troops to occupy all posts throughout the country, particularly in the South where a majority of the

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<sup>40</sup>Treaty Debates, p.424.

<sup>41</sup>Ireland, Dail Eireann, Official Report (28 February 1922 to 8 June 1922): 250.

army was anti-Treaty. It was also a reflection of the hope that the I.R.A. would remain loyal and that hostility to the Treaty would abate once it became obvious that the British army was leaving Ireland, or at least leaving the 26 counties. The Minister for Defence assured the government that the "troops occupying such posts shall not use their power to interfere with the expression of the people's will at the pending General Election, and will not turn their arms against any Government elected by the people at that election."<sup>42</sup> This, however, was not a condition imposed on the I.R.A.,<sup>43</sup> but appeared only to be a personal commitment from Mulcahy, based perhaps on his faith in the army.

A unified Republican army was daily becoming more difficult to sustain. The British officials handed over posts to representatives of the Provisional Government; a segment of the I.R.A. accepted them on behalf of the Republic. Moreover, the Minister for Defence and his staff were attempting to create a regular National Army. Beginning with the segment of the Dublin I.R.A. which had remained loyal to G.H.Q. and supported the Treaty, they formed the nucleus of the Free State Army which was intended to be a paid, professional force, housed in barracks, subject to strict army discipline and controlled by the government through the

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<sup>42</sup>Ireland, Dail Eireann, Official Report (28 February 1922 to 8 June 1922): 140.

<sup>43</sup>Florence O'Donoghue, No Other Law (Dublin: Irish Press Ltd., 1954), pp.203-204.

Minister for Defence and General Headquarters. A portion of the Volunteers would be retained on a part-time basis, constituting a reserve force. Those I.R.A. men who either could not or would not accept these new conditions were to be demobilized. At first, recruitment was limited to those who had served in the I.R.A. This policy was changed, however, and enlistments increased, helped by the high unemployment in the country and the disbanding of the R.I.C. That the army accepted men who had not fought in the Anglo-Irish war hurt the popularity of the Beggar's Bush Force, as did the fact that certain officers were being excluded from high posts which, at times, were being given to professional officers who either had not fought at all or had contributed little to the struggle.<sup>44</sup> These men felt they were being treated badly. As Sean Moyland said:

I am not as quick on the draw as I would like to be but I am a gunman. During the war, the British enemy called me the leader of a murder gang. The Minister for Defence, in his report, yesterday called me the leader of a robber gang. I am as free from the crime of robbery as I am free from the crime of murder. ... We took men away from their employments ... and got them ready to fight. ... Those men have been out of employment, without a smoke, ill-shod, badly clad and - we are not all Pusseyfooters - in want of a drink too. That is the fault of the men who told us that the Truce was a breathing space. We were guaranteed payment for those men. ... We did not get it. I have always seized every opportunity I could get to try and get comforts for my men. ... I robbed nineteen

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<sup>44</sup>Desmond Williams, "From the Treaty to the Civil War," in The Irish Struggle 1916-1922, ed. Desmond Williams (Toronto: University of Toronto Press, 1966), pp.121-122.

Post Offices. ... During the war, my word went in North Cork. In spite of any terms that would be applied to me today, my word goest there yet.<sup>45</sup>

The problem with accommodating old soldiers to a new army was not limited to the pre-Civil war army but would also cause difficulties for Headquarters in 1924.

The anti-Treaty segment of the I.R.A. could not help but notice that the Republic and the Volunteers were being effectively, if quietly, dismantled. To prevent this from continuing, dissident members of G.H.Q. and divisional commandants wrote the Minister for Defence on January 11th demanding an Army Convention to consider these resolutions:

That the Army re-affirm its allegiance to the Irish Republic.

That it shall be retained as the Army of the Irish Republic, under an Executive appointed by the Convention.

That the army shall be under the supreme control of such Executive which shall draft a Constitution for submission to a subsequent Convention.<sup>46</sup>

Mulcahy replied that the supreme control of the army is vested in the Dail, the elected Government of the Irish Republic, and that "the proposal contained in the resolution to change the supreme control of the army is entirely outside the Constitutional powers vested in the Dail Executive by the Dail."<sup>47</sup>

The Republicans' demand for a Convention and an Executive was theoretically reasonable and not unprecedented.

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<sup>45</sup>Ireland, Dail Eireann, Official Report (28 February 1922 to 8 June 1922): 340.

<sup>46</sup>Ireland, State Paper Office, Dublin (hereinafter cited as SPOD), Army, Negotiations for Unification, S1233.

<sup>47</sup>Ibid.



The right to hold general army meetings had existed since the creation of the Volunteers and no change had been officially made in the Constitution to abrogate that right. A Convention was deemed necessary because of the crisis over the Treaty. The Republicans felt such a meeting was the best way to preserve both the unity of the army and its democratic and voluntary character.

The proposal for an Executive also echoed the early Volunteer days, pre-Dail Eireann and pre-Volunteer oath. Mulcahy's own interpretation of the establishment of an army executive was:

... it reverts the control of the Army back to the days before the disbandment of the Volunteer Executive. The object of this is to restore to the Army a control which shall be expressive of their feelings, and in which the Army as a whole may expect to have confidence. ... The setting up of an Executive in this way does not in actual fact take the Army away from the control of the Dail. It but secures that just as in the earlier days of the recent operations, the work of the Army shall be along lines agreed to, not only by the Dail but by its own Executive.<sup>48</sup>

This analysis of the Republican demands was most favorable and optimistic, arising, one suspects, more out of Mulcahy's desire for military solidarity than from a realistic appraisal of the situation; yet he was prepared to recommend this policy to the Dail. As Minister for Defence, Mulcahy was supporting a proposal which, in the context of the Republican demands, was a definite rejection of civilian control, an awkward and incongruous position for a government minister.

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<sup>48</sup>Ibid.

Mulcahy, however, was also an army man and knew that the times were such that doctrinaire adherence to abstract principles might well cost lives and threaten the very existence of the government in which he served. Mulcahy was attempting to act as a bridge between the Government and the Republicans. He would recommend the convention to the Dail; he would also try to delay such a meeting, and, at the proposed Convention, try to induce the army to accept a moderate position. In the interests of peace and solidarity, both he and Collins were willing to negotiate and compromise. The threat of fratricidal strife justified such action.

On January 18, 1922, writing as the Chairman of the newly formed Acting Military Council of the I.R.A., Rory O'Connor informed the Chief of Staff, Eoin O'Duffy, that if the Minister for Defence would not authorize a convention, the Council would proceed on its own. He added that, while the signatories of the demand were anxious to cooperate and hasten the British evacuation of the country, they would now only act on orders countersigned by O'Connor.<sup>49</sup> This was the beginning of the repudiation of the authority of G.H.Q. and Dail Eireann. That same day the General Staff and all Divisional and Brigade Commandants held a meeting in Dublin

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<sup>49</sup>Ireland, SPOD, Army, Negotiations for Unification, S1233. The signatories were Rory O'Connor, Liam Mellowes, Joseph O'Donovan, Sean Russell, all of G.H.Q., and Oscar Traynor, O.C. Dublin Brigade; A. McDonnell, O.C. Sth Dublin Brigade; Liam Lynch, O.C. 1st Southern Division; M. McCormack O.C. 3rd Southern Division; Thomas Maguire, O.C. 2nd Western Division; William Polkington, O.C. 3rd Western Division; M. MacGiollarnath, O.C. 4th Western Division.

to discuss the Republican proposals. Those favoring a Convention argued that such a meeting was necessary to ascertain the point of view of the army on the national situation and that "the action of the majority in the Dail in supporting the Treaty involving the setting up of an Irish Free State was a subversion of the Republic and relieved the Army from its allegiance to the Dail."<sup>50</sup> Mulcahy restated his position that the supreme control of the army was vested in the Dail. He argued that a Convention at this point would have a disruptive effect on the army, crystallizing their differences and moving them toward the precipice of an open split. Mulcahy stalled, hoping that the more time that elapsed before the Convention, the cooler and more moderate the meeting would be. He thus suggested that since they had no definite policy to put before the meeting, they should wait until the Constitution, which would delineate the relationship of the I.R.A. to the Free State, was drafted. A compromise, the first of many, was accepted. The participants set up a "Watching Council of Four" to "guarantee that the Republican aim shall not be prejudiced."<sup>51</sup> The Council consisted of two signatories and two Divisional officers. Any two members could veto a proposal of the Staff. The Minister for Defence agreed to hold a Convention in two months time. Mulcahy had succeeded in stalling, but the

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<sup>50</sup>Ibid.

<sup>51</sup>Ibid.

resulting interlude would ultimately prove dangerous and divisive to the army.

The Divisions and Brigades were hardening in their attitude toward the Treaty, either for or against, and violence was threatening to erupt throughout the country. In early February, 1922, Ernie O'Malley and the Second Southern Division openly repudiated the Treaty, the authority of the Dail and G.H.Q. They claimed they were now an independent Division. To acquire arms, they raided an R.I.C. barracks at Clonmel and captured guns, ammunition and grenades. To acquire funds, they imposed a levy on the people of their district. Beggar's Bush did not have enough loyal men in the area to meet this challenge, so the Second Southern's defiance went unchecked.

Following the example of O'Malley's Division, the Mid-Limerick Brigade issued the following proclamation on February 18th:

The aims of the head of the army and the majority of its G.H.Q. Staffs are now unquestionably to subvert the Republic, support the Provisional Government and make possible the establishment of the Irish Free State. We declare that we no longer recognise the authority of the present head of the army, and renew our allegiance to the existing Irish Republic, confident we will have the support of all units of the I.R.A. and of the loyal citizens of the Irish Republic.<sup>52</sup>

The British were to begin evacuating that area, which included Limerick City, on February 23rd. General Headquarters,

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<sup>52</sup>Quoted in Dorothy MacCardle, The Irish Republic (London: Transworld Publishers, 1969), p.612.

realizing the strategic importance of the Limerick territory as a gateway to both the south and west and as a command point of the river Shannon, ordered Commandant Michael Brennan of the 1st Western Division to march in and occupy the barracks with troops loyal to Beggars Bush. The Republicans described it as "the invasion of Limerick." Both sides sent in reinforcements and established their own posts. Fighting was prevented only by the intervention of Liam Lynch, Oscar Traynor, Collins, Mulcahy and O'Duffy. They again worked out a compromise and defused the impending crisis.

During the Limerick crisis, Griffith had urged his Cabinet to take action. He was forestalled by Collins who heartily endorsed the suggestion of a negotiated settlement. During the months preceding the actual outbreak of hostilities, the Cabinet was divided over the best method of dealing with the Republicans. Griffith, supported by O'Higgins and Cosgrave, favored a strong non-compromising stance. They felt it imperative to answer the challenge of the Republicans and uphold the decision of the Dail. The President and his allies had very little connection with the army and felt the situation grave enough to risk the possible outbreak of wide spread fighting. Collins and Mulcahy, however, were Army men as well as politicians. They still retained a deep affection and affiliation for their old comrades. Unceasingly, they tried to avert a split in the I.R.A. and were loathe to take up arms against men with whom they had fought less than

a year before. To avoid this, they advocated a policy of accommodation.

Originally, the Cabinet had sanctioned the calling of the Convention. However, the Limerick crisis, coupled with the growing practice of selecting delegates to the meeting on a political basis and the rumoured threat that the army would prevent the upcoming election, caused the Government to reconsider. When Mulcahy informed his colleagues that "he could not guarantee that if this Convention was held there would not be set up a body regarding itself as a military government not responsible to the people" nor could he see any hope of passing a resolution disclaiming military government and pledging the loyalty of the I.R.A. to whatever Government the people elected, the Dail Cabinet rescinded its previous decision and on March 15th, proscribed the Convention.<sup>53</sup> To increase the impact of this prohibition, the Cabinet also decided that only officers who remained loyal and obeyed the orders of the Provisional Government would receive financial support.<sup>54</sup> This was an extension of an earlier decree of 27 February, 1922, which stated that "no funds or other assistance would be given to any unit which did not guarantee not to interfere with an election

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<sup>53</sup>Ireland, SPOD, Army, Negotiations for Unification, S1233.

<sup>54</sup>Ibid.

and that they would support the Government elected."<sup>55</sup> Through the power of the purse, the Cabinet was trying to exercise and maintain civilian control of the army.

The Republican Military Council defied the Government's ban and summoned its own convention. On March 23rd, 5 Divisional Commandants and 29 Brigade Commandants from a total of 14 Division and 71 Brigade Commands, signed the order. The decision to ignore the prohibition of the Cabinet caused a section of the Army openly to break from the Government. The Minister for Defence and his Chief of Staff held another conciliatory meeting with Liam Lynch and the 1st Southern Division on March 20th. The magic formula for unity again eluded them. While the Republicans agreed to frame some definite proposals for associating the I.R.A. with the elected Government, in return they demanded a convention to be held at a later date, and a halt to recruiting for the Civic Guard, the police force, which the Republicans considered the para-military arm of the Provisional Government. The Cabinet rejected these terms as unacceptable. Consequently, Mulcahy had to instruct his Chief of Staff to regard any member who attended the Convention as severing his connection with the I.R.A. However, the Minister added a softening touch. He informed his staff that the holding of a "Sectional Convention" while divisive,

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<sup>55</sup>Ireland, SPOD, Minutes of the Meetings of the Provisional Government, G1/1, Vol.1.

should not destroy the spirit of brotherhood in the army and cautioned them against antagonizing their recalcitrant brethren.<sup>56</sup> Throughout the various attempts at maintaining army unity, Mulcahy exhibited a tendency, not to subvert the Cabinet's intentions, but rather to handle army matters in his own way. The endless negotiations among I.R.A. officers, to the exclusion and, sometimes disapproval of the politicians, established a precedent as to the manner in which army affairs would later be conducted.

The Republican Convention was attended by 223 anti-Treaty delegates, representing approximately 60 per cent of the army.<sup>57</sup> There were no surprises. The delegates reaffirmed their allegiance to the Republic and elected an Executive of 16 in whom they vested supreme control of the army. The Executive repudiated the authority of the Minister for Defence and the Chief of Staff. They discussed establishing a military dictatorship and overthrowing all other governments in Ireland, Dail, Provisional, Northern and British. Rory O'Connor, one of the leading spokesmen, encouraged this speculation with his statements that "the holding of the Convention means we repudiate the Dail"; "We will set up an Executive which will issue orders to the I.R.A. all over the country"; and when asked if there were going to be

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<sup>56</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.253.

<sup>57</sup>Florence O'Donoghue, No Other Law (Dublin: Irish Press Ltd., 1954), p.335.



a military dictatorship, O'Connor replied, "You can take it that way if you like."<sup>58</sup> The contradiction inherent in simultaneously establishing a Republic and a dictatorship did not seem to bother the Convention delegates. What was probably intended was a temporary rule of the army until "loyal" politicians would reestablish a government.

Following the Convention, on April 14th, the Irregulars seized a number of buildings in Dublin, including, most prominently, the Four Courts. The occupation of the law courts building was a blatant challenge to the Government. It was not met. The Cabinet was trying to avoid being manoeuvred into striking first. Collins was still not convinced that a peaceful solution was unattainable. Moreover, the Free State army was not yet ready to fight, especially against fellow Irishmen and former comrades. To wage a civil war would require a level of military discipline not yet present in the Beggars Bush force.

However, the Provisional Government could not allow the situation to go unchecked much longer. Violence was spreading throughout the country, destroying property and preventing businesses from operating. Ambushes were numerous. Dublin itself, quiet since the Truce, now rang with the sound of gunfire and shook from the force of explosives. In Kilkenny, the conflict between the Irregulars and the

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<sup>58</sup>Dorothy Macardle, The Irish Republic (London: Transworld Publishers, 1968), p.616.

National Army became so serious that it seemed as if full scale civil war was imminent. Once again, the army took the lead in arranging a compromise.

Arising out of the Kilkenny crisis, ten army officers<sup>59</sup> effected an agreement which they felt, could restore peace and avoid civil war. The Army Document of May 1st proposed:

- (1) The acceptance of the fact admitted by all sides, that the majority of the people of Ireland are willing to accept the Treaty.
- (2) An agreed election with a view to
- (3) Forming a Government which will have the confidence of the whole country.
- (4) Army unification on above basis.<sup>60</sup>

A deputation of officers led by Commandant Sean O'Hegarty addressed the Dail on May 3rd. In a moving presentation, he pleaded with the Dail to act quickly on the Army Document in order to spare the country the horror of fratricidal strife:

I conceive that it is the responsibility ... particularly the responsibility of political leaders and army leaders and every member of this House to take a stand now definitely whether it will be civil war or this thing. I cannot conceive that there is any other way out nor can those associated with me.<sup>61</sup>

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<sup>59</sup>The officials who drew up the Army Document were Collins, Mulcahy, O'Duffy, Gearoid O'Sullivan and Sean Boylan for the government; Tom Hales, Sean O'Hegarty, F. O'Donoghue, H. Murphy and Dan Breen for the Irregulars.

<sup>60</sup>Quoted in Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.277.

<sup>61</sup>Ireland, Dail Eireann, Official Report (28 February 1922 to 8 June 1922): 359.

In the previous few months, the Dail had been unable to deal with the impending disaster. Since ratifying the Sinn Fein Ard-Fheis agreement of February 22nd, wherein de Valera and Griffith had agreed to postpone the elections on the Treaty for three months because the state of the country would make a peaceful election, free from intimidation, impossible, the Dail had done little to ease the tension in Ireland. They redebated the Treaty numerous times. They quibbled and bickered, accused and denounced one another.

O'Hegarty's plea spurred the Dail to action. Both sides declared for a truce, to be effective as of May 4th, and selected a peace committee to negotiate a settlement. Unfortunately, it failed. While they all could agree to a Coalition, the Republicans could not accept even implicit recognition of the Treaty. However, on May 20th, Collins and de Valera were able to conclude a pact which made an election possible and, temporarily at least, reduced the threat of warfare. The two leaders agreed to contest the election jointly as a Sinn Fein panel, although independent candidates were free to enter the contest. They would then form a Coalition Government with each side keeping the same number of seats it presently held in the Dail. The Government would consist of an elected president, a Minister for Defence representing the army, and five ministers from the majority and four from the minority. While Collins' concessions were substantial, he felt they were necessary if the Irish were not to lose all that the war of independence

had won for them.<sup>62</sup> Some of his colleagues, especially Griffith, were not pleased with the pact, but acquiesced nevertheless. They felt that the Provisional Government was having a difficult enough time without succumbing to internal feuds.

The Government was trying to reconstruct and administer a country ravished by a recently concluded guerilla struggle and on the verge of entering into a civil war. The British were harassing them about their failure to act against the Irregulars. Serious violence had broken out in the North putting Collins in the awkward position of collaborating with the dissident section of the I.R.A. in order to protect Northern Catholics. Throughout, the Provisional Government was attempting to write a Constitution for the Free State, a Constitution which would be republican enough to satisfy their opponents but would also comply with the terms of the Treaty. Implicit in the negotiations from January to June was the promise of a republican document around which all elements could unite. The British, however, were adamant. The Constitution of Saorstát Éireann, while embracing the concept of popular sovereignty, also embodied the political theory of the "British constitutional monarchy, with roots in pre-democratic monarchical theory and reflected in British Commonwealth symbols - the Crown, a governor-

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<sup>62</sup>Piarras Beaslai, Michael Collins and the Making of a New Ireland, 2 Vols. (N.Y.: Harper and Brothers, n.d.) II:396-397.

general, on oath of loyalty, etc. - and the constitutional fictions connected with 'His Majesty's Government'."63

While Collins and de Valera were arranging a political settlement and the Constitution was being prepared, the leading military officers were engaged in talks concerning Army unification. For a while, there was hope. The May 4th truce had been extended indefinitely, with partial success. Prisoners were to be released. The Irregulars consented to vacate all occupied buildings except the Four Courts and the Free State promised not to occupy any new posts. Collins and Mulcahy accepted the demand for a mixed G.H.Q. Staff, Irregular and Free State, and acknowledged the right of the I.R.A. to hold periodic conventions and to elect an Army Council which would have the authority to approve the choice for Minister for Defence. However, over the appointment of the Chief of Staff, the negotiations broke down. The Free State officers demanded this office, at least temporarily, and offered the Irregulars the two positions of Deputy Chiefs of Staff. The Republicans insisted that they nominate the Chief of Staff and refused to continue the meetings unless this demand was conceded. Mulcahy replied that the "responsibility for future negotiations was a matter for the new Coalition Government and that in the meantime private

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<sup>63</sup> Basil Chubb, The Government and Politics of Ireland (London: Oxford University Press, 1974), p.64.

negotiations would be discountenanced."<sup>64</sup>

Inherent in these discussions, and expressly stated in the Collins-de Valera pact was the assumption that the Minister for Defence was a representative of the army and its interests. During his tenure in that office, Mulcahy will later be accused of just such a charge, that he was representing not the government but the army. Mulcahy's perception of his function and his role as Defence Minister must certainly have been influenced by the discussions and events of this period.

The election was scheduled for June 16th. On June 14th, Collins, knowing full well the Constitution made his pact with de Valera impossible, urged the voters to choose the candidate they thought would best represent them. The Constitution was published on the morning of the election but that made little difference. The Treaty was the only real issue in the 1922 election and the people endorsed it. Of 128 seats, the pro-Treaty candidates won 58 seats, the anti-Treaty panel, 35. The independent parties, mostly Treatyites, also collected 35 seats, consisting of Labour, 17; Farmers, 7; Independents, 7; and Dublin University, 4. The Irish had voted for peace, but four days after the results of the election were announced, they would again be at war.

On June 22nd, Sir Henry Wilson was shot and killed at his home by two London I.R.A. men. Wilson had been an

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<sup>64</sup>Ireland, SPOD, Minutes of the Meetings of the Provisional Government, P.G.23, G1/2, Vol. II.

anathema to the Irish, indelibly marked and identified with the frustration of Ireland's nationalist ambitions and with the persecution and murder of Catholics in the North. No one knows for sure who ordered his assassination but the evidence suggests that it was Collins, either alone or as a member of the Supreme Council of the I.R.B. The Chairman of the Provisional Government had been obsessed by the sufferings of his co-religionists in the North. Wilson's association with the pogroms may well have led Collins to issue such an order. One explanation offered was that Wilson's death was the last vestige of the Bloody Sunday mentality.<sup>65</sup>

The British blamed O'Connor and the Four Courts Irregulars. They issued a formal request to the Provisional Government to take action against the Republicans regarding the "toleration of this rebellious defiance of the principles of the Treaty as incompatible with its faithful execution."<sup>66</sup> Collins is reported to have snapped that Churchill could do his own dirty work.<sup>67</sup> Unfortunately, that would not be the case.

Four days after Wilson's assassination, in retaliation for the arrest of Leo Henderson, one of their officers,

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<sup>65</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.314.

<sup>66</sup>Ireland, SPOD, Minutes of the Meetings of the Provisional Government, P.G.35, Gl/2, Vol.II.

<sup>67</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.316.

the Irregulars kidnapped General J.J. (Ginger) O'Connell, Assistant Chief of Staff. The Provisional Government considered this to be an intolerable action and, at a meeting of June 27th, decided that "Notices should be served on the armed men in illegal occupation of the Four Courts and Fowler Hall that night ordering them to evacuate the building, and to surrender up all arms and property and that in the event of their refusing to do so, the necessary action would be taken at once."<sup>68</sup> The Irregulars refused to surrender; and on Wednesday, June 28, 1922, the National Army began the attack on the Four Courts.

Although the kidnapping of Ginger O'Connell may have sparked the Cabinet to action, it was only the immediate cause. Following the elections which confirmed the people's acceptance of the Treaty and established the Cabinet as the legitimate Government, the Ministers felt more secure in issuing an ultimatum to the Four Courts Irregulars. Griffith and his faction had urged that the continuing occupation of the Four Courts guaranteed constant outbreaks of violence. Wilson's murder, the British demand for action against the Republicans and O'Connell's kidnapping added to their conviction that the rebellion, to them a mockery of the principles of democratic government, must be ended. Collins and the military, "though convinced of the soundness of the political argument for implementing the Treaty, needed

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<sup>68</sup>Ireland, SPOD, Minutes of the Meetings of the Provisional Government, P.G.37, Gl/2, Vol.II.



something to spark their anger, to overcome their reluctance to open fire on their friends."<sup>69</sup> Now, they could not ignore the kidnapping of one of their highest officers and expect to continue exercising military or political authority.

The Republicans fought the Civil War to preserve an ideal and protest against the tyranny of the majority. The Provisional Government fought the war to vindicate the principles of democratic government and majority rule and to uphold the supremacy of civilian authority over the army. A section of the army had mutinied against Dail Eireann and the expressed will of the people to accept the Treaty. The Government had to quell this rebellion.

The bombardment of the Four Courts lasted for two days. Using heavy artillery and equipment borrowed from the British, the National Army repeatedly shelled the Georgian structure. To the Irregulars, it was a repeat of Easter, 1916, with only the uniforms changed. The Four Courts garrison held out until June 30th before being forced to accept unconditional surrender. Rory O'Connor, Liam Mellowes, Joseph McKelvey and Richard Barrett were among the Irregular leaders taken as prisoners.

However, the Republicans maintained control of other buildings and the fighting continued to rage throughout Dublin, especially in O'Connell Street. After the surrender

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<sup>69</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.319.

of the Four Courts, the Government decided that the attack on the other Irregular strongholds "should be vigorously continued."<sup>70</sup> In one engagement, Cathal Brugha, a revolver blazing in each hand, was killed as he rushed out from a burning hotel refusing to give himself up. The battles left the capital city scarred and deformed, an omen of things to come. For approximately one week of fighting, the cost was estimated at five million pounds. A higher price was paid in human life: 64 soldiers and civilians killed, and nearly 300 wounded.<sup>71</sup> Civil war had become a horrible reality.

On July 6th, 1922, the Provisional Government issued a call to arms, appealing to the patriotism and valour of the men of Ireland to enlist in the National Army. Mulcahy convinced Collins to take command of the forces as a symbol around which the army could rally. Collins assumed the position of Commander-in-Chief and established a War Council of three, including himself, Mulcahy as Minister for Defence and Chief of Staff, and Eoin O'Duffy as General in Command, South Western Division. The Government and G.H.Q. realized that, while they claimed "to have broken the conspiracy to override the will of the nation,"<sup>72</sup> a long and difficult fight lay ahead. Themselves veterans of a

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<sup>70</sup>Ireland, SPOD, Minutes of the Meetings of the Provisional Government, P.G.44, G1/2, Vol.II.

<sup>71</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.342.

<sup>72</sup>Ibid., p.343.

guerilla war, the members of G.H.Q. knew that if the Irregulars could harass the army and hamper the Government to such a degree that neither would be able to function effectively, victory would be theirs. A protracted struggle would be required to establish governmental authority in the country.

The army had without question been seriously weakened by the split in its ranks. In the Southern Division, it had lost to the Irregulars some of its best and most experienced fighting troops. Moreover, some of the I.R.A. remained neutral, further depriving the army of war-trained soldiers and officers. However, in such cases where those involved sympathized with the Republicans, non-participation was actually beneficial to the Government.

With an initial nucleus of about 4,000 men, G.H.Q. began to raise, train and equip a professional army. The Cabinet had authorized, until conditions returned to normal, a force of 35,000.<sup>73</sup> Collins, Mulcahy and their staff faced a tremendous challenge. Even the loyal I.R.A. veterans had little or no experience in the discipline and conduct of a regular army. In an intensive recruiting drive, G.H.Q. enlisted masses of the unemployed throughout Ireland including ex-British soldiers, Irishmen who had fought in the English army, especially those with professional skills. At first, training merely consisted of basic instructions. Discipline was uneven and irregular. New brigades were formed to replace

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<sup>73</sup>Ireland, SPOD, Minutes of the Meetings of the Provisional Government, P.G.60, G1/2, Vol.II.

those which had gone Irregular. Each area generally recruited and trained their own men, although G.H.Q. would eventually establish a training program at the Curragh.

The National Army attempted to compensate for its dependence on raw recruits with centralized, coordinated strategy and with the utilization of its superiority in equipment and armaments. For example, Emmet Dalton led a coastal invasion of Cork with troops that, although well-equipped, learned, it is alleged, how to use their rifles on the voyage from Dublin.<sup>74</sup> Another factor which greatly strengthened the National Army was the policy of deploying small groups of men from the Dublin Brigade who had remained loyal to Collins to various units throughout the country. These men were experienced soldiers whose presence bolstered the recruits, inspiring both confidence and discipline.

The first phase of the Civil War can be loosely dated from the bombardment of the Four Courts to the death of Collins in August of 1922. This period witnessed a seemingly endless series of victories for the National Army. Town after town fell, partly due to the policy of the Irregulars themselves. They would occupy towns and then abandon them, leaving the barracks gutted by fire and of no use to the National forces, then fleeing to the hills and mountains to resume the old guerilla warfare of the Black and Tan era, to revert as Oscar Traynor said, "to the tactics

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<sup>74</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.410.

which made us invincible formerly."<sup>75</sup> However, the government's army soon controlled the Waterford to Limerick line, securing the East, the North and most of the West. The Republicans were forced to retreat into the South, making their stand in the province of Munster, their stronghold.

In the first few months of the war, a certain restraint, a certain reluctance to strike down old comrades was evident. Although the Republicans had vowed to prevent the Government from implementing the Treaty and the National Army was pledged to uphold the decision of the Dail and the people, both sides avoided the cold-blooded killings and wanton violence which would later become commonplace. One historian characterized this attitude as a "lack of heart" which resulted in "flights of bullets hurtled through the air harmlessly as migrating birds."<sup>76</sup> Soon, however, serious hunting would begin.

While the army was attempting to reconquer the country, the events of August, 1922, would seriously shake the stability of the Provisional Government. On the 12th of that month, Arthur Griffith died of a cerebral hemorrhage. Ten days later, on August 22nd, Michael Collins was killed in an ambush at Beal na Blath, County Cork, his home territory. Mulcahy pleaded with the army to remain calm:

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<sup>75</sup>Ibid., p.347.

<sup>76</sup>Ibid., p.394.

Stand by your posts. Bend bravely and undaunted to your work. Let no cruel act of reprisal blemish your bright honour. Every dark hour that Michael Collins met since 1916 seemed but to steel that bright strength of his and temper his gay bravery. You are left each inheritors of that strength and of that bravery. To each of you falls his unfinished work. No darkness in the hour - no loss of comrades will daunt you at it. Ireland! The Army serves-strengthened by its sorrow.<sup>77</sup>

Collins had gone to Cork, the heart of the resistance, ostensibly to inspect the troops and buoy up morale. However, evidence suggests that he was on a peace mission. General McEoin felt that the Commander-in-Chief was hoping to use his powerful ties to the I.R.B. to end the fighting and also heal the Brotherhood, which had been rent by the struggle.<sup>78</sup> In his biography, Rex Taylor claims that Collins expressed his real intentions for making the fatal journey to Cork when he said: "'I am going to try and bring the boys around,' ... adding, 'if not I shall have to get rough with them.'"<sup>79</sup> A quest for peace makes intelligible an otherwise seemingly foolhardy trip. The death of Michael Collins was not only a severe loss to the Government and the army, but was also an inestimable tragedy for Ireland, especially coming at such a critical juncture in her history. The ambush at Beal na Blath effectively killed any real hope for an early peace and reconciliation. Now, it was to be

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<sup>77</sup>Ibid., p.439.

<sup>78</sup>Ibid., p.431.

<sup>79</sup>Rex Taylor, Michael Collins (London: New English Library, Ltd., 1970), p.196.

war with a vengeance.

With Griffith and Collins both dead, de Valera was the only national figure left. De Valera had seemingly abandoned any hope for a constitutional way to settle differences. He had said that it might be necessary " ... to wade through Irish blood" in order to achieve freedom.<sup>80</sup> Although he explained that he merely intended it as a warning, the wisdom in making such an inflammatory remark and lending his name and prestige to the Irregulars must be seriously questioned. During this crucial period, the former President was content to follow and not lead. He did not take part in the Four Courts convention. When war started, he assumed the office of Adjutant to the Director of Operation, Sean Moylan - certainly not a position in keeping with his Easter Week record and experience. On September 6, 1922, when he secretly met Mulcahy<sup>81</sup> in a futile attempt to secure agreement, all the former President could say was that some men were led by faith and some by reason. While men of faith, like O'Connor, were taking the stand they were, he was only a humble soldier following them.<sup>82</sup> De Valera seemed immobilized by the split, uncertain of his

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<sup>80</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.250.

<sup>81</sup>In meeting de Valera, Mulcahy violated a decision of the Cabinet which emphasized the principle of collective Cabinet responsibility and eschewed individual peace negotiations. Ireland, SPOD, Minutes of the Meeting of the Provisional Government, P.G.108 Gl/3, Vol.III.

<sup>82</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.472.

position. In late 1922, he set up a sham Republican ministry which the Irregulars recognized as the legitimate government of the Republic. However, the military leaders dominated the movement. Not until very late in the war did de Valera assert effective control over the Republicans.

Liam Cosgrave, Kevin O'Higgins and Richard Mulcahy were now the dominant personalities in the Provisional/Free State Government. The Dail, prorogued since June 30th, assembled on September 9, 1922. With the Republican deputies obviously not in attendance, the Labour Party, led by Thomas Johnson, assumed the role of the Loyal Opposition. Because they had not participated in the previous Republican assemblies and had remained above the bitterness of the Treaty debates, Labour provided both a fresh perspective on the problems facing the nation and a critical analysis of the solution offered by the Cabinet. Labour was hampered by the Government's disciplined majority and, more effectively, by the Civil War itself which provided the Ministers with an impregnable defence to cover all questionable practices. The members of the Government charged treason when there was legitimate criticism, spoke more to justify themselves to the renegade half of their own party than to the assembly, and did not really consult the Dail but rather used it, in large measure, to endorse and legitimize their previous actions.

Aware that the Civil War enhanced the already substantial power of the army, Labour attempted to clarify and



regularize the relationship of the military to the Dail. The Opposition kept up a constant barrage of questions and criticisms in an attempt to exercise some control over the army. They protested against combining the offices of Minister for Defence and Commander-in-Chief in one man, arguing that the Minister should be a civilian in order to insure a certain degree of separation of powers. Labour attacked the spirit of militarism which it claimed was prevalent in both the National and Irregular forces. Cathal O'Shannon summarized the feeling of the Opposition:

We have denounced militarism, and we have told you the root cause of the militarism in Ireland. The military spirit is as deep in one section of the Army as it is in another, and the reason is that both came with prestige out of the guerrilla warfare against England, and they have got such swelled heads that the only authority they have is the authority of the gun.<sup>83</sup>

In late September of 1922, the debate over the military was exacerbated by the introduction by the Government of the Army Emergency Powers Bill. This act established military courts with the power to impose the death penalty for such offences as unauthorized possession of weapons and explosives, arson, looting and destruction of property. The Cabinet justified this extraordinary measure as necessary to save the life of the nation. The Army felt it needed these powers to combat successfully the chaos and anarchy besetting the country. General Mulcahy explained:

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<sup>83</sup>Ireland, Dail Eireann, Official Report 1(1922): 830.

We are asking for these powers that certain steps may be taken against people who commit murder and burn down property, people who are aiming at the life of the country. We are asking for powers to deal with these things, as there is no civil machinery to deal with them. The Army is simply standing in the gap, as it stood in many a gap on many different occasions before and we are going to stand in the gap, and dealing by our Army machinery against those who commit these crimes against the safety of the country, until such time as this Government is in a position to set up a different type of machinery to deal with it.<sup>84</sup>

Labour resolutely opposed the Bill, claiming the Government was setting up a military dictatorship and abdicating its responsibility to the army. It charged that "by handing over all power of Government and all authority to the Army and to the Army authorities, this Ministry is overthrowing this Parliament."<sup>85</sup> Moreover, Labour leaders felt that the army had neither the training nor the discipline to assume such grave responsibilities. Finally, they predict that if the Government embarked on a policy of executions, the sympathy of the people would redound to the Irregulars. The Government did agree to delay the implementation of the act and issued an Amnesty Proclamation which granted pardon to all who would lay down their arms and cease to take part in the rebellion. The Cabinet ordered that the Proclamation be given the fullest publicity, with copies circulated in all the papers, distributed by airplane,

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<sup>84</sup>Ibid., cols. 841-842.

<sup>85</sup>Ibid., col. 830.

sent to all the clergy and displayed at every Post Office.<sup>86</sup>

However, the Republicans, for all practical purposes, beaten in the field by mid-August, refused to give up and resorted to terrorism. They destroyed railroads, blew up buildings, burnt out houses and generally engaged in such tactics that would make it impossible for the Government to function either politically or economically. However, the guerilla warfare which had been so successful in pre-Truce days was proving much less so since the Irregulars no longer commanded popular support from the majority of the people.

As the frustration increased on both sides, so did the atrocities. Extreme brutality and wanton violence characterized the second phase of the civil war. Both the National and Irregular forces were guilty. The death and the destruction rained on the village of Ballyconnell by the Irregulars was equaled by the deliberate dynamiting of prisoners by Free State troops at Ballyseedy. The war was now without honor, without decency. It is estimated that "Southern Ireland suffered more death and destruction in the Civil War of 1922-1923 than it had in the struggle against England from 1916 to 1921."<sup>87</sup>

The Government was determined to win at any cost. In

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<sup>86</sup>Ireland, SPOD, Minutes of the Meetings of the Provisional Government, P.G.28(a), Gl/3, Vol.III.

<sup>87</sup>Joseph Curran, "Consideration of the Irish Revolution: The Free Staters," University Review 5 (Spring, 1968): 47.

Kevin O'Higgins' often quoted phrase, "This is not going to be a draw with a replay in the autumn."<sup>88</sup> On November 17th, with the execution of four men charged with possession of illegal weapons, the Government's policy of execution began. On November 24th, Erskine Childers, chief propagandist for the Irregulars, was put to death on a similar charge. Although a public outcry against the Government ensued, the Cabinet remained unshaken in its determination. Before the war was over, seventy-seven prisoners would be executed. The Government felt that they were charged with a sacred trust to implement the will of the people and that they would honor that commitment regardless of the cost.

On December 6th, the Irish Free State officially came into existence but its birth was accompanied by such an outbreak of violence that the government's continued existence was impaired. Liam Lynch had threatened to deal with all deputies who had voted for the Emergency Powers Bill and all active supports of the Free State in the same way the Cabinet was treating his forces. On December 7th, Deputy Sean Hales was assassinated and Deputy Speaker Padraic O'Maille wounded on their way to the Dail. The Government retaliated by executing four of their prisoners, held since the beginning of the war: Rory O'Connor, Liam Mellows, Joseph McKelvey and Richard Barrett. The "Mountjoy Executions"

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<sup>88</sup>Terrence de Vere White, Kevin O'Higgins (London: Meuthuen and Co., Ltd., 1948), p.150.

had no pretense of legality but were ordered as a calculated decision by a unanimous Cabinet to strike back against the rebels and prevent the decimation of the Dail. Kevin O'Higgins explained the government's position:

It was at once punitive and deterrent. The members of the Parliament of Ireland must be kept free and safe to perform their duties as members of the Parliament of Ireland. When one strikes at a representative man the crime is peculiarly horrid ... one strikes at the people who gave him his mandate and who invested him with his representative character; and therein lies the most criminal aspect of the wretched crime that was committed yesterday.<sup>89</sup>

Labour was outraged. To them, it was murder. Cathal O'Shannon charged: "You murdered these men - nothing short of murder were the executions of these men this morning."<sup>90</sup> Thomas Johnson characterized it as "most foul, bloody and unnatural ... almost the first act is utterly to destroy in the public mind the association of the Government with the idea of law. I am almost forced to say you have killed the new State at its birth."<sup>91</sup>

The decision of the Government vis-à-vis these executions is difficult to evaluate. No more deputies were assassinated following the Mountjoy Executions. The action itself, however, was totally outside any legal process and engendered a bitterness and hostility which would polarize

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<sup>89</sup>Ireland, Dail Eireann, Official Report 2 (1922-1923):67.

<sup>90</sup>Ibid., col.55.

<sup>91</sup>Ibid., col.49.

and dominate Irish politics for years to come. It is a measure of the determination of the Government that Kevin O'Higgins voted for the death sentence for Rory O'Connor, best man at his wedding earlier that year. It is also a measure of the tragedy of the situation. Perhaps, as one historian noted, "Cosgrave, O'Higgins and Mulcahy took harsh measures because they could not afford to be lenient."<sup>92</sup>

Although the fighting continued for the next six months, the heart of the resistance had been broken. Liam Deasey, a member of the Irregular Executive, was captured in January of 1923. Having previously become convinced of the futility of continuing the struggle, Deasey agreed to sign and send to his fellow officers and his followers a document urging immediate and unconditional surrender. Lynch refused. De Valera objected to the Government's demand that the Republicans surrender all their arms. The Irregular forces had dwindled to approximately 8,000. Some 13,000 men were prisoners.<sup>93</sup> Then, on April 10, 1923, Liam Lynch, symbol of the resistance, was killed in a battle in the Knockmealdown Mountains. Now, it was just a matter of time.

De Valera tried to negotiate terms. Using Senators

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<sup>92</sup>Joseph Curran, "Consideration of the Irish Revolutions: The Free Staters," University Review 5 (Spring, 1968): 48-49.

<sup>93</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.500.

Jameson and Douglas as intermediaries, the former President argued that the Republicans should be allowed to keep their arms, or at least store them until after the upcoming election, and insisted there should be no obstacle, i.e. oath, to prevent any representative from participating in the political life of the country. The Government refused, demanding instead a surrender of arms and the recognition of and agreement to the principle of majority rule.<sup>94</sup> On May 24th, de Valera issued a proclamation:

Soldiers of Liberty! Legion of the rearguard! The Republic can no longer be defended successfully by your arms. Further sacrifices on your part would now be in vain, and continuance of the struggle in arms unwise in the national interest. Military victory must be allowed to rest for the moment with those who have destroyed the Republic.<sup>95</sup>

The Republicans simply hid their weapons. As the country had drifted into war, it now drifted into an uneasy peace. But the scars of the Civil War cut deep, disfiguring the body politic, and marring the political, social and economic development of the Irish Free State.

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<sup>94</sup>Ireland, SPOD, Cabinet minutes, C1/97, G2/2, Vol.II.

<sup>95</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.509.

## CHAPTER IV

### ORIGINS OF MUTINY

The Civil War had necessitated the development of a large military establishment with extraordinary power and tremendous responsibility. The survival of the government, of the Free State itself, had come to depend on the success of the military. Even though the army had succeeded in quelling the rebellion, its rate of progress against the Irregulars and the consequent lawlessness in parts of the country gave rise to grave dissatisfaction. The failure of the Minister for Defence to keep his colleagues properly informed on military activities and the alleged association of the senior officers of the army with a reorganized Irish Republican Brotherhood exacerbated the discontent with the military hierarchy. According to the Attorney-General:

... individual ministers have in the course of their ordinary work, met persons day by day who gave them unofficial accounts of disquieting happenings and such accounts made deeper impressions because ministers were not in possession of authoritative information which to test and weigh the stories told. Such a state of affairs could only breed suspicion that all was not well, that things were being concealed, and necessarily give rise to a form of great anxiety opening the ear the more ready to every tale that offered.<sup>1</sup>

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<sup>1</sup>Hugh Kennedy, Memorandum, 2 April 1923, Kennedy Papers, University College Dublin Archives, Dublin, Ireland.



Consequently, the tension in the Cabinet grew as the Cosgrave government attempted to evolve a satisfactory relationship between the military and the government.

The chief critic of the army was Kevin O'Higgins, who as Minister for Home Affairs, received from the Civic Guards monthly reports on the conditions prevailing in the country. On this basis, O'Higgins claimed that 95% of the crime in the Free State was the responsibility of the army to control and contain.<sup>2</sup> Mulcahy countered, asserting that these monthly records were written " ... in the spirit of wanting generally to prejudice the position of the Army and all persons in the Army ... And that these reports are provided with a very definite knowledge that they are asked for, for that reason."<sup>3</sup> The conflict between O'Higgins and Mulcahy would be the leitmotif throughout this entire period.

In January of 1923, O'Higgins prepared a memorandum for a full Cabinet meeting on the military situation analysing the state of the nation. The Minister for Home Affairs concluded that the Government was being threatened on two levels; overtly, by active Irregulars who were engaged in acts of violence, and covertly by passive Irregulars participating in lawless activities. The inability of the

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<sup>2</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/42, University College Dublin Archives, Dublin, Ireland.

<sup>3</sup>Defence Council Meeting, 3 May 1923, Mulcahy Papers P7/C/322, University College Dublin Archives, Dublin, Ireland.

Government to enforce its laws and maintain the orderly functions of society blatantly encouraged the rebels and severely retarded the economic and psychological recovery of the country. To combat the growing threat of anarchy, O'Higgins felt it was necessary that " ... the thirty thousand armed men, whom the Government, on behalf of the Irish people is paying and maintaining, must be asked to perform many duties which strictly and technically, might be said to be those of armed police rather than of military."<sup>4</sup> To accomplish this, the Minister suggested that a special mobile force be created to deal especially with transgressions of the Civil law and that the army cultivate better relations with the civilian population through more courteous conduct, stricter discipline and prompt payment of accounts and dependents allowances. Furthermore, O'Higgins favored executions in every county in order to increase the psychological impact. He believed that "local executions would tend considerably to shorten the struggle."<sup>5</sup>

On the governmental level, O'Higgins felt that the Executive Council "must clear our minds of technical terms, such as 'Government' and 'Army' and of purely artificial limitations of function."<sup>6</sup> They were facing an unorthodox

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<sup>4</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/23, University College Dublin Archives, Dublin, Ireland.

<sup>5</sup>Ibid.

<sup>6</sup>Ibid.

situation which could only be met in an unorthodox manner. They should utilise the army, armed servants, to the best possible advantage in what mattered most, saving the life of the country. "It is of no avail that the towns are held if the country perishes; it is of no avail that the active Irregulars are gradually killed or imprisoned, if their seed flourishes and the passive Irregulars continue to enjoy immunity to the ruin of the idea of law."<sup>7</sup> Mulcahy viewed this memorandum as a direct criticism of the efficiency and efficacy of the army.<sup>8</sup> To him, the "artificial limitations" were very much real definitions of responsibility and authority which ought not to be tampered with by outsiders who did not understand the complexities of the military situation.<sup>9</sup>

O'Higgins' receipt of the Civic Guard report for the month of February, 1923, precipitated a Cabinet crisis. A special meeting of the Executive Council was called for March 27 to consider the latest police analysis.<sup>10</sup> The

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<sup>7</sup>Ibid.

<sup>8</sup>Conversation among General Mulcahy, Mrs. Mulcahy, and Doctor Mulcahy, 23 December 1961, Mulcahy Papers, P7/D/100, University College Dublin Archives, Dublin, Ireland.

<sup>9</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/35, University College Dublin Archives, Dublin, Ireland.

<sup>10</sup>Ireland, State Paper Office Dublin (hereinafter cited as SPOD), Cabinet minutes, Cl/74.

meeting resulted in the resignation of the Army Council: the Commander-in-Chief, Mulcahy; the Chief of Staff, Sean MacMahon; the Adjutant-General, Gearoid O'Sullivan; and the Quartermaster-General, Sean O'Murthuile. In a letter to the President the following day, Mulcahy explained that the Cabinet discussion convinced him that his colleagues felt that:

1. The progress made by the Army up to the end of February has not been satisfactory
2. That the control of the Army is aloof from and is felt to be unresponsive to the Government and
3. That there is some undefined divergence of purpose on the part of the Army, as from the Government.<sup>11</sup>

Although not agreeing with such an analysis, the officers of the Council felt that considering their grave responsibilities, deciding issues of life and death, they should not continue to make these decisions in such an atmosphere.<sup>12</sup> Not wishing "to make difficulties" for the Government, they tendered their resignations as the Army Council.<sup>13</sup> The Executive Council, however, rejected this course of action and, on April 9, ordered the Army Council to continue to function as it had in the past.<sup>14</sup> If the

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<sup>11</sup>Army Sequence, Mulcahy Papers, P7/B/178, University College Dublin Archives, Dublin, Ireland.

<sup>12</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/35, University College Dublin Archives, Dublin, Ireland.

<sup>13</sup>Army Sequence, Mulcahy Papers, P7/B/178, University College Dublin Archives, Dublin, Ireland.

<sup>14</sup>Ireland, SPOD, Cabinet minutes, C1/81.

resignation of the Army Council had been accepted during this critical period, there would have been drastic repercussions. According to the Attorney-General, Hugh Kennedy:

... a sudden public scrapping by the high command of the army would be wholly misleading to public opinion and most unfortunate if not disastrous in its immediate effects. It could have but one meaning in the public mind, namely that things are getting worse (which I believe to be the reverse of fact) and the consequence of such a public impression would be to increase the now dwindling support of the Irregulars and to strengthen and enhearten their campaign.<sup>15</sup>

Kennedy's analysis of the potential dire effects of attempted changes on the public mind was bolstered by an article in the Morning Post newspaper. Thereafter, major albeit discreet changes in the Army became impossible. The paper reported the dissension in the Cabinet concerning the army and raised allegations about the influence of the I.R.B. at General Headquarters. It also predicted that the Army Council was to be replaced by a Cabinet Committee of Defence consisting of the President, Ministers for Home Affairs, Industry and Commerce and Defence, and the Chief of Staff. The Morning Post asserted that " ... the Cabinet finally screwed up its courage, or to be more accurate, Kevin O'Higgins screwed up the rest of the Cabinet's courage" to move against the senior officers of the army.<sup>16</sup>

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<sup>15</sup>Hugh Kennedy, Memorandum, 2 April, 1923, Kennedy Papers, University College Dublin Archives, Dublin, Ireland.

<sup>16</sup>Ireland, Dail Eireann, Official Report 3 (1923): 59-60.

Although the Executive Council decided that the paper's report should be officially denied,<sup>17</sup> which Cosgrave emphatically did in the Dail on April 12, 1923,<sup>18</sup> in point of fact, however, the main substance of the article was accurate. The Cabinet did assume a more direct role in the affairs of the army by establishing a Council of Defence.<sup>19</sup> Its members were Cosgrave, O'Higgins, McGrath and Mulcahy, four of the five officials listed by the Morning Post. The Chief of Staff was originally selected to serve on the Council, but later the Cabinet decided against it.

The Council was a compromise solution. Although O'Higgins felt that "the results secured justified the intervention,"<sup>20</sup> Mulcahy maintained that it weakened Army control, interrupted the final operations against the Irregulars and " ... created the psychological position that certain groups of Army officers were encouraged to go behind the backs of the Army Authorities to Mr. Joe McGrath and another group to Mr. O'Higgins."<sup>21</sup> Due in part to Mulcahy's

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<sup>17</sup>Ireland, SPOD, Cabinet minutes, Cl/81.

<sup>18</sup>Ireland, Dail Eireann, Official Report 3 (1923): 60-62.

<sup>19</sup>Ireland, SPOD, Cabinet minutes, Cl/85.

<sup>20</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/21, University College Dublin Archives, Dublin, Ireland.

<sup>21</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/37, University College Dublin Archives, Dublin, Ireland.

resentment at this interference in the affairs of the army and to the successful conclusion of the Civil War, this particular Council of Defence was allowed to lapse.

As the violence caused by the Irregulars ended, the Government found it necessary to define and legalize the position of the army vis-a-vis the Free State. During the Civil War, the armed forces existed, quite simply, because they had to exist. As the Attorney-General pointed out, however, the army had never been "definitely constituted" but experienced

... a kind of natural growth in defence of the Treaty and the Parliament and the Government of the people. But its organisation and powers, the direction and control of its policy, the mode and authority of its appointments have been assumed by the Army itself - they have never been defined, or expressly delegated either by the Provisional Government or by the Ard Chomhairle [Executive Council] or by the Dail.<sup>22</sup>

Throughout the latter half of 1923, the Cosgrave Government sponsored legislation to rectify this omission and regularize the status of the army. The Defence Forces (Temporary Provisions) Bill gave the Executive Council the authority to raise, maintain and control the armed forces, delegating the responsibility for organization and administration to the Minister for Defence. The Ministers and Secretaries Bill established a new Council of Defence, consisting of the Minister for Defence, the Chief of Staff,

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<sup>22</sup>Hugh Kennedy, Memorandum, 2 April 1923, Kennedy Papers, University College Dublin Archives, Dublin, Ireland.

the Adjutant-General, the Quartermaster-General and one civil member who could be Parliamentary Secretary. The purpose of the Council was to assist the Minister in the administration of his department.

In response to the growing clamour in the Dail and the Cabinet, but against the advice of the Attorney-General, the Government, for all practical purposes, abolished the position of Commander-in-Chief. Hugh Kennedy considered this move "premature and ill-advised" risking the possibility of a "conflict between the purely civil and the purely military."<sup>23</sup> However, the Government did follow his suggestion that the position of Commander-in-Chief not be abolished altogether but at least "should be retained in the Executive Council ... whether titular or signifying actual military command."<sup>24</sup> Thus the following confusing picture emerged. The Minister for Defence was no longer to have the joint responsibility of Commander-in-Chief, but rather it was to be vested in the Executive Council. However, its duties were to be exercised by the Defence Minister. In addition, he would basically assume this role only when acting as Chairman of the Council of Defence.<sup>25</sup> In effect, this re-delegation of authority only meant that

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<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

<sup>25</sup>Ireland, Dail Eireann, Official Report 5 (1923): 1838.



the Army was left without a supreme military head. Moreover, no members of the armed forces receiving full military pay were to sit as Deputies in the Dail. Collectively, these measures were obvious attempts to strengthen civilian control of the army and re-emphasize the fact that the military was responsible to the Executive Council and the Dail. Both government and parliamentary leaders were anxious to erase any residual sentiment in favor of an independent or political army.

While the Ministry and Dail were defining and legalizing the position of the armed forces in the Free State, General Headquarters was engaged in restructuring the army itself. In January of 1923, G.H.Q. began a major reorganization, making plans for a permanent professional establishment and for the inevitable change from a war to peace time force. This reorganization included the formation of nine Brigades based on units rather than territorial area, to replace the present Command system, the establishment of three new Commands, Western, Southern and Eastern and the Curragh Training Camp, with a view to the centralization of authority in Dublin. Mulcahy believed that such a reorganization would lead to a "more effective military machine. ... On the whole the Brigade will be an ideal unit in organisation - and it will be a unit of regimental strength with divisional organisation. It can be expanded with ease and

without disorganisation or without impairing its efficiency."<sup>26</sup>

Moreover, G.H.Q. was also tightening its administrative grip on the internal workings of the army. More accurate records were demanded as well as a close scrutiny of the men in the service. An Officers Training program was set up at the Curragh camp and the selection of officers became more formalized. During the early days of the Civil War, officers were appointed to posts "mainly and necessarily for getting men of influence, and, as a corollary, men with good records in the National Movement."<sup>27</sup> Now the criteria in the designation of officers was expanded to include not only pre-Truce service but also efficiency and suitability for the particular post. Generally, G.H.Q. attempted to appoint men who were already in positions of authority in a particular area. Eventually, however, the fact that there were a large number of officers who were surplus to the needs of the establishment became evident.<sup>28</sup> The military establishment had burgeoned in war and would have to be pared down to meet new peace-oriented budgetary

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<sup>26</sup>Ireland, SPOD, Organisation and Establishment of the Army, S3442A.

<sup>27</sup>Costello, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

<sup>28</sup>O'Connor, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/1, University College Dublin Archives, Dublin, Ireland.

estimates. By the end of the Civil War, the army numbered 52,000 men and 3,000 officers. By January of 1924, G.H.Q. wanted to have only 30,000 men and 1,300 officers. Final projections were for an army of 18,000 men. Given the high rate of unemployment in the Free State and the changing nature of the army, demobilisation would inevitably prove to be a difficult and delicate task. Men who once enjoyed the adventure and mystique of being "gunmen" were now being asked either to return to civilian life or to assume less prestigious positions within the army.

The demobilisation of non-Commissioned officers and enlisted men began in June of 1923. Men were discharged who were found to be undesirable either because they did not meet the physical standards or because their conduct records were questionable. Some voluntarily wanted to leave the army to return to civilian employment. Others were unwilling to accept the lower rates of pay the army was now offering.<sup>29</sup> In most respects, this phase of the reduction proceeded smoothly.

Problems arose, however, when G.H.Q. began to discharge officers in September-October, 1923, with the proclamation of Defence Order #28. According to Mulcahy, three classes of officers were to be demobilised:

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<sup>29</sup>Ibid.

- (1) Officers whose work has not been satisfactory
- (2) Officers whose service dates from a date subsequent to July, 1921, and whose services, while satisfactory, have been such as not to show special merit or indicate special qualifications.
- (3) Officers whose service dates from a date prior to July, 1921, and who, while having given satisfaction, are surplus to requirements.<sup>30</sup>

A demobilisation grant of five pounds was offered to each officer, in addition to the continuation of his full salary for two months and half pay for the following two months. A special grant was given to pre-Truce officers based on the nature and extent of their service from 1919-1921, the degree to which their life style had been interrupted and the service rendered in the National Forces. A re-settlement branch was also established in the Ministry of Industry and Commerce to help the demobilized men back into civilian life.<sup>31</sup>

The Council of Defence prepared the first lists for demobilization. Approximately 763 officers were dismissed, primarily for marked inefficiency or lack of discipline, based on Inspection Reports. All heads of Departments, Staffs and Commands were asked for evaluations and recommendations for their respective officers. In mid-December of 1923, a Committee of Investigation or Officers Board was created to make further recommendation to the Council of Defence. This Board consisted of Major-Generals

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<sup>30</sup>Ireland, Dail Eireann, Official Report 5 (1923): 717-718.

<sup>31</sup>Ibid.

Dan Hogan, Reynolds, McKeon and O'Daly. It dealt with only 116 cases. Since a number of officers failed to pass the medical examination or had voluntarily resigned, the total number of discharged officers as of the end of January, 1923, was approximately 1,000. To further whittle down the Officer Corps, Mulcahy called a meeting in early February of all the General Officers Commanding and the Council of Defence to decide on the final list of names to be retained, to be kept on reserve, or to be dismissed. The Executive Council was presented with this list of nominations and dismissals by the end of February. The Cabinet removed six names from the retention list, one from demobilization, and recommended that ten officers on the reserve list be given definite positions as soon as possible.<sup>32</sup>

Included in the first demobilization group were officers in the Officers Training Corps at the Curragh. Many of these " ... had been several months at the O.T.C. that they were for all intents and purposes unemployed Officers, and that there seemed to be no prospects of their services being further availed of in, or applied for from, the Command from which they came."<sup>33</sup> The first outbreak of trouble occurred at the Curragh on November 9, 1923, when

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<sup>32</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

<sup>33</sup>O'Connor, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/1, University College Dublin Archives, Dublin, Ireland.

seven officers refused to accept their demobilization papers. They were placed under arrest, charged with disobedience and tried at a General Court Martial. The mutinous officers protested that they were members of the old I.R.A. and had sworn an oath not to lay down their arms until Ireland was an independent Republic. Hence, they could not quietly accept discharge papers. Additionally, another factor which may have influenced them was their fear that they might be denied pre-Truce Supplementary grants. These grants had not been officially sanctioned at this point in time.<sup>34</sup> All of the officers were found guilty and sentenced to dismissal. However, the solicitor for the defendants, Mr. Lamphier, appealed the convictions on the grounds that certain preliminary investigations, required by the Defence Forces Act, had not been taken. The Judge Advocate General upheld the appeal and advised the Adjutant-General, the Confirming Officer, not to confirm either the findings or the sentence.<sup>35</sup> Instead of arranging for a new trial General Headquarters decided on a policy of leniency, claiming there had been a misunderstanding among the men, in order to avoid any appearance of harsh action or

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<sup>34</sup>Ibid.

<sup>35</sup>Davitt, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland.

victimization.<sup>36</sup> New demobilization papers were issued to the officers on November 30th. The men again refused to accept them and, consequently, were escorted outside the confines of the camp.

Meanwhile, the mutiny had begun to spread. It now included a number of other officers at the Curragh who, in sympathy with their comrades and in protest at their arrest, also refused to accept demobilization papers. They felt it was unjust to dismiss old Volunteers from the army while ex-British officers, Irishmen who had at one time served in the British army, were being retained. This second group was also forced to leave the camp and they were denied demobilization pay and grants. The disturbance involved approximately 60 officers and was confined to the Curragh. Subsequently, all but 14 applied for and were granted demobilization papers. On March 29, 1924, papers were sent to the remaining officers and all but one accepted them.<sup>37</sup>

The mutiny at the Curragh was important as a prelude to the mutiny four months later, the first step in a series of events which would later culminate in the army crisis of March, 1924. The immediate consequence of the Curragh protest was the institution on November 26, 1923 of

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<sup>36</sup>MacMahon, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/33, University College Dublin Archives, Dublin, Ireland.

<sup>37</sup>O'Connor, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/1, University College Dublin Archives, Dublin, Ireland.

a Cabinet Committee on demobilization to hear the complaints of pre-Truce officers concerning their dismissals and to consider the valid complaints against the retention of ex-British officers. It was further empowered to investigate the circumstances surrounding the arrest of the men at the Curragh.<sup>38</sup> The Committee consisted of the Minister for Education, Professor MacNeill, the Minister for Finance, Mr. Blythe and the Minister for Industry and Commerce, Mr. McGrath.

The Cabinet Committee received applications for reinstatement from 60 men, most of whom had been involved in the affair at the Curragh; but, in no case, was an officer actually reinstated. In most instances, the Minister for Defence noted that the officer was simply "surplus to requirement."<sup>39</sup> On December 5, 1923, the Minister for Industry and Commerce resigned from the Committee because " ... of the actual demobilisation of some of the Officers whose cases he claimed should be decided by the Committee"<sup>40</sup> He was temporarily replaced by the President.<sup>41</sup> However,

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<sup>38</sup>Ireland, SPOD, Cabinet minutes, C2/22.

<sup>39</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/37, University College Dublin Archives, Dublin, Ireland.

<sup>40</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

<sup>41</sup>Ireland, SPOD, Cabinet minutes. C2/28.



McGrath reconsidered his decision when he received a written statement from the President of the objectives and powers of the Committee, including a guarantee that the recommendations made by the Committee concerning the retention of pre-Truce officers and dismissal of those "unworthy to be in the army," that is, ex-British officers, would be binding on the Army Council.<sup>42</sup> The Committee itself achieved no tangible results although it did provide another opportunity for civilians to inquire into the workings of the army, or as Mulcahy saw it, to interfere in military business. The Minister for Defence claimed that the incident at the Curragh would have ended any threat of mutiny, "were it not for the encouragement given these men by political."<sup>43</sup> Significantly, this incident further strained the relations between the Minister for Defence and his colleagues in the Cabinet.

As part of their defence, the officers who mutinied at the Curragh had claimed to be members of the "old I.R.A." This organization was begun in January of 1923, coincidentally at the same time that the reorganization of the army was initiated, by a group of pre-Truce officers who felt they were not being treated in a manner commensurate with the

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<sup>42</sup>The Irish Independent, 19 May 1924.

<sup>43</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/37, University College Dublin Archives, Dublin, Ireland.

sacrifices they had made for the liberation movement. Their purpose was to influence the policy and character of the army in order to obtain for themselves more power and responsibility. The leading figures of the old I.R.A. or Irish Republican Army Organisation were all former members of Michael Collins' Intelligence Squad - Liam Tobin, Charles Dalton, Frank Thornton and Tom Cullen. Even before Collins' death, a problem had arisen concerning these men and their feeling of being "let down";<sup>44</sup> and it was only the intimidating force of the late Commander-in-Chief's personality which had kept them in line.<sup>45</sup> As the successor to Collins, Mulcahy did not have the same relationship with them as his predecessor and consequently, could not discipline them as effectively.<sup>46</sup>

Through the latter part of 1922, Tobin, Cullen and Thornton were involved in a series of disputes within the Intelligence Department over rank, pay and promotions.<sup>47</sup>

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<sup>44</sup>Russell, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/20, University College Dublin Archives, Dublin, Ireland.

<sup>45</sup>Interview with Col. Dan Bryan, Dublin, Ireland, 18 March 1975; Neligan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/29, University College Dublin Archives, Dublin, Ireland.

<sup>46</sup>Interview with Col. Dan Bryan, Dublin, Ireland, 18 March, 1975.

<sup>47</sup>Russell, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/18, University College Dublin Archives, Dublin, Ireland.

They even had engaged in a passive strike in which reports were not sorted out or rated as to importance or reliability.<sup>48</sup> Because these officers had not done a particularly good job in Intelligence, they were transferred.<sup>49</sup> The problem was that most of these men, although they had performed well during the Troubles, were not suited, either in terms of ability or mentality, to the bureaucratic work necessary in a peace time army.<sup>50</sup> Tobin was made A.D.C. to the Governor-General; Dalton, Adjutant of the Air Service, and Thornton was to be appointed a Brigade Major. However, they were dissatisfied with these changes. For example, Thornton wanted to be named Director of Intelligence. Dalton and Tobin felt they were not given positions with enough authority or responsibility. In most respects, the officers of the old I.R.A. felt they were being ignored by G.H.Q. and supplanted by men who had done much less for Ireland than they had. Professor Hogan, former Director of Intelligence, explained the nature of their grievances:

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<sup>48</sup>Interview with Col. Dan Bryan, Dublin, Ireland, 18 March, 1975.

<sup>49</sup>P. Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland.

<sup>50</sup>Interview with Col. Dan Bryan, Dublin, Ireland, 18 March 1975.

In the war with the Irregulars a certain number of officers were rather prominent at the earlier stages, but as the situation became worse it became necessary to select abler and more energetic officers and the others fell into the background. To a certain extent they floated about the country unattached for several months. Their duties were not clearly defined, ... while they were dropping behind, other officers were going to the fore and when peace actually came they saw that new officers had taken front rank and they were in the rear rank and they were to a certain extent dissatisfied with their position.<sup>51</sup>

Such grievances were exacerbated by territorial rivalry and possessiveness. For example, G.H.Q. had found it necessary during the Civil War to send Dublin officers to Cork. The Cork officers resented this, viewing the new men as interlopers who were intruding themselves into a situation which could best be handled by the local leaders. Similarly, Dublin officers, who had been scattered throughout the country to reinforce other commands, strongly objected to officers from the Northern Divisions taking charge in Dublin. They too believed they had the right to command their home territory.<sup>52</sup> Such feelings of resentment could but add to the sense of frustration and bitterness experienced by many of the officers.

Intelligence reports described the old I.R.A. as a mixture of several groups, each more or less independent of

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<sup>51</sup>Professor Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

<sup>52</sup>Costello, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

the other. There were primarily two sections, the "Dublin men (gun-men and let down Officers) and Western Officers."<sup>53</sup> The first group consisted of "Mick Collins own gunmen.

Bitter. Fanatical. Joe McGrath, Bill Tobin, Frank Thornton, Charlie Dalton etc. ... The main bunch outside Dublin is the Western clique - ignorant and fanatical, but lacking courage or ability."<sup>54</sup> The report also listed Colonel J. Ryan as a member with political ambitions, aspiring to form a center party in the Dail, whose immediate policy was "to get hold of T.D.'s and others, who will look after the interests of the old I.R.A. men, and will keep the Republican ideal alive. Sean Gibbon, T.D., is his principal agent."<sup>55</sup> The report gives support to Mulcahy's claim that politicians were encouraging his men to engage in irregular and undisciplined conduct. The Minister for Defence himself described his dissident officers as the "... men who either deserted their posts in Cork after Collins' death, or had to be taken out of Cork because of their inability to deal with the situation there, and of their colloquing with the Irregulars."<sup>56</sup>

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<sup>53</sup>Ibid.

<sup>54</sup>Ibid.

<sup>55</sup>Ibid.

<sup>56</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

The first meetings of the old I.R.A. were held in January and February of 1923. Major-Generals Tobin, Dalton, Cullen and Ennis, Colonels C. O'Malley, P. McCrea, J. Slattery, F. Thornton, C. Dalton, S. O'Connell and S. O'Reilly attended. Liam Tobin was appointed Chairman and Tom Cullen, Organizer. The old I.R.A. was to be structured around the Battalion as the basic unit or club. Meetings were to be held every two weeks. Acceptability for membership was to be decided by the officers' "past and present outlook from a National point of view" and those approached "should be warned as to the seriousness of indiscriminate discussion of the organisation and its objects."<sup>57</sup> Their policy was to expand their membership to other pre-Truce officers so that they

when strong enough would demand a strong voice in Army Policy, with a view to securing complete Independence when a suitable occasion arose. It was also decided that the members of the new organisation would make every effort to get control of the vital sections of the Army and oust those undesirable persons who were and are holding those positions.<sup>58</sup>

Those members of the old I.R.A. began to proselytize and attempted to expand their influence. The Officers Training Corps at the Curragh was the natural breeding place for discontent, or as Col. M.J. Costello of Intelligence described it, a "hotbed" for the growth of a mutinous

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<sup>57</sup>Ibid.

<sup>58</sup>Ibid.

organisation.<sup>59</sup> The reason for this was that the O.T.C. included a number of men for whom no positions could be found or who were judged not suitable for command posts. Old I.R.A. officers utilized the Curragh camp as a recruiting ground, preaching their message of resentment and injustice and exhorting their colleagues to propagate these ideas throughout the country. According to Colonel Costello:

The organisation of which Tobin is the visible head had not a grip on the Army, but it made use of all the circumstances in an attempt to swing the general body of Officers with grievances, real or alleged, behind them.<sup>60</sup>

On June 6, 1923, the Tobin group sent a letter to President Cosgrave requesting a meeting with him and the Commander-in-Chief "to discuss the situation and place our views before you as Michael Collins' Successor."<sup>61</sup> They claimed to have accepted the Treaty in the same spirit as Michael Collins had and felt that a "genuine effort must now be made to keep absolutely to the forefront the ideals and objects for which the late Commander-in-Chief gave his life"<sup>62</sup>

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<sup>59</sup>Costello, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

<sup>60</sup>Ibid.

<sup>61</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>62</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

On June 20, 1923, Mulcahy, Cosgrave and Kennedy, the Attorney-General, discussed the complaint of the old I.R.A. that their members were being treated unfairly. The President discussed the possibility that these men would organize themselves and put up candidates for election. Mulcahy stated that their alleged grievances never materialized into specifics and that the army must proceed with its work.<sup>63</sup> Despite the Minister for Defence's attitude, a series of meetings ensued, during the summer of 1923, between the members of the old I.R.A. and the Executive Council. The potential mutineers were allowed to state their grievances and hopefully vent their frustrations. Through these discussions, the Government tried to keep open the lines of communication and forestall any attempts at direct action, especially since elections were to be held in August of that year. The mutineers failed, however, to effect any change in army policy.

The first of these discussions occurred on Monday, June 25, 1923, Cosgrave and Mulcahy met with Tobin, Dalton, Thornton and O'Malley. Tobin read an opening statement which began with a reiteration of their views on the Treaty, that they had accepted it only as a stepping stone to the Republic a la Collins. They claimed that Collins had told Tobin "that he had taken on Oath of Allegiance to the

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<sup>63</sup>Mulcahy Papers, P7/C/322, University College Dublin Archives, Dublin, Ireland.



Republic and that Oath he would keep, 'Treaty or no Treaty'" and that this was their position exactly.<sup>64</sup> Tobin then launched into a scathing attack on the army, in particular, Mulcahy and his staff. He charged that:

... the actions of the present G.H.Q. staff since the Commander-in-Chief's death, their open and secret hostility to us, his officers, has convinced us that they have not the same outlook as he had. We require a definite 'yes or no' from the present Commander-in-Chief if this be so. Does the Commander-in-Chief understand the temper of the old I.R.A., who are now in the National Army? He does not. Your Army is not a National Army. It is composed roughly of 40% of the old I.R.A., 50% ex-Britishers and 10% ex-Civilians. The majority of the Civilians were and are, hostile to the National ideals. In the Army you have got men who were active British S.S. men previous to the Truce, and who never yet have ceased their activities.<sup>65</sup>

Tobin then demanded that a Committee of Inquiry be set up to investigate the retention and demobilization of officers and that the old I.R.A. be granted equal representation on it. After mentioning specific grievances he wished to discuss, his statement went on to condemn the reorganization of the I.R.B. Tobin's group claimed that the Brotherhood had been revitalized by senior Army officers only after the old I.R.A. had begun to organize and that it was a hindrance to progress, "a dishonest and corrupt effort to destroy any genuine effort to carry on a successful conclusion of Mick's ideals."<sup>66</sup> While both disclaiming any

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<sup>64</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>65</sup>Ibid.

<sup>66</sup>Ibid.

intention to cause another split in the army and also pleading for a return to the spirit of 1920-1921, the statement ended with a direct threat:

It is time this bluff ended. We intend to end it. Until satisfactory arrangements are come to, we will expose this treachery and take what steps we consider necessary to bring about an honest, cleaner, and genuine effort to secure the Republic.<sup>67</sup>

The President responded by stating that such a document was totally unexpected. He had anticipated a friendly discussion of their problems. Mulcahy was incensed and left the room demanding to know why he should have been brought before the President to listen to such matters and refusing to discuss anything in such an atmosphere.<sup>68</sup>

Mulcahy later claimed that this was the first intimation he had that the officers had grievances of this kind.<sup>69</sup> His attitude toward the representatives of the old I.R.A. was at this time unambiguous. He described Tobin as a "very hard and bitter" man; Thornton as being "talkative and argumentative"; O'Malley as being in a "very bad aggressive humour:" and Dalton as a person with "nothing to say."<sup>70</sup>

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<sup>67</sup>Ibid.

<sup>68</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>69</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

<sup>70</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

With respect to the meeting itself, Mulcahy stated:

I do not think that in any country in the world four officers would come in uniform and sit down in front of the Commander-in-Chief of that country and read in his presence that document ... and that the Commander-in-Chief would sit and listen to them.<sup>71</sup>

Joe McGrath, however, the self-appointed mediator between the mutineers and the government, pressured Mulcahy to meet with the Tobin group again and hear them out. In discussing the situation with both the Minister for Defence and the President, the Minister for Industry and Commerce defended the dissident officers. He claimed that they had been ostracized by the Staff, had been left out of the re-organization of other organizations, and had not been placed in suitable positions. McGrath felt that he himself "had been slighted in a number of matters and that he felt like making an exposure of the whole business and that he was not going forward for the Dail at the coming elections."<sup>72</sup>

Consequently, Mulcahy met with Joe McGrath, Tobin, Dalton, O'Malley and Sean O'Connell on July 7, 1923. These members of the old I.R.A. again complained about the retention of ex-British soldiers in the National Army at the expense of pre-Truce officers, specifying particular men and definite objections. Furthermore, the representatives protested the appointment of officers from the Northern

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<sup>71</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/36, University College Dublin Archives, Dublin, Ireland.

<sup>72</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195 University College Dublin Archives, Dublin, Ireland.

Division to Dublin, while they themselves had been carrying on the fight with the Irregulars throughout the country. They asked to be given back the Dublin Command. Thornton complained that he was the only pre-Truce officer attached to the Intelligence department and that he had no defined duties. He claimed to have received a verbal promise from the Chief of Staff that he would be appointed Director of Intelligence but was passed over. Moreover, the old I.R.A. men were unhappy that they had not been approached to participate in the reorganized I.R.B. The essence of their grievances was crystallized in their feelings about the overall position of the army:

It could be squared up. A large percentage of the officers are gazetted, put into jobs, given a rank which means nothing, recognized as officers, but what the officers want is not so much rank as influence in the Army.<sup>73</sup>

Mulcahy countered their accusations by pointing out that he and his Staff were as much aware and appreciative of the services of the pre-Truce officers as the Tobin group but that he would not tolerate the idea that a man could not be in the army because he was an ex-British officer. Mulcahy denied any knowledge of their relations with the I.R.B. and remarked that if these officers were former members of the organization they should certainly know whom to contact. The Minister for Defence also declared "that

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<sup>73</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

their interference with the authority of those responsible for the Army or the assumption by them of any authority that did not come from their definite positions in the Army could not be countenanced."<sup>74</sup>

Mulcahy thought that the dissident officers were dissatisfied with the results of the meeting. McGrath, however, felt that they were mollified since "they have got off some steam."<sup>75</sup> Intelligence reports indicate that Mulcahy's analysis was accurate. At a general assembly of old I.R.A. officers on July 22, 1923, they appointed a deputation to inform the Commander-in-Chief of the seriousness of the situation, complaining that in previous discussions they had received no guarantees that anything would be done to alleviate their grievances.<sup>76</sup> The next day, July 23, 1923, six officers met with Mulcahy to inform him that they had decided to go their own way and that a clash was inevitable. The officers felt that they should warn the Minister. They also wanted to inquire if Mulcahy intended to rigidly adhere to his previous policy statements. Although they again reiterated their grievances, they further stated that their intentions were good, asking the Minister

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<sup>74</sup>Ibid.

<sup>75</sup>Ibid.

<sup>76</sup>Ibid.

to regard them as "bona fides anxious to help."<sup>77</sup> Mulcahy took this as a cue to begin a rapprochement. While pointing out that their previous conduct belied their present claims, he was willing to take them at their word and give them a chance to prove their alleged good intentions.<sup>78</sup>

As a result of this discussion, a somewhat unusual correspondence ensued between the Minister for Defence and the old I.R.A. Within two days, Mulcahy received a letter from Cullen, Slattery and O'Connell asking the Commander-in-Chief for a signed statement containing the assurances he gave them at the last meeting. According to the officers, Mulcahy agreed to the following:

1. That we appoint three representatives to deal directly with you on matters which are considered vital to the progress of the Army on National lines with a view to the complete independence of Ireland.
2. That our representatives be accredited with having absolute honesty of purpose and ideals.
3. We on our part assure you that we are not attached to any Political Party, nor are we likely to be, but we cannot too strongly urge upon you that we are in absolute agreement with you as regards concluding portion of paragraph No.1.<sup>79</sup>

Mulcahy gave them the assurances they demanded. However, he did add one proviso. On matters dealing with "the progress of the Army on national lines with a view to the

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<sup>77</sup>Tobin Mutiny File, Mulcahy Papers; P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>78</sup>Ibid. Mulcahy's notes on this meeting are rather incomplete in view of the letter he received from the old I.R.A. officers two days later.

<sup>79</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

complete independence of Ireland," it was to be understood that it was "of necessity, a personal and private arrangement and not indicative of sectionalism of any kind in the Army."<sup>80</sup> Obviously Mulcahy was trying to protect himself against charges of fostering societies in the army or using the army for political purposes. He concluded by reaffirming his desire to keep open the lines of communication with the men who had done so much for Ireland, especially having himself witnessed the disastrous situation brought about by isolation and misunderstanding.<sup>81</sup> In a letter dated August 7, 1923, which subsequently was acknowledged by Mulcahy, the old I.R.A. appointed Major-General Tom Cullen, Colonel Ben Byrne and Comdt. Mick Hehir as their representatives in all future discussion with the Commander-in-Chief.<sup>82</sup> It was alleged by McGrath and the mutineers that Mulcahy agreed to arrange a meeting between the dissident officers and the Quartermaster-General, O'Murthuile, a leading figure in the I.R.B., for the purpose of securing representation for them on the governing body of the Brotherhood. However, the mutineers claimed that the promise was never carried out.<sup>83</sup>

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<sup>80</sup>Ibid.

<sup>81</sup>Ibid.

<sup>82</sup>Ibid.

<sup>83</sup>The Irish Independent, 19 May 1924; The Truth About The Army Crisis, with a Foreword by Major-General Liam Tobin Issued by the Irish Republic Army Organisation, Summerhill, Dublin, p.6. (Hereinafter cited as The Truth About The Army Crisis.)

Nothing more was heard from these pre-Truce officers until October of 1923 when they wrote Mulcahy requesting that he take action to prevent the demobilization of certain officers.<sup>84</sup> The Minister for Defence never replied. He considered this letter both improper and irregular and open to serious misinterpretation if read by anyone not familiar with the situation.<sup>85</sup> Mulcahy viewed any attempt to dictate who should or should not remain in the National Forces as a major breach of army discipline. Since June, Mulcahy's attitude toward the old I.R.A. had become more and more ambiguous. Despite his denials,<sup>86</sup> he was probably trying to placate the dissident officers until after the elections in August. This would explain his refusal to answer the letter of October, after the elections, despite his earlier cordiality. He was also likely under pressure from his colleagues, especially McGrath, to reach some agreement with the old I.R.A. men. Mulcahy himself claimed that the interviews were "distasteful to him and that the

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<sup>84</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>85</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/36, University College Dublin Archives, Dublin, Ireland.

<sup>86</sup>Ibid.



correspondence with the Tobin group was not profitable in any way.<sup>87</sup> Clearly the Minister for Defence was playing for time. He evaluated the threats of the old I.R.A. as being "the bluff of children" and did not think them" ... capable of organising an organisation that could do any damage."<sup>88</sup> Consequently, Mulcahy believed that the problem would work itself out when the reorganisation of the army was complete, when there would be definite positions with specific duties for each officer who would also be subject to strict army discipline. He felt that "the time was not opportune to face the problem direct in view of the military, political and financial situation then existing."<sup>89</sup>

By summer and early fall of 1923, G.H.Q. had acquired definite and detailed knowledge of the old I.R.A. Intelligence reports provided information on membership, arms and objectives.<sup>90</sup> Professor James Hogan, Director of Intelligence in August of 1923 wrote to the Chief of Staff, General Sean McMahon, warning him that officers were

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<sup>87</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>88</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/36, University College Dublin Archives, Dublin, Ireland.

<sup>89</sup>Ibid.; Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>90</sup>Costello, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

organizing throughout the country. He stated that:

These Officers have been asked to sit in judgment on the question of Army control and on their brother Officers. They have constituted themselves a final Court of Appeal. I submit that in any Army there can be but one line of authority, and that any departure from that leads to insubordination.<sup>91</sup>

Letters also reached Portobello Barracks, the headquarters of the army, concerning the attempt of the I.R.A. organisation to suborn officers. One such letter stated:

I have just been told that there is a movement being organised in the army by and among the I.R.A. men, which was described to me as mutiny against the replacement of I.R.A. officers by ex-Britishers and the reduction of the grade of the former.<sup>92</sup>

Moreover, although the Tobin group did not take credit for the Curragh Mutiny of November of 1923, those who had refused demobilization papers did claim to be members of the old I.R.A. Furthermore, Colonel Patrick Madden and Commandant Mullooly, the two officers who appeared as character witnesses on behalf of the rebellious officers and helped them with their defence were old I.R.A. men. According to the Judge Advocate-General, Major-General Davitt, the Tobin organisation was clearly interested in the defence of these men.<sup>93</sup> After the Curragh Mutiny, with

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<sup>91</sup>Professor Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/6, University College Dublin Archives, Dublin, Ireland.

<sup>92</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>93</sup>Davitt, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

the establishment of the Cabinet Committee on demobilisation, the leaders of the I.R.A. organisation claimed that they were given a guarantee by McGrath that their decisions would be binding on the Army Council. This is the substance of the communication that McGrath received from the President when he temporarily resigned from the Committee.<sup>94</sup> Clearly, the Tobin group was quite prepared to use the Curragh incident to their own advantage and took the opportunity to press their demands on the government through McGrath.

The problem of the old I.R.A. continued to simmer through January of 1924. Early in the year, word reached Portobello Barracks that the organisation intended to take direct action by seizing a number of barracks and rifles and issuing terms to the Government. G.H.Q. quietly took the necessary precautions, informed the commanding officers to prepare for trouble and relocated certain troops. Although nothing happened, the senior officers of the army were becoming concerned. In a memorandum to President Cosgrave, concerning the I.R.A. organisation, the Minister for Defence wrote: "The organisation may not be a very great danger but in the near future it can possible be a far greater danger than the Irregular one."<sup>95</sup>

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<sup>94</sup>The Truth About The Army Crisis, p.7.

<sup>95</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin Ireland.

Mulcahy informed the President that he also was concerned about the encouragement given the old I.R.A. by a certain Cabinet Minister, i.e. Joe McGrath. The Minister for Defence predicted that unless the Minister for Industry and Commerce disassociated himself from this group and turned over whatever information he had, the time would come when these officers would try to dictate unacceptable terms to the Government, raising the possibility of another civil war.<sup>96</sup> Mulcahy was of the opinion that "this Cabinet Minister thinks he is, or has, some control, over the organisation but he is only being made use of and as soon as his personal opinion conflicts with those in the Organisation, he will cease to have influence."<sup>97</sup> Although the Minister for Defence was critical of McGrath's handling of the re-settlement board for demobilised men, he pointed out to President Cosgrave that he, nevertheless, still supported both the Minister and the Executive and expected the same support for his department.<sup>98</sup> From this statement, so indicative of Mulcahy's mentality, the Minister for Defence was shown to be very much a party man. This attitude would later enable him to remain loyal to a government which would treat him and his senior officers so

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<sup>96</sup>Ibid.

<sup>97</sup>Ibid.

<sup>98</sup>Ibid.

shabbily not two months later.

Analyzing the state of the army, the Minister for Defence expressed apprehension over the problems of demobilisation and the maintenance of discipline. He reaffirmed his intention not to retain any officer who was unsuitable or did not have the proper attitude towards the military code of behavior. Decisions involving demobilization or discipline would be made by the proper army authorities. Interference by the Executive Council or any particular Minister, Mulcahy felt, should be made on the basis of a general principle that would be applicable to all cases, and could be stated in a memorandum. The Minister for Defence envisioned creating an efficient Army machine, subject to the highest standards. He prophetically foresaw one potential difficulty still to be overcome, "that these men must be weaned away from the idea and the use of arms."<sup>99</sup> Moreover, the large number of men that had to be reweaved into the fabric of normal life and "the fact that their temper is what it is, increases the desirability for taking them away from the Army and putting them back into civil life and increases also the responsibility that lies on that particular department [Industry and Commerce] to see that they are placed back into Civil life."<sup>100</sup>

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<sup>99</sup>Ibid.

<sup>100</sup>Ibid.

Consequently, Mulcahy had a discussion with the President and McGrath on January 26, 1923. According to the Minister for Defence, this meeting convinced him "of the soundness of my proposals relating to demobilisation etc. and that there was no element of danger in the situation."<sup>101</sup> Mulcahy claimed that his proposals for the army with respect to nominations and dismissals would have brought "matters to a head and I have no doubt in my mind that the whole position could then be satisfactorily dealt with and it would have been but for the interference and encouragement of certain politicians."<sup>102</sup> Perhaps Mulcahy was over-optimistic regarding his ability to control the old I.R.A. In any event, the divisiveness in the Cabinet was clearly a contributory factor. Although engaging in conduct unbecoming officers of the Free State Army, the mutinous organisation could at least hope for a sympathetic hearing in the Executive Council. Despite all the meetings and discussions, trouble was not avoided. Tobin and Dalton presented an ultimatum to the Cosgrave Government. It was mutiny. To many, it seemed like an invitation for a second civil war, an invitation that fortunately was ultimately declined by all sides.

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<sup>101</sup>Ibid.

<sup>102</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P/C/36, University College Dublin Archives, Dublin, Ireland.

## CHAPTER V

### THE MUTINY

The mutiny officially began on March 6, 1924, when Liam Tobin and Charles Dalton presented an ultimatum to the Cosgrave government. They demanded changes in the army and expressed their dissatisfaction with the direction the Free State had taken since the Treaty. Dressing their demands in the rhetoric of republicanism, the mutineers declared that they and the Irish people had accepted the Treaty only as a stepping stone to a republican form of government and that the government had betrayed this ideal. They demanded a conference with representatives of the government to discuss their interpretation of the Treaty and set the following conditions:

- (a) The removal of the Army Council
- (b) The immediate suspension of army demobilisation and reorganisation.<sup>1</sup>

If the government did not comply with these demands, they threatened to take appropriate action:

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<sup>1</sup>The Truth About the Army Crisis, with a Foreword by Major-General Liam Tobin, Issued by the Irish Republican Army Organisation, Summerhill, Dublin, p.12. (Hereinafter cited as The Truth About the Army Crisis).

In the event of your Government rejecting these proposals we will take such action that will make clear to the Irish people that we are not renegades or traitors to the ideals that induced them to accept the Treaty. Our Organisation fully realises the seriousness of the action that we may be compelled to take, but we can no longer be party to the treachery that threatens to destroy the aspirations of the nation.<sup>2</sup>

Tobin's letter was apparently handed to the President by Mr. McGrath at or about ten o'clock in the evening on March 6. The Minister for Defence was not informed until 10:30 the following morning.<sup>3</sup> Officers from throughout the country supported the mutineers. Many of them fled with arms and equipment. During the crisis, 49 officers resigned from the army in sympathy with the mutineers, including 3 Major Generals, 5 Colonels, 17 Commandants, 12 Captains and 12 Lieutenants.<sup>4</sup> Fifty officers absconded with war materials which included 11 Lewis guns, 21 Rifles, 1 Grenade Rifle, 35,400 rounds of .303 ammunition, 41 Grenades and 1 Revolver.<sup>5</sup>

On March 7, 1924, the Executive Council ordered the

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<sup>2</sup>Ibid.

<sup>3</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

<sup>4</sup>MacMahon, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/35, University College Dublin Archives, Dublin, Ireland.

<sup>5</sup>"Intelligence Report," 24 March 1924, Tobin Mutiny File, Mulcahy Papers, P7/C/196, University College Dublin Archives, Dublin, Ireland.



arrests of Tobin and Dalton.<sup>6</sup> A military search party visited several houses in Dublin, including the one of Mr. McGrath; but the two officers eluded capture. In protest against the decision of the Executive Council, the Minister for Industry and Commerce tendered his resignation to the President. However, he continued to fulfill his duties until March 19, 1924. In an interview with the Irish Independent newspaper, McGrath explained that he resigned because he " ... refused to be a party to starting a blaze which he believed would have consumed the country. He said that "he would not be a party to taking action against a body of men who were responsible very largely for the birth of the Free State and for its life since."<sup>7</sup> His action, he claimed, "saved the country from a catastrophe."<sup>8</sup> McGrath believed that the impact of his resignation both forced the government into a more conciliatory position and also had a moderating effect on the mutineers.

On March 10, 1924, the Minister for Defence released the following statement to the Press concerning the Mutiny:

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<sup>6</sup>Ireland, State Paper Office Dublin (Hereinafter cited as SPOD), Cabinet minutes, C2/60.

<sup>7</sup>The Irish Independent, 19 May 1924, p.5.

<sup>8</sup>Ibid.

Two Army officers have attempted to involve the Army in a challenge to the authority of the Government. This is an outrageous departure from the spirit of the Army. It will not be tolerated. Particularly will it not be tolerated by the officers and men of the Army who cherish its honour. They will stand over their posts and do their duty to-day in this new threat of danger in the same watchful, determined spirit that has always been the spirit of the Army.<sup>9</sup>

Apparently, however, the Executive Council was not as convinced as Mulcahy was that the spirit of the army was to be trusted. To handle the crisis, they appointed the Chief of the Civic Guard, Eoin O'Duffy, formerly a senior officer in the army, to the position of General Officer Commanding the Defence Forces of Sarostat Eireann.<sup>10</sup> In effect, they re-established the position of Commander-in-Chief for O'Duffy. In the Dail, President Cosgrave explained the new appointment as simply a strengthening of the personnel of the Headquarters Staff, part of the plan to deal with the threat of mutiny.<sup>11</sup> However, some members of the government believed it was necessary to appoint O'Duffy in order to avoid the appearance of a faction fight within the army itself. They felt that the leaders of the army had become tainted by their association with the I.R.B. and could not, therefore, effectively deal with the mutineers, the old I.R.A.

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<sup>9</sup>The Irish Independent, 19 May, 1924, p.5.

<sup>10</sup>Ireland, SPOD, Cabinet minutes, C2/62.

<sup>11</sup>Ireland, Dail Eireann, Official Report 6 (1924): 1896.

O'Higgins, in particular, advocated this policy.<sup>12</sup> Mulcahy, on the other hand, resented the appointment of O'Duffy, characterizing him as an outsider who was out of touch with the military.<sup>13</sup>

In the Dail, the President described the ultimatum as:

... a challenge which no Government could ignore without violating the trust conferred on it. ... The attempt, such as it is, is not against a particular Government, it is a challenge to the democratic foundations of the State, to the very basis of Parliamentary representation and of responsible Government.<sup>14</sup>

The President refused to discuss any of the political issues set forth in the document, viewing any such debate as indefensible. He claimed that "this Government had never discussed questions of politics with Army officers."<sup>15</sup> Considering the series of meetings which took place between the mutineers and members of the Executive Council, Cosgrave was obviously employing a very narrow definition of the word "politics". At best, the President's statement was misleading; at worst, a deliberate falsehood.

The Minister for Defence outlined for the Dail the military situation throughout the country. Incidents of officers absconding with arms had been reported in Roscommon,

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<sup>12</sup>Ibid., col.2218.

<sup>13</sup>Ibid., cols.2229-2230.

<sup>14</sup>Ibid., col.1896

<sup>15</sup>Ibid.

Gormanstown, Baldonnel and Templemore barracks. A small number of resignations had been received, especially in Dublin. Mulcahy's evaluation was that:

There is a certain atmosphere of threat, that a large number of officers throughout the Army are preparing to resign if the threat contained in the letter to the Government is not carried out; that they are prepared to set themselves up in arms in defiance against the Government is another threat. There is only one part of the country in which there are possibly any ramifications of any danger and this is the County Cork.<sup>16</sup>

The Chief of Staff was sent to Cork to stabilize that area, and a new Commanding Officer was appointed there.

The Minister for Industry and Commerce publicly repudiated the government's policy. Although he disclaimed any agreement with the Tobin-Dalton document, McGrath announced his resignation to the Dail, charging that the present crisis was "brought about by absolute muddling, mis-handling and incompetency on the part of a Department of State."<sup>17</sup> A full discussion on these charges was scheduled in the Dail for the next day. The military crisis generated a political crisis and the Government was forced to face both a potential revolt in the army and also dissension within Cumann na nGaedheal, as a series of party meetings would later demonstrate.

Cumann na nGaedheal party meetings were held at

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<sup>16</sup>Ibid., col.1900.

<sup>17</sup>Ibid., col.1897

various times throughout the army crisis,<sup>18</sup> with a "rather well regimented section within the Party giving a certain qualified support to the Mutineers."<sup>19</sup> Interestingly, despite their protestations about parliamentary government and the responsibility of the Executive Council to the Dail, the Government, practically speaking, treated the army crisis as an intra-party dispute, giving more information to and engaging in more discussion with its party members than with the Dail Deputies. In fact, Mr. Thomas Johnson, leader of the Opposition party, was not informed by the Executive Council immediately upon their receipt of the ultimatum and was given no information about the crisis until the Dail convened on March 11. As he told the Irish Independent: "I don't know any more about the business than I have read in the newspapers."<sup>20</sup> In the Dail, the Labour Party leader castigated the Government for its treatment of the Irish Parliament:

We read of a meeting of the Government Party which lasted five hours. No doubt matters affecting the State as a whole and the conduct of the Executive Council were under review at that party meeting. ... The Executive Council is not responsible to the Dail and to the country

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<sup>18</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/23, University College Dublin Archives, Dublin, Ireland.

<sup>19</sup>Ibid.

<sup>20</sup>The Irish Independent, 10 March, 1924, p.7.

for the government of the country, I make the assertion that much of this trouble has resulted from a failure to recognise responsibility to the Dail as distinct from responsibility to the Party.<sup>21</sup>

On March 11, a party meeting was called specifically to evaluate the Government's policy towards the mutineers. It lasted six hours and, from all accounts, McGrath was the star performer. Although Mulcahy was also present, he did not engage in any substantial debate with his colleague.<sup>22</sup> McGrath claimed that the mutiny was not a mutiny at all, but rather a dispute between two rival secret organisations, the old I.R.A. and the I.R.B. He charged that the staff at G.H.Q. had reorganised the Brotherhood and consequently "from that point of view, they were in exactly the same case as the mutinous officers, namely Major-General Tobin and Colonel Dalton, who organised another secret organisation."<sup>23</sup> McGrath had personally tried to bring the two groups together but had failed.<sup>24</sup> A lengthy discussion of the I.R.B., the old I.R.A. and the role of secret societies in the army ensued, which further strengthened the convictions of those who, like O'Higgins and his ally, Patrick Hogan, the Minister

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<sup>21</sup>Ireland, Dail Eireann, Official Report 6 (1924): 1987-1988.

<sup>22</sup>p. Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland.

<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

for Agriculture, already had begun to suspect that some changes in the army had to be made.

McGrath's position was that the government had misinterpreted the March 6th document. The mutinous officers were old friends, former comrades of the members of the Executive Council. They could not be expected to adhere to a strict disciplinary code under these circumstances. According to the Minister for Industry and Commerce, Tobin and Dalton wrote "to the friends and colleagues of yesterday, with whom they had consulted and agreed to accept the Treaty, demanding an interview to discuss what they considered a departure from the real Treaty position."<sup>25</sup> McGrath concluded that the Government over-reacted to the ultimatum solely out of the fear that the document might at some time be published.<sup>26</sup>

McGrath finally prevailed. The Party members agreed that the Minister should approach the mutineers and induce them to accept the following terms:

That the men concerned in the recent trouble in the Army undertake to undo, so far as they can, the mischief created by their actions, and on their so doing the incident will be regarded as closed.<sup>27</sup>

The exact meaning of this statement was later disputed by

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<sup>25</sup>The Irish Independent, 19 May, 1924, p.5.

<sup>26</sup>Ibid.

<sup>27</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2367.

the party members. McGrath claimed that he was given to understand that there would be no "victimisation," that the officers involved in the crisis would be reinstated once the terms of the agreement had been fulfilled and the manner of effecting their return had been arranged.<sup>28</sup> Some of his colleagues in the Cabinet disagreed and denied that any promises had been made or any "bargain struck" with the mutineers.<sup>29</sup> Instead, they claimed that they had only agreed to treat the men involved in the crisis in an "extraordinary fashion," that is, not to charge them with mutiny. Rather, they would provide the mutineers with a way out of their difficulties by offering them lenient terms and enabling them to retreat from the position of the ultimatum. Thus, the Cabinet hoped to avoid any further trouble.<sup>30</sup>

The mutineers stated that the Government and the Party, through McGrath, had offered them the following terms, which they had accepted:

(a) The setting up of a Committee of Enquiry into Army administration. In the event of this Committee finding for the removal of the members of the Army Council, they to be replaced by neutral officers who were not connected with either side.

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<sup>28</sup>Ibid.

<sup>29</sup>Ibid., col.2407.

<sup>30</sup>P. Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland.



(b) The personnel of the Army to be reviewed with the object of making it an I.R.A. Army. All men with active service records, even though demobilised, to be placed, so long as the Army estimates did not exceed 4,000,000 pounds.

(c) Suitable arrangements to be arrived at whereby all our officers and men would return to their posts with any arms removed from same, it being distinctly understood that there would be no victimisation. There were to be no further raids or arrests, and both sides were to co-operate in preserving order.<sup>31</sup>

In fact, on March 12, 1924, the Executive Council decided to institute a full enquiry into the administration of the army. The Minister for Industry and Commerce was to be consulted about the manner in which the investigation would be conducted. The Cabinet minutes state very clearly that the proposed enquiry was established because of the discussion in the Dail the previous day.<sup>32</sup> Obviously, this refers to McGrath's charges of muddling, mishandling and incompetency in the army. More than likely, this is partially true. The Government did want to avoid a full scale discussion in the Dail on the army and the promise of an inquiry would satisfy and silence McGrath. However, the Army Inquiry Committee was probably also a result of the party meeting and the bargain concluded with the mutineers. Further proof of this can be seen in the decision of the Executive Council at that same meeting to adopt a moderate position towards the mutinous officers. Whether McGrath misunderstood the intentions of the Government, whether he

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<sup>31</sup>The Truth About the Army Crisis, pp.13-14.

<sup>32</sup>Ireland, SP0D, Cabinet minutes, C2/64.

was deliberately misled or whether he pursued an independent policy is not clear. In any event, the Cabinet decided that those officers who had absconded with arms, when arrested, should be afforded the opportunity to restore the stolen property and, then, be released on parole. Furthermore, the cases of those officers who had resigned were to be individually reviewed by the Minister for Defence who would make recommendations to the Executive Council, who would decide what action should be taken.<sup>33</sup> This was certainly not, however, carte blanche reinstatement.

During the afternoon of March 12, Cosgrave announced to the Dail the government's intention to establish an Army Inquiry Committee. This had the desired effect on McGrath and he announced that he would make no further statement, neither elaborating nor corroborating the charges he had made the previous day against the Ministry of Defence. When the Dail resumed later that same evening, the President disclosed that he had received a second document from Tobin and Dalton rescinding the original ultimatum. These two officers stated that they had sent the earlier document "with the sole object of exposing to the Government and the representatives of the people what we consider to be a serious menace to the proper administration of the Army."<sup>34</sup> The mutineers went on to profess their loyalty and allegiance

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<sup>33</sup>Ibid.

<sup>34</sup>The Truth About The Army Crisis, p.14.

to the state, acknowledging the supremacy of civil authority over the military and deploring the detrimental effects of sections and organisations within the army which they realized tended to "sap allegiance from the only and proper constitutional authority, viz, the Government of the people which we fully recognise."<sup>35</sup> Tobin and Dalton concluded that they would be satisfied if their actions resulted in the army situation being corrected. No mention of the Treaty was made. The mutineers explained that this second document was written in return for the government's promises and was delivered to the President "to enable the Government to explain its change of front to the Dail and the public."<sup>36</sup>

Upon receipt of the second Tobin-Dalton letter, the government's official attitude toward the mutiny underwent a volte face. No longer was it a serious threat to the democratic institutions of the Free State. As of March 12, it was merely a foolish action, not to be taken at face value. The government's position was articulated by Kevin O'Higgins. Although acknowledging that the original ultimatum constituted "mutiny plus treason," the Minister for Home Affairs revealed that the Executive Council had determined that this document was merely a reaction against abuses and irregularities in the army. The mutiny had been

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<sup>35</sup>Ibid.

<sup>36</sup>Ibid.

germinating for some time and thus the need for an inquiry. The investigation into the administration of the army would decide the validity of the charges McGrath levelled against Mulcahy and his department. The other members of the Executive Council, according to O'Higgins, had been too preoccupied with their own Departments to have had "any intimate or detailed knowledge of Army administration, sufficient knowledge, sufficient information, to enable them to form a definite view as to whether the Minister for Industry and Commerce would be right in what he would say, or the Minister for Defence?"<sup>37</sup>

The Minister further explained that the government had been wrong in its original evaluation of the ultimatum. Although Tobin and Dalton might have used the parlance of mutiny, that was not what they really meant. He explained:

... if the document were taken at its face value it would be simply the Four Courts situation over again. It was represented to us that it need not be taken, and ought not to be taken, at its face value. ... We were told that these men, while they might have written a foolish, an almost criminally foolish document, were not really taking up the position of challenging the fundamental right of the people to decide political issues here, whether these issues be domestic or international.<sup>38</sup>

The Vice-President justified the government's new policy on the basis of enlightened pragmatism: "It is all opportunism, if you wish, but in the handling of national affairs,

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<sup>37</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2001.

<sup>38</sup>Ibid., cols.1997-1998.

and in the handling of very delicate situations, there must needs be opportunism."<sup>39</sup> Sometimes it was best not to be doctrinaire. O'Higgins pointed out that a special relationship existed between the army and the government because these men could claim responsibility for the birth of the Free State. Although this unique situation demanded a less rigid attitude on the part of the Executive Council, the Cabinet, without question, would not allow any challenge to the authority of Parliament and the supremacy of the people to go unanswered.

The Deputies were not satisfied with the government's explanation. Serious charges had been levelled against a Department of State and they wanted further information. They were not content to wait for the proposed inquiry, about which they had been given no details. Furthermore, the Dail deputies demanded to know more specifically about the government's handling of the mutiny. What was the current status of the officers involved? What action did the government propose to take against them? This was especially important since they were still in possession of stolen arms and equipment, despite the protestations of loyalty and good intentions contained in the second letter.

The Government refused to elaborate. Concerning the proposed inquiry, the President merely said that the details had not yet been decided. He did not say whether

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<sup>39</sup>Ibid., col.2000.

the officers involved in the crisis would be retained in the army, nor did he offer any idea as to how the Government intended to deal with these men. Cosgrave simply ignored Mr. Johnson's query as to why Tobin and Dalton were still using their military titles. All that O'Higgins said, regarding the cause of the mutiny, was: "Steps were taken to deal with that situation; immediate steps. Steps are still being taken to deal with that situation."<sup>40</sup> No one from the Government benches mentioned any kind of negotiations or arrangements made with the mutineers, either directly or through an intermediary. O'Higgins did not disclose who informed the government of the real attitude of the mutineers, that the ultimatum was not to be taken at face value. Moreover, Cosgrave even claimed he did not know how the second document came into his possession.<sup>41</sup> All the Ministers totally neglected the role of McGrath. Obviously, one suspects that President Cosgrave received the second document from McGrath and simply thought it politic at this point not to involve directly one of his Ministers of State in the mutiny. All in all, the actions of the government were reminiscent of the worst features of political back-room dealings. As an editorial in the Irish stated:

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<sup>40</sup>Ibid., col.1996.

<sup>41</sup>Ibid., col.2018.

Mutiny is mutiny, and, with all respect for Kevin O'Higgins, who must have been acutely uncomfortable yesterday, twenty-four hours cannot change it into a merely frank expression of military discontent, not even twenty-four hours of treatment in the secret alembic of the Cumann na nGaedheal.<sup>42</sup>

McGrath's role as the self-appointed mediator between the mutineers and the Government managed to be both obscure and ubiquitous. His friendship with the mutineers dated back to their common association with Collins and his Squad during the Anglo-Irish war. He was partially motivated by a sincere desire to help his former comrades attain suitable positions and to avoid trouble. While viewing himself as a peacemaker, he over-estimated the number of followers of Tobin and Dalton and their influence on the army.<sup>43</sup> It is also likely that he had personal ambitions and visions of acceding to power as head of a new party or as a strong force in a coalition.<sup>44</sup>

Although the government elected not to mention McGrath's role in the army crisis, G.H.Q. was kept fully informed as to his activities. Intelligence reports indicated that "the entire situation turns on Joe McGrath. He is in complete control of the organisation, through Tobin etc. and both he and they are of the opinion that he holds

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<sup>42</sup>The Irish Times, 13 March 1924, p.6.

<sup>43</sup>Interview with Lt.-Gen. M.J. Costello, Dublin, Ireland, 8 September 1975.

<sup>44</sup>"Intelligence Report," 1 April 1924, Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

the 'ship hand' in the Government. ... McGrath says he is sorry he did not demand more. He is hailed as the 'big man.'<sup>45</sup> Consequently, the Intelligence unit kept a close watch on the Minister for Industry and Commerce. It followed his activities so carefully that when, on March 16, the army authorities arrested one of the mutineers, Captain George Ashton, and the possibility of trouble arose, it was able to report on the Minister's telephone conversation with the President and the Vice-President. That evening, McGrath called Cosgrave, who was ill and unable to come to the phone. Then he telephoned O'Higgins and informed him that Ashton's arrest would create trouble "unless it was seen to."<sup>46</sup> O'Higgins asked him why he did not approach Mulcahy. Eventually McGrath agreed to call the Minister for Defence. Obviously, the army was taking the mutiny much more seriously than the government and was zealously, perhaps over-zealously, trying to guard against any unforeseen developments.

McGrath was also involved in the government's discussions concerning the terms to be offered the mutineers. Mulcahy had suggested that, due to the similarity of their statements, the resignations of officers from various parts of the country were part of a conspiracy which "did not

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<sup>45</sup>"Daily Summary of Intelligence," 14 March 1924, Mutiny Intelligence, Mulcahy Papers, RM 50/13/15, University College Dublin Archives, Dublin, Ireland.

<sup>46</sup>Ibid., 16 March 1924.



intend to confine itself to resignation alone."<sup>47</sup> Therefore, the President should immediately accept these resignations, and not give them the opportunity to reconsider. Furthermore, Mulcahy thought that those officers who had left their posts or were absent without leave should be charged with a suitable offence as part of a conspiracy to mutiny. Pending the investigation of a court martial, they would be allowed out under open arrest. For those officers who had absconded with arms or taken other definite action, the Minister believed that they should not only be charged, but also held under close arrest until they returned the stolen material. Only then would he consider their being allowed out under open arrest.<sup>48</sup>

However, after the President consulted with McGrath, Mulcahy and O'Duffy, the Executive Council decided on more lenient terms. Cosgrave communicated this to McGrath,<sup>49</sup> and Mulcahy informed the senior officers of the army. In a memorandum dated March 18, to the Chief of Staff, the Adjutant-General, and the Quartermaster-General, the Minister for Defence informed them that the mutineers were to be dealt with, "from the point of view of arrest on the lines indicated:

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<sup>47</sup> "Memorandum," 15 March 1924, Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

<sup>48</sup> Ibid.

<sup>49</sup> Ireland, SPOD, Cabinet minutes, C2/67.

1. By Thursday, the 20th instant at 6 p.m. all arms and equipment removed from barracks to be returned to the place or places from which they were taken.
2. Persons concerned in the removal of such material to surrender at the place from which such material was taken to the officer now in charge of that place.
3. After such surrender on presenting parole to the officer in charge such parole will be accepted, and the persons concerned allowed out under open arrest.
4. Absentees from duty shall also surrender by 6 p.m. on Thursday, the 20th instant, and on their parole being presented, it will be accepted. They will be allowed out under open arrest.
5. Thursday is only mentioned as a convenient date to allow a certain amount of time, but it is desirable that no delay should be occasioned in giving effect to the terms of paragraphs 1,2,3, and 4.<sup>50</sup>

What the government intended to do with the men who surrendered is not clear. The orders from the Adjutant-General to the G.O.C.'s referred to an investigation of charges and a trial by court martial.<sup>51</sup> However, McGrath, while denouncing the government's terms as being "deliberately framed to make it as bitter as possible for those men to swallow," claimed that he told the mutineers that "they would have to surrender their arms and to go through whatever machinery was necessary to maintain discipline in the Army and to get back to their positions and to do what they could in restoring the status quo."<sup>52</sup> Thus, McGrath

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<sup>50</sup>"Memorandum," 18 March 1924, Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

<sup>51</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

<sup>52</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2370.

interpreted the government's position as being that, although some type of disciplinary action would be brought against these men, they would be reinstated. What is clear is the intention of the Executive Council to have the officers involved in the mutiny turn themselves in voluntarily as soon as possible and thus avoid any precipitous action on either side.

Meanwhile, General Eoin O'Duffy had become dissatisfied with his new position as General Officer Commanding the Defence Forces. O'Duffy was unclear about his exact status and uncertain as to what was his relation to the Defence Council and the Executive Council, and whether he was empowered to form an advisory committee of the G.O.C.'s. The Cabinet discussed these issues and decided that O'Duffy could become a member of the Defence Council if he so desired, that the Minister for Defence would arrange for him to see the Executive Council when necessary and that, although he was free to consult with any or all of the Commanding Officers, he should not refer to them as a Council.<sup>53</sup> On March 14, the Government enlarged O'Duffy's responsibilities by also appointing him Inspector-General of the Defence Forces. Cabinet minutes reveal that a lengthy discussion was held concerning his powers, duties and functions, and that "it was arranged that a formal statement of these powers etc. should be prepared by the Attorney-General in

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<sup>53</sup>Ireland, SPOD, Cabinet minutes, C2/63.

consultation with the Minister for Defence and that the necessary instructions should be issued by the latter to the Army."<sup>54</sup>

O'Duffy was not satisfied. In a letter to the President, he described his position as "obscure," and claimed he had found he had not sufficient power. He said that he understood that it was the Executive Council's intention that he "should be responsible to the Minister for Defence for the Defence Forces, and ... should have full authority and control over every Department and Service of the Army."<sup>55</sup> Now it appeared to him that he did not have such authority. If he was not given the necessary power, O'Duffy threatened to resign and return to his position as Commissioner of the Civic Guard. The Executive Council, therefore, decided on March 18 that:

A statement prepared by the Attorney General setting out the functions of the Inspector General was considered and approved and it was ordered that it be gazetted immediately.

An outline of the powers and functions of the G.O.C. of the Defence Forces having been agreed on, it was arranged that the Minister for Defence and the Attorney-General should prepare a formal statement of these powers etc. and submit it to the Executive Council at its Meeting on the following day.<sup>56</sup>

General O'Duffy was to be consulted before any final

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<sup>54</sup>Ireland, SPOD, Cabinet minutes, C2/65.

<sup>55</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/195, University College Dublin Archives, Dublin, Ireland.

<sup>56</sup>Ireland, SPOD, Cabinet minutes, C2/67.

statement was issued. The exact status of O'Duffy on March 18 is important because it was the cause of controversy between the Cabinet and Mulcahy. During the evening of March 18, the Minister for Defence approved military action against the mutineers. Mulcahy later claimed that he took this step (subsequently referred to as the Parnell Street raid,) without consulting O'Duffy because his official position had not been formalized.<sup>57</sup> In this confusion, two things are evident: 1) that it was the intention of the Government that O'Duffy should handle the crisis, since he was brought back into the army for that very purpose; and 2) that, technically, whether O'Duffy was a functioning Commander-in-Chief, especially in view of his threatened resignation, was questionable.

General Headquarters had been informed that a meeting of mutinous officers was being held at Devlin's Pub in Parnell Street, an establishment formerly used by Michael Collins during the Anglo-Irish war. There is speculation that the purpose of the gathering was to stage a coup or formulate plans to kidnap the entire Cabinet.<sup>58</sup> Mulcahy himself may have been worried about the unpredictable nature of these men.<sup>59</sup> In any event, a party of nine soldiers was

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<sup>57</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2276-2277.

<sup>58</sup>Leon O'Broin, Revolutionary Underground (Totowa, New Jersey: Rowman and Littlefield, 1976), p.212.

<sup>59</sup>Interview with Col. Dan Bryan, Dublin, Ireland, 18 March 1975.

dispatched to the pub. Upon arrival, they ascertained that a number of armed mutineers were inside. Since the troops had no authority to raid the public house, they informed the officers inside that they would be arrested as soon as they came out and then telephoned the Adjutant-General, O'Sullivan, for further instructions. O'Sullivan ordered them to enter the pub, preferably without using force. Reinforcements were sent. The government troops surrounded the area, and evacuated the civilians. Upon entering the public house, they found that "the 'Mutineers' had barricaded the stairs and were evidently prepared to fight, as guns were plainly discernible in the dark."<sup>60</sup> Since a fight was likely, the Adjutant-General was again telephoned. He gave orders "to force the place" and arrest the entire party. Meanwhile, a number of the mutinous officers, possibly including Tobin and Dalton, escaped across the rooftops. The government forces then proceeded up the stairs where they found the mutineers concealed between two roofs. The mutineers called for the government troops to surrender. Colonel MacNeill, the officer in charge of the raid, countered with his own demand of unconditional surrender. After MacNeill agreed not to fire on the mutineers, they gave themselves up. Eleven officers were arrested. Seven revolvers, one automatic weapon and fifty rounds of ammu-

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<sup>60</sup>"Report on Operations-Parnell Street Area 18/19 March," Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

dition were confiscated. There were no casualties. Although no documents were found, a large quantity of paper had been torn up, indicating to the commanding officer that had the troops "arrived an hour later a very interesting 'bag' would have been got, as preparations for a meeting had been made in one of the rooms in Devlin's."<sup>61</sup> According to the mutineers, their officers surrendered because they realized the "seriousness of the situation" and were "unwilling to be a party to a new outbreak throughout the country which would have occurred if blood had been spilled."<sup>62</sup>

Sometime between the army's arrival at the pub at approximately 9:30 and the capture of the officers, some time after midnight, two of the mutineers unsuccessfully attempted to telephone various members of the government, excluding the Minister for Defence. They probably wanted to inform them of the army's presence and to ask them to call off the raid. Meanwhile, McGrath, accompanied by Mr. Dan McCarthy, T.D., had arrived at Devlin's and immediately called Eoin McNeill, the Minister for Education, to inform him of the army's action. McNeill then telephoned the Minister for Defence and told his secretary that a raid was in progress at the pub and that McGrath was there. The secretary offered to have Mulcahy, who was not available at

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<sup>61</sup>Ibid.

<sup>62</sup>The Truth About the Army Crisis, p.15.

that moment, call the Minister back; but McNeill declined, saying he was just passing on the information he had received. The secretary commented that it seemed that McNeill "wanted to wash his hands of the matter."<sup>63</sup> Interestingly, McNeill would later claim that the raid was more serious and more grave than mutiny.<sup>64</sup>

The prisoners at Devlin's pub were taken inside the public house. McGrath vigorously protested the army's action, claiming it was neither authorised by the government nor entirely legal since the raiding party only had warrants for the arrest of three of the men. The commanding officer informed the Minister that his instructions were to arrest the whole party and that a warrant was not necessary when officers were engaged in conduct prejudicial to good order and military discipline. The military report of the raid described McGrath as being "very disagreeable" and stated that he himself would have been detained save for the fact he was a member of the government and "under the influence of drink."<sup>65</sup> After the arrests had been completed, the report to G.H.Q. records the following:

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<sup>63</sup>Memorandum, Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

<sup>64</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2273.

<sup>65</sup>"Report on Operations-Parnell Street Area 18/19 March," Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.



"Mr. Joseph McGrath ... asked permission to stand the prisoners a drink - permission was not refused in the circumstances."<sup>66</sup> The Parnell Street raid, for all practical purposes, ended any real threat of mutiny. Attention now shifted away from the mutineers to the Army Council.

The Executive Council met in the morning of 19 March 1924. President Cosgrave was ill and thus not in attendance. The activities of the previous evening sparked a general debate on the army. The Cabinet concluded that the Parnell Street raid had violated government policy and, subject to the approval of the President, decided to ask for the resignation of the Chief of Staff, the Adjutant-General and the Quartermaster-General from their administrative posts and to recommend to the President that the Minister for Defence be removed. General O'Duffy was to be placed in complete control of the army.<sup>67</sup> Mulcahy, having left the Cabinet meeting to allow further discussion and thus unaware of his colleagues' position concerning his status, resigned in protest of the decision to dismiss his staff.

Mulcahy contended that the Parnell Street raid had been conducted in accordance with the Defence Forces Act, and even the Executive Council could not circumvent the law.

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<sup>66</sup>Ibid. It is interesting to note that when O'Higgins read this report to the Dail, he omitted, on the advice of Mulcahy, the description of McGrath as under the influence of drink. McGrath was obviously aware of the contents of the report and challenged the Minister to read it, claiming it was untrue.

<sup>67</sup>Ireland, SP0D, Cabinet minutes, C2/68.

The arrangement made with the mutineers did not have the effect of law. Rather, "it simply advised officers of a possible attitude that might voluntarily be adopted within the next few days by officers who had committed offences."<sup>68</sup> Subsequently, the Adjutant-General, speaking in his own defence before the Inquiry Committee, supported this position. He said: "I got no order not to arrest persons chargeable with any offence; I got a memorandum"<sup>69</sup>

In response to the Cabinet's decision, Generals O'Murthuile and O'Sullivan resigned both their administrative posts and their commissions. General MacMahon, who was in Cork at the time of the raid, refused to acquiesce unless the reasons for his dismissal were clearly and specifically stated. In a letter to Mulcahy, the Chief of Staff wrote:

I respectfully submit, Sir, that I will not resign as I consider that an apparently voluntary submission of my resignation would be equivalent to an expression of acquiescence in a policy that will ultimately involve the Army in a political crisis.

... I request ... that I be informed of the nature of my Military offence and afforded the opportunity, to which I am entitled, of refuting any such charge or innuendoes.<sup>70</sup>

Despite his protests, MacMahon's allegiance was never

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<sup>68</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

<sup>69</sup>O'Sullivan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/12, University College Dublin Archives, Dublin, Ireland.

<sup>70</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

seriously in doubt. When one of his officers suggested the possibility of G.H.Q. repudiating the government's measures, the Chief of Staff reprimanded him sharply.<sup>71</sup> However, because he refused to resign, the Government relieved him of his administrative post and withdrew his commission.<sup>72</sup>

MacMahon's letter exemplifies the difficulties that the Army Council was confronted with. Although its members were being slandered by unnamed accusers, vilified by rumour, sacrificed to gossip and dismissed without explanation, military discipline prevented them from retaliating.

MacMahon's resignation provides an insight into the relationship between O'Higgins and Cosgrave. The President wrote to the Executive Council requesting to know the exact circumstances which had made the dismissal of the Chief of Staff necessary. He also protested against learning about such decisions from the newspapers.<sup>73</sup> O'Higgins informed him of the particulars and added: "We quite agree with you that where possible major decisions should not be finally arrived at without some contact or consultation with you."<sup>74</sup> This correspondence reveals that Cosgrave was attempting to

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<sup>71</sup>Interview with Lt. Gen. M.J. Costello, Dublin, Ireland, 8 September 1975.

<sup>72</sup>Ireland, SPOD, Cabinet minutes, C2/71

<sup>73</sup>Ireland, SPOD, Army Mutiny File, S3678A.

<sup>74</sup>Ibid.

protect his prerogatives as President and was certainly not content to be a passive spectator in the crisis. It tends to contradict the interpretation that O'Higgins handled the army crisis and emerged as the strong man of the Cabinet,<sup>75</sup> and supports the view that O'Higgins' strength "has been exaggerated and Cosgrave's under-estimated."<sup>76</sup> Seemingly, no major decisions were made which Cosgrave did not approve of. If a power struggle was being waged within the Cabinet, the President was trying to keep the ambitions of O'Higgins in check. This view is further strengthened by an examination of a minor yet significant incident involving the President's decision to assume, upon Mulcahy's resignation, the portfolio of the Minister for Defence. With Cosgrave still not in attendance, the Executive Council, subject to the President's approval, decided that the following statement should be issued to the Press:

The President has decided, subject to the approval of Dail Eireann, to take up the duties of the Ministry of Defence. During the illness of the President, the Vice-President will act for him in that Ministry.<sup>77</sup>

After consultation with the President, the statement was amended to read:

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<sup>75</sup>Calton Younger, Ireland's Civil War (London: Fontana Books, 1968), p.582.

<sup>76</sup>Brian Farrell, Chairman or Chief (Dublin: Gill and Macmillan, 1971), p.24.

<sup>77</sup>Ireland, SPOD, Cabinet minutes, C2/69.

The President had decided, subject to the approval of Dail Eireann, to undertake the duties of the Ministry of Defence.<sup>78</sup>

In the Dail, the Government announced its dismissal of the Army Council. The ensuing debate itself was not very enlightening. Little or no protest, except for Mulcahy's speeches, was made over the firing of the three generals or the resignation of the Minister for Defence. However, the mutineers, their raison d'etre, their grievances, and their future received a great deal of attention. The men who put down the mutiny were being treated severely while the men who actually threatened the State were being petted and pampered. This anomaly resulted from the need of the Government and the Dail to assert their control over the leaders of the army, their fear of the power the army had accumulated during the civil war and the anti-military spirit which had developed as a reaction against the horrors, the excesses and even the very fact of the civil war. Moreover, the mutineers had a number of Deputies who were quite prepared

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<sup>78</sup>Ibid. Mrs. Mulcahy relates an interesting incident about O'Higgins' ambitions. She says that "At the time of the blow up when Dick resigned and he (O'Higgins) went to the trouble of telling him he would have had to resign in any case - he needn't have said that - but at that time ... Mrs. Cosgrave came to see me and she said 'O'Higgins is terrible' and more or less sympathised with me about Dick and then she said, 'he is after Willie, he wants Willie to resign.' I never heard any more after that about it. I think she gave me to understand that he came to see him and told him to resign and of course we both came to the conclusion that what O'Higgins wanted was to be the head of everything himself". Conversation between Hays and Mulcahy, 22 Oct. 1964, Mulcahy Papers, P7/D/78, University College Dublin Archives, Dublin, Ireland.

to press their case for them and to convince the Government and the Dail that the mutiny was merely a foolish reaction to the injustice and the abuses of the army. Mulcahy stood alone. The promise of an Army Inquiry Committee effectively precluded the possibility of an informative and detailed debate.

Kevin O'Higgins once again argued the case for the government. He began by reviewing the events of the army crisis and then stated that the Parnell Street raid, undertaken without the knowledge and consent of O'Duffy, appointed specifically to deal with the crisis, could have resulted in disaster. He explained that the Executive Council regarded the raid as:

... cutting across what was Government intention and Government policy with regard to an extremely delicate national position. But I do not want any Deputy nor any member of the general public to come to the conclusion that the resignation of certain high Army officers was demanded by the Government simply and solely as a result of last night's activities. That is not the situation. At a discussion which took place the day after this document was presented, the view was expressed at the Executive Council that this particular personnel was not the personnel to deal with a mutinous revolt.<sup>79</sup>

He justified the resignations as being in the best interests of the people and cautioned against interpreting the Government's action as a capitulation to the specific demand of the mutineers that the Army Council be dismissed. The Cabinet had reached its decision, in spite of the ultimatum,

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<sup>79</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2215-2216.

not because of it. Regardless of how valuable their past services had been to the State, and regardless of the validity of the charges against them, O'Higgins maintained that the members of the Army Council were no longer useful and thus had to be dismissed. He claimed that "these officers are no longer efficient in the Public Service, and have not a useful future before them in these three administrative posts."<sup>80</sup>

O'Higgins charged that the state of the army, racked by secret societies was not good. He felt that the army was not properly subject to impersonal discipline and that something in the nature of a sense of proprietorship had developed among members of the Army Council. O'Higgins then levelled a most serious accusation, charging that the Executive Council feared that "the Army was not unequivocally, unquestionably, without reserve, simply the instrument of the people's will."<sup>81</sup>

Although restrained by the promise of an Inquiry which he felt would be the proper forum for an examination of these matters, the ex-Minister for Defence defended himself and his staff. Mulcahy informed the Dail that he had resigned because he could not "stand over condoning mutiny to such an extent as to foster it and to prejudice discipline in the Army," and because he did not agree with the changes

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<sup>80</sup>Ibid., col.2219.

<sup>81</sup>Ibid., col.2217.

in the administration of the army, especially during the critical period of reorganisation.<sup>82</sup> With respect to the Parnell Street raid, he reiterated what he had argued in the Cabinet, that the Adjutant-General had simply been following the law and carrying out his responsibilities. The Executive Council had merely made suggestions as to the terms to be offered the mutineers. Neither he nor his subordinates could be so derelict in their obedience to the military code nor so lax in maintaining discipline so as to "allow officers, either by deserting their posts, or by taking away material belonging to the Army, or by engaging in a conspiracy that might have had disastrous results, to talk and meet openly and publicly in the streets or in the country."<sup>83</sup>

Mulcahy explained that he failed to consult O'Duffy because his position had not been formalized. He added that the new Commander-in-Chief's attitude had been that he "could not take up his responsibilities unless his position was defined, and he could not be expected to take up his responsibilities or issue orders until this was done."<sup>84</sup> His resentment of the appointment of O'Duffy, whom he considered out of touch with the Army, surfaced and he contended that someone from within the army should have been appointed.

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<sup>82</sup>Ibid., col.2225-2226.

<sup>83</sup>Ibid., col.2226.

<sup>84</sup>Ibid., col.2232.



Mulcahy emphatically denied the charges O'Higgins had made against the army, claiming that the attitude of the Executive Council was based on nothing but rumors and gossip. He defended his staff, pointing out that they had scrupulously kept themselves out of politics and had endeavored to mold a non-political and disciplined army, despite interference from certain members of the Cabinet. He revealed that the Adjutant-General and the Quartermaster-General had previously informed him that they intended to resign (probably because of growing criticism of their work and themselves) but that he had persuaded them to continue to perform their duties. Now they were being summarily dismissed without cause or explanation, simply "told to drop their pens and clear out."<sup>85</sup> In response to O'Higgins' accusation that the army was not an obedient servant of the State, Mulcahy pointedly reminded the Dail that it was only because the army was unquestionably obedient to the Government that the Cabinet dare dismiss the entire Army Council. He declared:

I say that it is an absolute mis-statement of fact, and if people were very concerned from that particular point of view, I suggest to the Dail they would not take the extraordinary steps that the Executive Council are taking to-day in removing the three principal officers of the Army.<sup>86</sup>

The ex-Minister for Defence then explained that the serious-

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<sup>85</sup>Ibid., col.2231.

<sup>86</sup>Ibid., col.2230.

ness of the situation had forced him to consider appealing to the Dail over the Party, but his respect for the Executive Council and his reluctance to interfere with their work prevented him from taking such action. He might have added that it was not in his nature to go against his own Party and its Government, unlike McGrath who seemed to suffer from none of these inhibitions.

During the course of the debates, the Government's attitude fluctuated. A controversy had arisen over the Cabinet's treatment of the officers arrested during the Parnell Street raid. They had been released on parole on March 21 after agreeing to the terms set forth by the government in the memorandum of March 18.<sup>87</sup> The Executive Council agreed to extend the deadline for the remaining officers to surrender. McGrath objected to this policy. He maintained that since the action of the army had violated the agreement made with the mutineers, the arrested men should have been unconditionally released. O'Higgins, however, disagreed. He argued that the detention of the prisoners was not a violation of the agreement even though their arrest may have been. He now claimed that "when it was undeniable that a mutinous revolt seemed imminent and seemed under Providence inevitable, it would not be a proper thing to release these prisoners without at least some assurance being given by them that they would not become leaders in

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<sup>87</sup>Ireland, SPOD, Cabinet minutes, C2/72.

any such mutinous revolt."<sup>88</sup> O'Higgins' position contradicted his own and his colleagues' earlier claims. If a "mutinous revolt seemed imminent," the army certainly would have been justified in raiding Devlin's pub. This new attitude reflected the true feelings of the government. The Executive Council had used the Parnell Street raid to rid itself of the Army Council and the Minister for Defence. Despite long standing problems, the raid was the immediate and forcing issue used to convince the Cabinet and the Dail to dismiss the senior officers of the army. The "worse than mutiny" act, the Parnell Street raid, was now being vindicated by the very people who six days earlier had condemned it.

McGrath and his supporters argued that the Government should reinstate the mutineers, that in fact, they had promised this if the officers would make amends. The mutinous officers had already begun to return the stolen arms and equipment, although to McGrath and not to their commanding officers, as proof of their "sincerity and good faith,"<sup>89</sup> and then resigning in protest at what they described as the "dishonesty, lack of faith and fair dealing" of the Government in extracting concessions from their "hostages."<sup>90</sup>

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<sup>88</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2363.

<sup>89</sup>The Irish Times, 25 March 1924, p.5.

<sup>90</sup>The Truth About the Army Crisis, p.15.

The Government in turn was quite prepared to accept their resignations with a friendly "'Go in peace, friend, as a civilian'" attitude.<sup>91</sup> McGrath viewed the government's attitude as a distinct and definite violation of both the spirit and substance of prior agreements. Although no one seemed particularly concerned with the three generals who had been unceremoniously dismissed, certain of the Deputies exhibited a great deal of sympathy for the mutineers, regarding them as misguided and mistreated officers. Such sentiment seems misplaced. The generals may have technically violated the spirit of government policy but only to quell a rebellion, not foment one.

Although O'Higgins publicly disclaimed any suggestion that the Executive Council in dismissing the Army Council had acquiesced to the mutineers, the appearance of surrender was strong, especially since the reorganisation of the army had been delayed,<sup>92</sup> partially meeting another of the mutineers' demands. As an editorial in the Irish Times pointed out:

Everybody will agree with Mr. O'Higgins that the establishment of discipline in the Army is a vital necessity; but most people, we think, will have much sympathy with General Mulcahy's position. Mutiny has been condoned, and resignation has been the fate of those responsible persons who refused to condone it. Soldiers are simple

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<sup>91</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2365.

<sup>92</sup>Ibid., col.2425.

men, but they can put 'two and two together.' The 'two and two' in this case are represented by the facts that the mutinous ultimatum demanded the removal of the Army Council and that the Army Council has been removed.<sup>93</sup>

The mutineers themselves felt that the dismissal of the Army Council was a justification of their actions.<sup>94</sup> Nevertheless, no serious repercussions resulted from the removal of the Council, no acts of revenge or retaliation by members of the army loyal to their leaders, a fact which must stand as a tribute to the work of the Army Council in molding an obedient and disciplined force.

The Army Mutiny of 1924 was the final echo of the Civil War. It represented the last vestige of the Volunteer mentality, of an independent political army. The situation caused by the mutineers precipitated a Cabinet crisis during which two Ministers resigned and it brought the conflict between O'Higgins and Mulcahy to a climax. Their antagonism had not been personal (O'Higgins had recommended Mulcahy to succeed Collins as chairman of the Provisional Government) but rather the result of differences in temperment, technique and personality. Each in his own way had been responsible for their differences and consequently the strain in the Cabinet.

O'Higgins was obsessed both with his belief that the army was inefficient and not disciplined, and with the alleged

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<sup>93</sup>The Irish Times, 20 March 1924, p.6.

<sup>94</sup>The Truth About the Army Crisis, p.15.

influence of the I.R.B. on its senior officers. His acquaintance with and knowledge of both were slight and thus he allowed himself to be affected by complaints and grievances, most of which were the natural result of massive demobilization and reorganisation. His fear and distrust of the I.R.B. stemmed from the fact it was a secret society. He misinterpreted the propaganda of the American wing of the Brotherhood concerning the necessity and desirability of a thirty-two county republic for Ireland, believing it representative of the Irish sector.<sup>95</sup> Moreover, he seemed unaware both of the very real problems which the army, because of its origins, had to overcome, and the significant progress it had actually made.

Mulcahy can be criticized for his insensitivity to the needs and fears of his civilian colleagues whose experience with the Irregular revolt had made them leary of the army's power. His failure to keep his colleagues totally informed, even though the demands of his office were overwhelming, was not only not politic but also created an atmosphere in which rumor and suspicion could flourish. Mulcahy resented criticism of and interference with his department. The Parnell Street episode exemplified his attitude of handling army affairs in his own way. His resentment of and failure to consult with O'Duffy gives

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<sup>95</sup>Interview with Lt. Gen. M.J. Costello, Dublin, Ireland, 8 September 1975.

credence to the view that Mulcahy continued, albeit unconsciously, to act as both the Minister for Defence and the Commander-in-Chief.<sup>96</sup>

The traditional interpretation of the mutiny has been that the decisive action of O'Higgins upheld the principle of civilian control of the army.<sup>97</sup> Although the events of the mutiny certainly reiterated and reinforced the authority of the government over the military, the policy of the Executive Council did not support this concept. Rather, it was the acquiescence of the Army Council in resigning at the request of the Cabinet. The Government's policy had been one of compromise, vacillation and inconsistency. Despite the excuses and allegations, the fact remains that the Cosgrave government was willing to come to terms with men who had threatened the State. The mutineers voluntarily resigned from the army; they were not court martialed. Only with respect to the three generals did the Cabinet act in a determined manner. By submitting their resignations on the demand of the government, and by appearing before the Army Inquiry Committee a few weeks later, the Army Council adhered to and upheld the principle that the Irish Army was subordinate to the Irish Government. If the Army Council had

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<sup>96</sup>Interview with Col. Dan Bryan, 18 March 1975, Dublin, Ireland.

<sup>97</sup>See, for example, F.S.L. Lyons, Ireland Since the Famine, and John A. Murphy, Ireland in the Twentieth Century.

defiantly refused to obey and had publicly argued that it was being sacrificed to the demands of the mutineers, it would have moved Ireland to the verge of another civil war, and raised the specter of a military dictatorship. The resignations of Mulcahy, MacMahon, O'Sullivan, and O'Murthuile were visible proof of their beliefs and set an important precedent vis-à-vis the role of the army in the Irish Free State. Their actions dramatically demonstrated their adherence to the precepts of democratic rule and to the right of the people to determine the direction of the State. The Civil War was finally over.



## CHAPTER VI

### THE ARMY INQUIRY COMMITTEE

To allay criticism and embarrassing questions and to satisfy the demands of McGrath and the mutineers, the government established the promised committee to investigate the recent disturbances in the army. It proved to be a highly effective device. By the time the Committee had issued its report in June of 1924, both the political and the military crises had been sufficiently defused to preclude any attempt on the part of Dail Eireann to reignite them.

The mandate of the Committee was "to enquire into the facts and matters which have caused or led up to the indiscipline and mutinous or insubordinate conduct lately manifested in the Army."<sup>1</sup> The terms of reference were expanded to include an investigation into the state of discipline and an evaluation of the charges of "muddling, mismanagement and incompetency in the administration of the army."<sup>2</sup> Ironically, the events of the mutiny itself were outside the scope of the Inquiry. The members of the Com-

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<sup>1</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2502.

<sup>2</sup>Ibid.:2502-2503.

mittee were: J. Creed Meredith, chairman, a judge who in the pre-1916 period had been one of Redmond's nominees to the Volunteer Executive; Gerald Fitzgibbon, a former deputy of the Dail; P. McGillian, Minister for Industry and Commerce, succeeding McGrath, D.J. Gorey, T.D., and Major Bryan Cooper, T.D., representing three of the major parties in the Dail, Cumann na nGaedheal, the Farmers Party and the Independents, respectively. The Labour Party refused to nominate anyone because its leadership felt that the inquiry should be a committee of the Dail, responsible solely to it, with all the power and stature such status would confer, and not merely a departmental committee appointed by the Executive Council.<sup>3</sup> The Committee as finally established by the government was severely handicapped. It had no power of subpoena, nor right to examine witnesses under oath. Moreover, the hearings were to be closed to the public.

Mulcahy and the three generals dismissed from the Army Council were not satisfied with these arrangements. In fact, when the government first announced its intention to hold an inquiry, the three senior officers wrote to Mulcahy requesting a public investigation:

We, Sir, by cause of our appointment, have had to suffer in silence the insinuations and innuendos that the Army has at its head Officers in whom there is not full confidence. We have also had, for the past year or more

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<sup>3</sup>Ibid.:2481-2842.

to suffer the interference with Army discipline, with utter disregard of consequences, displayed by certain Army Officers and others who have now, by threats of revolution and mutiny, created a situation unprecedented in the history of regularly governed countries.<sup>4</sup>

Consequently, they requested an inquiry in order "to be in a position to establish a case in public and to place the responsibility for these recent regrettable happenings on the proper shoulders regardless of what may be thus involved."<sup>5</sup> Mulcahy pressed the government for a public investigation under expanded terms of reference to delve into the actual events of the mutiny and which would be fully empowered to compel testimony under oath and assess responsibility. However, he did not agree to accept the Government's limited format in order to "see the nature of the evidence in black and white, and in order to give myself and the officers concerned in this inquiry an opportunity of putting down in black and white what we desire to put down."<sup>6</sup> Clearly believing that any investigation into the recent crisis and the charges made against the army would vindicate the Army Council, he wanted an opportunity to defend himself and his staff.

Thus, despite their dissatisfaction, Mulcahy and

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<sup>4</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

<sup>5</sup>Ibid.

<sup>6</sup>Ireland, Dail Eireann, Official Report 6 (1924): 2825.

the three generals represented by legal counsel, agreed to appear before the Inquiry. However, neither McGrath, who levelled the accusation against the Army Council, nor the mutineers, who precipitated the crisis, would testify before the Committee, despite the President's promise that there would be no victimisation,<sup>7</sup> and the Executive Council's decision that no criminal prosecution or charge would result from any testimony.<sup>8</sup> Because it lacked the power to subpoena, the Inquiry could not compel their testimony. The Tobin-Dalton group claimed that, since the government had broken previous agreements and had not dealt with them in good faith, to recognize and attend the Inquiry "after the lesson we had learned would have been to invite the authorities to fool us once again and to lend ourselves to the fooling of the nation."<sup>9</sup> McGrath tried to persuade them to participate, but failed. Therefore, the ex-Minister himself decided he could neither appear as their spokesman nor substantiate his charges against the Army Council without the corroborating testimony of the mutineers.<sup>10</sup>

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<sup>7</sup>Ibid.:2669.

<sup>8</sup>Ireland, State Paper Office (hereinafter cited as SPOD), Cabinet minutes, C2/81.

<sup>9</sup>The Truth About the Army Crisis, with a Foreword by Major-General Liam Tobin, Issued by the Irish Republican Army Organisation, Summerhill, Dublin, p.15. (Hereinafter cited as The Truth About the Army Crisis.)

<sup>10</sup>Ireland, SPOD, Army Mutiny File, S3678B.

The Committee held forty-one meetings, and examined twenty-seven witnesses. Its discussions ranged from the very serious charges of the Minister for Home Affairs to the complaint of an officer concerning the amount of swearing that went on in the army. Generally, the hearings dealt with four main topics: 1) the origins of the mutiny; 2) demobilization; 3) the role and status of the Irish Republican Brotherhood; and 4) the general condition of the army. After its investigation was completed, the Committee submitted an official report, subsequently published, to the Executive Council. In reality, however, there were two reports. The Chairman, Meredith, signed the published report subject to reservations. He submitted his reservations in his own draft report to the Cabinet, which was not published because it contained portions of the evidence presented to the Committee, which was not to be made public.<sup>11</sup> Meredith felt that he could in good faith sign the official report because it contained no positive statement with which he did not agree.<sup>12</sup> However, his unpublished conclusions went beyond the official findings and strongly criticized Mulcahy and his handling of the crisis. Nevertheless, although believing that Mulcahy may have been guilty of "mismanagement," he did not feel that the charges of "muddling or incompetence"

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<sup>11</sup>Ireland, SPOD, Cabinet minutes, C2/106 and C2/108.

<sup>12</sup>"Chairman's Draft Report," Mulcahy Papers, P7/C/41, University College Dublin Archives, Dublin, Ireland.

could be sustained.<sup>13</sup>

With respect to the genesis of the mutiny and the development of the old I.R.A. organisation, the Committee confirmed Intelligence reports of the period and the evaluation of General Headquarters on the Tobin-Dalton faction. The Committee felt that the men involved in the mutiny had been a problem even before the death of Michael Collins and that their grievances concerned their loss of power and position, which were exacerbated by the fact that some, at least, aspired to positions for which they were not qualified.<sup>14</sup> During the course of the hearings, the Committee learned that many of the officers participating in the mutiny had been involved in some of the most dangerous assignments of the Anglo-Irish war. However, although they may have been good "gunmen," they had difficulty accepting discipline and submitting to authority.<sup>15</sup> One witness even claimed that the strain of their war-time activities had caused them to suffer a kind of shell shock.<sup>16</sup> They naturally gravitated to

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<sup>13</sup>Ibid.

<sup>14</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.6.

<sup>15</sup>O'Sullivan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/12, University College Dublin Archives, Dublin, Ireland.

<sup>16</sup>Russell, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/29, University College Dublin Archives, Dublin, Ireland.

one another and formed an organisation based on a common sense of anger and frustration. They had looked upon Collins as their leader, spokesman and protector, and were antagonistic to the new leadership at G.H.Q.<sup>17</sup> In effect, the mutineers felt let down and left out.

The Committee heard conflicting testimony on the efficacy of the policy pursued by the Army Council once it became aware of the serious threat posed by the old I.R.A. Sean MacMahon, the ex-Chief of Staff, described how G.H.Q. viewed the potential mutineers:

We were aware of the existence of the Tobin Organisation and on January 1st we decided that the information we had as to their intentions was such that we could not have anything to do with them in the matter of parley, that our duty was to see that Army Officers were reasoned back to their simple Army allegiance; that the time must come when if it is not possible to do this, these Officers must be asked to resign from the Army, that the Army must be our first and last consideration.<sup>18</sup>

Professor Hogan criticized such a policy, maintaining that the members of the old I.R.A. should have been dealt with as soon as it became clear that these men were trying to seduce other officers away from their allegiance to the army and attempting to foment rebellion.<sup>19</sup> Mulcahy, in his defence,

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<sup>17</sup>Professor Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

<sup>18</sup>MacMahon, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/14, University College Dublin Archives, Dublin, Ireland.

<sup>19</sup>Professor Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

testified that once the reorganisation scheme had been completed, duties clearly allocated, and a greater opportunity to retrain officers available, the trouble would have evaporated. However, interference in the internal workings of the army and encouragement given by the politicians to the mutineers prevented this.<sup>20</sup> Such interference and encouragement were reoccurring themes throughout Mulcahy's testimony.

The Inquiry Committee vindicated the attitude of the Army Council with respect to the mutineers. It held that the old I.R.A. was a mutinous organisation bent on using the army for political purposes and engaged in conduct contrary to the dictates of military discipline. Specifically, the Report stated:

That the organisation of which they were members did not regard the Army as a non-political servant of the State, but as an engine to be used if necessary, and to be kept in a condition to be used, for that purpose or obtaining personal and political objectives. That they contemplated the use of the Army, so controlled for the purpose of imposing their views upon the Civil Government.

... They attempted to dictate to G.H.Q. and to the Government upon Army administration, putting forward claims as a group and relying upon their organised force in support of their contentions.

That their objects, and the methods by which they desired and attempted to achieve them, were wholly incompatible with discipline and the obedience which an Army must render to the Government of any Constitutional State.<sup>21</sup>

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<sup>20</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

<sup>21</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.6.



However, Chairman Meredith strongly criticised Mulcahy's attitude in his dealings with the mutineers during the summer of 1923. Overall, the Chairman believed that Mulcahy did not handle the problems of the old I.R.A. officers "in a direct and straightforward manner."<sup>22</sup> He felt that Mulcahy should have been more sympathetic to the grievances of the members of the old I.R.A. and that his behaviour toward them was inconsistent and misleading. Meredith claimed that the written assurance which Mulcahy gave the mutineers<sup>23</sup> created the impression that he "was willing, at least in his private capacity, to go behind the back of the Cabinet and join hands with an [mutinous and political] organisation ... and assist the organisation in getting control of the Army for a particular purpose."<sup>24</sup> Furthermore, Mulcahy's subsequent failure to answer the specific demands of the old I.R.A. led them to believe they had been "tricked", caused them to feel "exasperated," and intensified their sense of grievance.<sup>25</sup> Meredith also derided Mulcahy for not being sufficiently appreciative of the serious problem posed by the mutineers and for not antic-

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<sup>22</sup>"Chairman's Draft Report," Mulcahy Papers, P/7/C41, University College Dublin Archives, Dublin, Ireland.

<sup>23</sup>See Correspondence of 25 July 1923, Chapter 4, pp.149-150.

<sup>24</sup>"Chairman's Draft Report," Mulcahy Papers, P/7/C41, University College Dublin Archives, Dublin, Ireland.

<sup>25</sup>Ibid.

ipating trouble. Although believing that, once the old I.R.A. came into existence, mutiny was basically inevitable Meredith felt that Mulcahy's handling of the situation "in his own way" was not calculated to reduce the threat but rather to increase it. He charged that, given all the circumstances, "it is impossible to exonerate General Mulcahy from all blame in respect of his handling of the admittedly difficult problem of dealing with the I.R.A. Organisation and the group that promoted it. There was mismanagement on his part."<sup>26</sup>

Meredith's criticism of Mulcahy is only partially valid. The attitude of the ex-Minister for Defence toward the potential mutineers was ambiguous, and to a degree, inconsistent. With two months hindsight, Meredith had no trouble arguing that a different course would have been wiser. However, Meredith's analysis and judgment of Mulcahy's action, displays a distinct lack of understanding of the climate of the times and the history from which the army emerged.

Mulcahy's dealings with the old I.R.A. paralleled, to a large extent, Collins' meetings with the Irregulars prior to the Civil War, both men entering into negotiations to preserve army unity. Mulcahy himself alluded to the tragedy of the Civil War when he told the representatives of the mutineers that he wished to keep open the lines of

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<sup>26</sup>Ibid.

communication, having witnessed the disaster which resulted from the breakdown in negotiations in 1922.<sup>27</sup> Moreover, the timing of the crisis, closely following the conclusion of the Civil War, in an atmosphere permeated with violence and punctuated by a quick readiness to resort to the gun, must have influenced Mulcahy's actions and reactions. Understandably, the Commander-in-Chief would have wanted to avoid a showdown by stalling for time. This strategy was also designed to give the reorganisation plan itself an opportunity to smooth over the difficulties. In stating in his report that "if you have a cause you can stand over, the time is always ripe to face problems in a direct and straightforward manner,"<sup>28</sup> Meredith displayed an acute lack of awareness of the political and military realities of the situation. Maintaining stability, the upcoming elections and pressure from his Cabinet colleagues were all factors contributing to Mulcahy's attitude and actions towards the old I.R.A.

Meredith's charge that Mulcahy was guilty of complicity with and gave his approval to the mutineers because of his written assurance is unfair. Mulcahy, not unlike most other nationalists of the time, in all likelihood, did

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<sup>27</sup>Tobin Mutiny File, Mulcahy Papers, P7/C/195, University College Dublin Archives, Dublin, Ireland.

<sup>28</sup>"Chairman's Draft Report," Mulcahy Papers, P7/C/41, University College Dublin Archives, Dublin, Ireland.

ultimately desire a totally free and independent Ireland. To admit this, however, is not to say that he would have used his position or person, in any way, to effect such a change. He himself clearly stated that this was a personal and not a Ministerial feeling. Mulcahy's view that the army was a non-political servant of the state not only was a constant theme in his speeches and correspondence but was also certainly supported by his actions. To suggest otherwise is at best a gross misrepresentation of his position.

In examining the problem of demobilisation, the Committee stated: "We believe that in all the circumstances the Army Council honestly endeavoured to deal fairly with the question of demobilisation."<sup>29</sup> In light of the testimony presented, it concluded that the process of demobilisation was fraught with difficulties and complications. The large number of men who were to be released, the high rate of unemployment, the claims of pre-Truce soldiers, the problem of territorial rivalries, and the transition to a peace-time force were all factors which were calculated to increase the pressure and tension which normally accompanies mass demobilisation. In addition, the Committee cited "the fact that the interval between the cessation of hostilities and the promulgation of a demobilisation scheme gave opportunities for the development of a certain amount of organised

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<sup>29</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.5.

opposition to demobilisation," and that sufficient time had not been available to develop a "non-political and purely soldier type of mind in the Army," as factors which helped put a severe strain on Army administration.<sup>30</sup> The Committee believed that the first overt act of mutiny was the refusal of a group of officers at the Curragh to accept their demobilisation papers. Although not of the opinion that this caused the later mutinous acts, the Committee felt "it may have influenced subsequent mutineers by producing the impression that mutinous conduct would not be severely punished."<sup>31</sup>

With respect to the retention of ex-British soldiers in the army, one of the constant complaints of the old I.R.A., the consensus of the testimony was that this issue had been used for propaganda purposes and had become a rallying point for the dissidents, a common grievance around which otherwise disparate individuals could unite.<sup>32</sup> General MacMahon provided the Committee with some interesting statistics. According to him, the number of ex-officers from other armies who had been retained in the army was 155, 80 of whom had

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<sup>30</sup>Ibid.

<sup>31</sup>Ibid., p.8.

<sup>32</sup>Costello, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland; Russell, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/29, University College Dublin Archives, Dublin, Ireland; Professor Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

had pre-Truce service. Of the remaining 75, 40 were technical officers with specialized skills, such as medical or legal training. Furthermore, MacMahon estimated that before reorganisation, the army had been composed of approximately 25 per cent post-Truce and 75 per cent pre-Truce officers. After reorganisation, approximately 90 per cent were pre-Truce officers and only 10 per cent post-Truce.<sup>33</sup> Problems seemingly existed with the type of individuals who were being retained, some of whom may have been associated with the British forces during the Anglo-Irish war. The Committee concluded that the old I.R.A. "regarded it as essential that the Army should be officered and controlled by men of, or in sympathy with, their views and especially that ex-British officers be eliminated."<sup>34</sup>

With respect to the general issue of demobilisation, Meredith agreed with the finding of his colleagues. However, he strenuously objected to Mulcahy's dealings with the Cabinet Committee on demobilisation, which had been set up following the trouble at the Curragh. He felt that the Minister had not given the applicants the special consideration they were promised, but rather, Mulcahy had dismissed them as being "surplus," after having delayed discussion in

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<sup>33</sup>MacMahon, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/35, University College Dublin Archives, Dublin, Ireland.

<sup>34</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.6.

the Cabinet Committee by waiting until the final reorganisation scheme had been completed before sending the committee members the appropriate files. Consequently, the final lists of officers to be retained, demobilised or placed on reserve was completed before any action could be taken by the Cabinet Committee. Although the Executive Council had the power to prevent publication of the scheme, any delay in dealing with this most pressing issue would have been dangerous. In effect, Mulcahy thwarted the intentions of the Executive Council in setting up the Committee.<sup>35</sup>

Meredith disputed Mulcahy's claim that the mutiny would never have developed in the manner in which it did but for the interference and encouragement given the officers by certain politicians. The Chairman believed that both McGrath and O'Higgins, as members of the Council of Defence and the former as a participant in the demobilisation committee, merely acted in accordance with their specified duties. Meredith viewed Mulcahy's charge of interference as "unproved and ungenerous" and exonerated McGrath as being a "well-intentioned peacemaker," editorializing that "well-intentioned peacemakers do not generally fare well in this country, and Deputy McGrath seems only to have suffered the usual fate

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<sup>35</sup>"Chairman's Draft Report," Mulcahy Papers, P7/C/41, University College Dublin Archives, Dublin, Ireland.

of those who try to throw oil on the troubled waters."<sup>36</sup> <sup>215</sup>  
This was an extremely kind, if not naive, analysis of McGrath's role. Although an active peacemaker, McGrath was also a spokesman for the mutineers, providing them with a direct line to the Executive Council, and the political leader of a group which included the mutineers themselves and their vocal supporters. Meredith obviously chose to ignore McGrath's healthy political ambitions. Similarly, the Chairman does not condemn O'Higgins' relationship with a disgruntled officer which took place without the knowledge of the Minister for Defence and certainly was outside the accepted code of military conduct.<sup>37</sup>

The role of the Irish Republican Brotherhood and its influence on the army was a particularly interesting and illusive thread which the Committee attempted to untangle. The role of the I.R.B. had been tangential to the events of the army crisis. The old I.R.A. had considered itself a rival organization to the Brotherhood and had, in their original ultimatum, singled out the Army Council for dismissal because they believed it was the center of a revitalized I.R.B. Moreover, one of the reasons the government decided that the leaders of the army were no longer useful and not able to deal with the mutineers was that its members were associated with the I.R.B. Given the origins of the army

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<sup>36</sup>Ibid.

<sup>37</sup>See below, p.232.



and the role the Brotherhood had played in the liberation movement, it was natural that the officers would also have been members of the I.R.B. However, the Committee's judgment was that, although there would have been no mutiny but for the existence of the I.R.A. organisation, "its activities were intensified by the revival or reorganisation of the I.R.B. with the encouragement of certain members of the Army Council, the lack of confidence and want of intercourse between these two sections of Army officers, and the failure of both to appreciate their position as servants of the State."<sup>38</sup>

The status of the Brotherhood was a central issue for the Army Inquiry Committee. The I.R.B., like the rest of the country, had been divided over the Treaty and was badly, if not, fatally, split during the Civil War. Current historical opinion is that "from February 1922 the I.R.B. as a national organisation ceased to function."<sup>39</sup> Because its Supreme Council failed to act decisively during the crisis period, the revolutionary movement began to disintegrate, a process foreshadowed by the earlier action of the I.R.B. in abdicating its traditional claims that its Supreme Council was the legitimate government of the Republic and its head, the president of such a government. Obviously, its new

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<sup>38</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.6.

<sup>39</sup>John O'Beirne-Ranelagh, "The I.R.B. From the Treaty to 1924," Irish Historical Studies, 20 (March 1976): 32.

position reflected the changing political situation in Ireland with the establishment of Dail Eireann. However, political initiative and hence political control had now passed from the I.R.B. to the Dail.<sup>40</sup>

Meredith cited Sean O'Murthuile, Quartermaster-General, as the "prime mover" in reorganizing the Brotherhood.<sup>41</sup> After Collins' death, O'Murthuile, as Secretary of the Supreme Council, called a meeting of the senior members of the I.R.B. In August of 1922, O'Murthuile was not yet Quartermaster-General but rather Commandant of Kilmainham jail. In a letter to Mulcahy, he requested that the Commander-in-Chief meet him at the Adjutant-General's office, Portobello Barracks, "to consider certain questions in connection with the organisation and the death of the late Commander-in-Chief."<sup>42</sup> O'Murthuile felt that certain documents which had been in Collins' possession should be secured. He explained to the Committee:

I felt that I was the person to move in the matter of winding up General Collins' affairs in as far as they were concerned with the matters that we had joint responsibility in, and on August the 31st, 1922. I asked a few of his Colleagues to meet me to discuss the

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<sup>40</sup>Ibid., pp.31-32.

<sup>41</sup>"Chairman's Draft Report," Mulcahy Papers, P7/C/41, University College Dublin Archives, Dublin, Ireland.

<sup>42</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

situation, to take over his I.R.B. papers, etc. nothing whatever was done except to secure that all documents were preserved and the conditions of things noted for reference later.<sup>43</sup>

The Inquiry discussed the propriety of an officer sending this type of letter to his Commander-in-Chief. Mulcahy defended such action by saying that it was merely a circular form letter sent to all those who would attend the meetings, implying no disrespect.<sup>44</sup> However, Meredith believed that, regardless of the form and intent, such a letter must, to a certain extent, have impaired authority.<sup>45</sup>

The Committee heard conflicting evidence on the re-organisation or resurrection of the I.R.B. Those opposed to the Army Council, in particular O'Higgins and Patrick Hogan, the Minister for Agriculture, maintained that the Brotherhood had died after the conclusion of the Anglo-Irish war and that it should have been left in its moribund state.<sup>46</sup> Hogan went so far as to say that reviving the I.R.B. was mutiny because "anything that weakens the allegiance that the

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<sup>43</sup>O'Murthuile, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/13, University College Dublin Archives, Dublin, Ireland.

<sup>44</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/36 University College Dublin Archives, Dublin, Ireland.

<sup>45</sup>"Chairman's Draft Report," Mulcahy Papers, P7/C/41, University College Dublin Archives, Dublin, Ireland.

<sup>46</sup>P. Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland; O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/23, University College Dublin Archives, Dublin, Ireland.

soldier bears to the Government is mutiny, and all the more seriously if done officially."<sup>47</sup> O'Higgins told the Committee that he heard of efforts to revive the Brotherhood being made at meetings of officers from various parts of the country held at Portobello Barracks under the chairmanship of O'Murthuile. However, when he confronted the Minister of Defence with this information during a Cabinet meeting, Mulcahy denied it and also disputed O'Higgins assertion that the Headquarters' Staff was practically the "inner" or "upper" circles of the society.<sup>48</sup> In addition, O'Higgins further charged that the I.R.B. was revitalized to combat the old I.R.A.<sup>49</sup>

The Army Council emphatically denied that the I.R.B. had ever ceased to function.<sup>50</sup> Admittedly, a reorganisation of the Brotherhood had occurred sometime between the end of 1922 and the beginning of 1923, but this had been necessitated by the existing military situation. When the Army Council realized that the Irregulars were attempting to take over the organisation and use the weight of its historic

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<sup>47</sup>P. Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland.

<sup>48</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/23, University College Dublin Archives, Dublin, Ireland.

<sup>49</sup>Ibid.

<sup>50</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

appeal and traditions for their own purposes,<sup>51</sup> the senior members of the Organisation agreed that steps had to be taken to consolidate their position in order to insure that the Brotherhood would remain in the hands of those loyal to the State.<sup>52</sup> Reorganisation thus took place not to exclude the officers of the old I.R.A. nor as a counter-organisation, but to safeguard it against Irregular control, to preserve its tradition in the best interests of the Free State.<sup>53</sup> Recent historical research supports this view.<sup>54</sup> Moreover, Mulcahy stated that there were never any I.R.B. meetings attended only by army officers and that "no member ever attended any meeting in his capacity as Army Officer."<sup>55</sup>

Because of the delicate political situation, the leaders of the Brotherhood chose not to involve, in their

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<sup>51</sup>O'Murthuile, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/32, University College Dublin Archives, Dublin, Ireland; Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/36, University College Dublin Archives, Dublin, Ireland.

<sup>52</sup>O'Murthuile, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/32, University College Dublin Archives, Dublin, Ireland.

<sup>53</sup>O'Sullivan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/12, University College Dublin Archives, Dublin, Ireland.

<sup>54</sup>See, for example, John O'Beirne-Ranelagh, "The I.R.B. From the Treaty to 1924," Irish Historical Studies, 20 (March 1976); and Leon O'Broin, Revolutionary Underground (Totowa, New Jersey: Rowman and Littlefield, 1976).

<sup>55</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

plans for the reorganisation of the I.R.B., members who were also in the government, in order not to put them in a compromising position and to avoid the possibility that "members of the government might be inhibited in their relations with the British if it could be said that the I.R.B. was functioning with their full knowledge and connivance."<sup>56</sup> With respect to the Minister for Defence, the Brotherhood attempted to keep him informed yet not involved. O'Murthuile explained:

General Mulcahy, himself, though he was informed, was never placed in the position that he would have to stand over everything we did. He was more of a free lance in this matter. It was not fair, we felt, that General Mulcahy should be bound by any steps we proposed to take and that he should be free in view of his position and of the responsibilities he would have, but that he would be in a position to know whether anything that happened was a danger or otherwise to the Government.<sup>57</sup>

The leaders of the I.R.B. were obviously sensitive to the anomaly of perpetuating a secret revolutionary society in an independent Irish Free State. However, the Inquiry Committee did not approve of its discretion, but felt that Mulcahy should have taken "the earliest opportunity of informing the Executive Council of the proposed reorganisation of the I.R.B."<sup>58</sup>

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<sup>56</sup>Leon O'Broin, Revolutionary Underground (Totowa, New Jersey; Rowman and Littlefield, 1976), p.214.

<sup>57</sup>O'Murthuile, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/32, University College Dublin Archives, Dublin, Ireland.

<sup>58</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.9.

A meeting between members of the Executive Council and the Army Council took place on June 10, 1923. The conference was arranged to discuss a letter which Sean O'Murthuile received from Sean O'Hegarty regarding the request of Tom Barry, an Irregular leader in Cork, to use the I.R.B. as a medium to affect a reconciliation between the National Forces and the Irregulars. Although the Civil War was officially over, violence continued to plague some areas, especially in the South. The letter stated:

T.B. Barry, an officer in the Organisation in Cork County appeals to the I.R.B., to intervene with its influence to stop the now unnecessary and therefore vindictive pursuit of members of the Irish Republican Army (called the 'Irregulars') all over the country by Free State Troops, these members having now for the most part dumped their arms and offering no resistance, for the purpose of enabling him to create such a feeling as will allow a fusion of the I.R.B. elements which now are warring on both sides, so that the ideals of the Organisation may not be lost sight of, and for the purpose of counteracting the sinister reactionary elements which are rapidly gaining control of the life and Government of the country.<sup>59</sup>

Mulcahy, interpreting O'Hegarty's letter in conjunction with other reports he had received, concluded that Barry wanted to release the Irregular army from its allegiance to the De Valera government, in hiding and illegitimate, and hoped to form a "National Organisation," secret, political and containing the best men from both sides. In return for amnesty for those not arrested and parole for certain prisoners, Barry would agree to the open destruction of arms and

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<sup>59</sup>Mulcahy Papers, P7/C/42, University College Dublin Archives, Dublin, Ireland.

the disbandment of his forces.<sup>60</sup> The Minister for Defence considered this to be an important development and discussed the matter with MacNeill and O'Higgins.

In his conversation with MacNeill, Mulcahy pointed out that the recognition of the Supreme Council by Barry was important since he was one of the leading figures of the rebel movement. The Minister for Defence believed that the Supreme Council could be used as "a Body to whose wishes the leaders of the Irregular side could acquiesce in matters of disbandment and arms without feeling humiliated."<sup>61</sup> Both agreed that it was a politically delicate situation and that a conference with other members of the government was necessary.

Mulcahy's subsequent conversation with O'Higgins is instructive because it reveals the conflicting attitudes the Ministers held with respect to the I.R.B. Mulcahy reiterated what he said to MacNeill concerning the "pivotal" position of the Supreme Council. More importantly, however, he acknowledged that "we," probably meaning the Army Council and its senior officers, fully controlled the policy of the Brotherhood and then prophesied:

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<sup>60</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

<sup>61</sup>Ibid.



That its Policy could bear the light of day. That it was almost obvious that in two years' time perhaps that it, as a political organisation with political ideals, would be as open as ... the Irish Volunteers. That while, ultimately, persons connected with the present Government might not, and from the point of view of effective National development, should be associated with it, that it was essential they should control its moulding and development at the present time.<sup>62</sup>

Mulcahy clearly envisioned the development of the I.R.B. into a more open society and was cognizant of the problems inherent in any attempt to involve the army intimately with the Brotherhood. However, he concluded that this was less of a danger than allowing the society to slip from loyal hands.

O'Higgins, on the other hand, argued that there was a "very great danger" of men being appointed to key positions solely on the basis of membership in the I.R.B., that this would lead to "serious abuses and serious weaknesses," and that, in fact, he believed that certain officers held their positions only because they were members of the Brotherhood.<sup>63</sup> Mulcahy denied this. He claimed that I.R.B. membership had never been a criterion for appointment and that it was "absurd" to think it would happen in the future.<sup>64</sup>

O'Higgins testified that he reiterated his disapproval of the I.R.B. to the Minister for Defence and said:

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<sup>62</sup>Ibid.

<sup>63</sup>Ibid.

<sup>64</sup>Ibid.

I replied that I did not wish to leave him under any misapprehension, that though I was a member of the I.R.A. in pre-Truce days I had the strongest possible objection to it or to any other Secret Society in the altered condition of things, that I believed that an organisation of that nature would be bad for the Army and for the country.<sup>65</sup>

Significantly, this conversation reveals the wide chasm which separated the two Ministers.

On June 10, 1923, President Cosgrave, MacNeill and O'Higgins met with Mulcahy, MacMahon and O'Murthuile. The Committee heard conflicting testimony concerning the purpose of the meeting and its final outcome. O'Higgins claimed that it was called primarily to deal with the reorganisation of the I.R.B.<sup>66</sup> Both Mulcahy and O'Murthuile stated the primary purpose was to discuss the letter the Quartermaster-General had received about Barry and that this led into a general discussion of the Brotherhood.<sup>67</sup> The timing of the meeting and Mulcahy's earlier conversations with his two colleagues do indicate that the meeting was called to discuss the O'Hegarty letter, but it is also likely that the greater part of the meeting dealt with specific questions concerning the I.R.B.

O'Higgins testified that both he and MacNeill vigorously opposed the reorganisation of the I.R.B. and pointed out to the generals the potential which existed for

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<sup>65</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/21, University College Dublin Archives, Dublin, Ireland.

<sup>66</sup>Ibid.

unconstitutional behavior and the deleterious effects it would have on the army. So energetic and emphatic was their disapproval that, according to O'Higgins, " ... finally the President stated that it must not be allowed to develop into a wrangle and dispersed the meeting."<sup>68</sup> However, the Generals left the meeting feeling that they had explained their position and were understood by the Ministers. Mulcahy, viewing the meeting optimistically, claimed that:

the other three members of the Government did not undertake to give any definite advice, nor to give any definite instructions and I was perfectly satisfied after the meeting that they were satisfied that any Army Officer who had any responsibility in respect of the I.R.B. was doing what appeared to him to be the best and the most wise thing in all our circumstances here, and that they could not suggest better.

... Apprised of the position, the three other Ministers did see at least some reason for the position and they did not forbid it.<sup>69</sup>

President Cosgrave, speaking in the Dail, said that none of the three Ministers had been in favor of continuing the Brotherhood, that they had not been asked for advice and that "information as to the existence of this organisation was put

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<sup>67</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland; O'Murthuile, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/32, University College Dublin Archives, Dublin, Ireland.

<sup>68</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/21, University College Dublin Archives, Dublin, Ireland.

<sup>69</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland.

to them and not one of them supported it in any way."<sup>70</sup>

Obviously Mulcahy felt that by not proscribing the I.R.B., his colleagues at least had come to some understanding with him. He was wrong.

One issue which received a great deal of attention from those opposed to the I.R.B. was the question of membership in the Brotherhood and its influence on promotions and advancement in the army. No specific proof in support of this claim surfaced, although this was not surprising given the secret nature of the organisation. Most of the witnesses were merely speculating and repeating current rumors. Patrick Hogan summed up such testimony when he said: "I had sensed it was there, at least I had sensed that there were things happening which I could not explain by ordinary reasoning."<sup>71</sup> The members of the Army Council emphatically denied the charges that officers were either retained or demobilized depending on their standing in the I.R.B. They demanded that their accusers produce evidence and not merely groundless hearsay and gossip.<sup>72</sup> The Committee agreed with the Army Council. The Report stated:

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<sup>70</sup>Ireland, Dail Eireann, Official Report 7 (1924): 3148.

<sup>71</sup>P. Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland.

<sup>72</sup>O'Sullivan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/12, University College Dublin Archives, Dublin, Ireland.

"It has not been proved to us that any appointments or promotions were made by reason of member of, or influence corruptly exercised by the I.R.B."<sup>73</sup> Current literature supports this interpretation, judging that "Mulcahy and others involved in the I.R.B. reorganisation were not promoting members of the I.R.B. in the national army at the expense of others."<sup>74</sup> However, the Inquiry did believe that the existence of a secret society created a "natural suspicion" among non-members and "undermined confidence in the impartiality of the Army Council and higher commands."<sup>75</sup>

The Army Council was not unaware of nor insensitive to the dangers of a secret society existing within the army. Prior to 1924, the generals had believed that it was in the best interests of the State that they and other senior officers guide the I.R.B. However, their testimony revealed that all of them now felt that within the next few months, by August, 1924, a clause should be inserted into the new Defence Forces Act forbidding members of the army from also being participants in any secret society. They believed without question that such an undertaking would be loyally

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<sup>73</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.7.

<sup>74</sup>John O'Beirne-Ranelagh, "The I.R.B. From the Treaty to 1924," Irish Historical Studies, 20 (March 1976): 38.

<sup>75</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.7.

obeyed.<sup>76</sup> The position of the Army Council was that only then, in 1924, had the danger sufficiently passed that they could contemplate this step. They now knew that the need for a revolutionary society had passed and that it was time to turn away from the gun to other more constructive pursuits. Sean O'Murthuile stated:

that the future activities of the I.R.B. should be directed toward turning to the social and political atmosphere with the programme of any Government working towards the National and economic advancement of the Irish people without regard to parties or party influence.<sup>77</sup>

Clearly, the extreme suspicion and fear exhibited by some members of the Executive Council was unfounded. Had the army crisis not precipitated the Cabinet's rash action, the Army Council would have moved to eradicate the I.R.B. as a secret revolutionary society within the army. According to Mulcahy, the I.R.B. was just used "as a stock to beat us."<sup>78</sup>

The final judgment of the Inquiry Committee was, overall, a stinging indictment of the Army Council. The

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<sup>76</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland; O'Murthuile, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/32, University College Dublin Archives, Dublin, Ireland; MacMahon, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/36, University College Dublin Archives, Dublin, Ireland.

<sup>77</sup>O'Murthuile, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/13, University College Dublin Archives, Dublin, Ireland.

<sup>78</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/35, University College Dublin Archives, Dublin, Ireland.

report concluded:

We consider that the reorganisation of the I.R.B., carried out as it appears to have been by the actual heads of the Army, was a disastrous error of judgment, and accentuated a mutiny which might not have occurred at all, and which could have been more firmly suppressed if those in authority had not weakened their position by leaving themselves open to the charge of acting in the interest of a hostile secret society.<sup>79</sup>

The final issue investigated by the Committee was the general state of the army, in particular, the question of discipline. During the hearings, the Inquiry once again was confronted with conflicting evidence. Most of the witnesses agreed that discipline in the army was not only good but, more importantly, was steadily improving.<sup>80</sup> Professor Hogan stated that there had been "an extraordinary improvement" in the army during the period from December, 1922 until April, 1923, but with the cessation of hostilities, a slight breakdown in control occurred.<sup>81</sup> The consensus was that disciplinary problems had been primarily due to inexperience and a lack of firm guidelines. As the army administration

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<sup>79</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.6.

<sup>80</sup>Col. Henry, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland; Davitt, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland; O'Sullivan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/32, University College Dublin Archives, Dublin, Ireland.

<sup>81</sup>Professor Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

became more systematized and more formalized, conditions did and would continue to improve. There was some speculation that the mutiny would have a deleterious effect on the army, undoing all previous efforts to inculcate the soldiers with a non-political frame of mind. When General MacMahon was sent during the crisis to stabilize the Cork command, his message, in essence, was that the army must stay out of politics and adhere to strict military obedience and discipline.<sup>82</sup> Testifying before the Committee, the former Chief of Staff expressed fear that the mutiny may have caused the army to become repoliticized, that "men who had forgotten all about politics had been brought back to them."<sup>83</sup>

Not unexpectedly, the chief critic of the army was Kevin O'Higgins. The Minister reiterated the charges he had made in the Dail. Specifically, he said:

- (a) ... that the Army was breaking up into factions, societies or combinations;
- (b) That the personal equation was too much in evidence in the Army, and was re-acting most unfavourably on discipline;
- (c) ... that the Army was not unequivacably, unquestionably without reserve, simply the instrument of the people's will ...
- (d) That the ex-Minister for Defence throughout the year previous to his resignation did not stand for stern, impersonal discipline in the Army and that the names of

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<sup>82</sup>Tobin Mutiny File, Mulcahy Papers, P7/B/196, University College Dublin Archives, Dublin, Ireland.

<sup>83</sup>MacMahon, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/34, University College Dublin Archives, Dublin, Ireland.



certain officers were submitted to the Executive Council for rank and position under the reorganisation scheme against whom grave charges had been made without being satisfactorily rebutted.<sup>84</sup>

In his testimony, O'Higgins revealed that he had been in contact with Colonel Jephson O'Connell, a disgruntled officer in charge of Inspection. O'Connell had approached the Minister in September of 1923, in a clear breach of discipline, because "the condition of the Army demanded the immediate attention of the Government."<sup>85</sup> O'Higgins did not inform Mulcahy but instead used O'Connell as a source of information throughout the next year. O'Connell reinforced O'Higgins' feelings about the shortcomings of the army. In his lugubrious testimony, O'Connell heartily condemned the administration of the army, charging favouritism, financial waste, ignorance, lack of discipline and respect, inefficiency and lack of loyalty to the Government.<sup>86</sup>

Before the Committee, O'Higgins launched a devastating and vicious attack on Mulcahy. He accused the Minister for Defence of trying to "buy off" the mutineers by offering them good positions in the reorganisation scheme but claimed

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<sup>84</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/21, University College Dublin Archives, Dublin, Ireland.

<sup>85</sup>Ibid.

<sup>86</sup>Jephson O'Connell, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/15, University College Dublin Archives, Dublin, Ireland.

Mulcahy had failed because the "price was not big enough."<sup>87</sup> There is no evidence to support this position especially in light of the mutineers' adverse feelings about their appointments. In fact, according to government policy, their pre-Truce service made these men eligible for special consideration. O'Higgins attacked Mulcahy for meeting with the Tobin-Dalton group and for not taking any action to "vindicate outraged discipline."<sup>88</sup> This is a difficult posture for O'Higgins to assume considering that 1) when the Army Council tried to "vindicate outraged discipline," they had been dismissed by the Cabinet with O'Higgins leading the attack; 2) the President had initiated the meetings, not Mulcahy, and periodically had discussed the situation with him; 3) the Minister for Industry and Commerce, McGrath, had urged Mulcahy to participate in these meetings; and 4) O'Higgins himself, as spokesman for the Executive Council, did not uphold strict discipline but rather had excused the mutineers and called a direct threat against the State a "foolish action."

In his final criticism, O'Higgins accused Mulcahy of not understanding and not fulfilling his role as Minister for Defence and member of the Executive Council. He told the Committee:

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<sup>87</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/23, University College Dublin Archives, Dublin, Ireland.

<sup>88</sup>Ibid.

I could not get away from the impression that the Minister for Defence came to the Executive Council not so much as a colleague to do business with colleagues as in the capacity of a delegate ... almost as a man coming to the Executive Council to hold a watching brief for ... the Army in the Executive Council. ... There was a lack of candor. There was a cloud bank between the Army and the Executive Council. ... It was if what went on within the Army was no business of the other members of the Executive Council.<sup>89</sup>

One of the reasons for O'Higgins' hostility to Mulcahy was the unfortunate incident which occurred at Kenmare, County Kerry in July of 1923. This case is important because it became a cause célèbre with Kevin O'Higgins, proving to him that there was a lack of impersonal discipline and impartiality in the army. It is also interesting because it highlights some of the social conditions then existing in the Free State. The Inquiry Committee spent a great deal of time investigating the evidence of the incident.

The relevant facts of the occurrence are quite simple. On June 2, 1923, the McCarthy sisters allegedly were assaulted by three men dressed in army uniform. The women claimed that they were dragged from their home, motor grease rubbed in their hair, beaten with Sam Brown (army) belts, kicked and stepped on. Major-General O'Daly, G.O.C. of the Kerry Command and Captains Flood and Clarke were all implicated. Inter-personal relations and prior history, however, added other complications.

The McCarthy sisters, Flossie and Jessie, daughters

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<sup>89</sup>Ibid.

of Dr. McCarthy, had been particularly friendly with two officers stationed in Kenmare, Captain Harrington and Lieutenant Higgins, a relative of Kevin O'Higgins. These officers frequently had visited the McCarthy house, allegedly returning to the barracks often at a very late hour and under the influence of alcohol. Moreover, Harrington and Higgins had been suspected of involvement in the burning of the furniture and the home of Mrs. Hartnett, a widow who had sympathized with the Irregulars during the Civil war. Captain Flood, one of the accused, had testified against the two officers at the hearing following the fire. Because of Harrington's and Higgins' behaviour during their visits with the sisters and because he believed that the plot to burn Mrs. Hartnett's house was actually devised at the McCarthy's, Major-General O'Daly had placed the house off limits, an order ignored by both officers. O'Daly himself had personally overheard, during a visit there, an exchange between Harrington and Dr. McCarthy concerning the desirability of taking retaliatory action against the widow. In addition, O'Daly's decision not to invite the two women to a Command dance had caused further antagonism between the G.O.C. and the McCarthy family.<sup>90</sup>

A Military Court of Inquiry, consisting of Major-General Reynolds, G.O.C. of the Cork Command, President,

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<sup>90</sup>"Court of Inquiry Report," Mulcahy Papers, P7/C/42, University College Dublin Archives, Dublin, Ireland.

Colonel James Shiels and Commandant John Aherne, was held late in June. The two sisters stated that they had recognized one of their assailants as Captain Flood. Further testimony established that O'Daly, Clarke and Flood had been out of the barracks together at the time of the assault, admittedly within close proximity to the McCarthy house, and that they had been drinking champagne that evening. However, the three officers claimed that they had walked to O'Sullivan's hotel and bar to make sure there were no officers drinking after hours.<sup>91</sup>

The Court of Inquiry's findings were mixed. All three members agreed that the evidence had established that Captain Flood was involved in the attack. Major-General Reynolds felt that the identity of the other two assailants had not been established. Colonel Shiels believed that O'Daly and Clarke, although not actually participating, knew about the crime and were in the vicinity. Commandant Aherne thought that Captains Flood and Clark and Major-General O'Daly were all guilty.<sup>92</sup>

The Judge Advocate-General told the Adjutant-General that the officers should be tried at a Court Martial. He recommended that they be recalled to G.H.Q. and O'Daly relieved of his command. They should be informed of the charges against them and given a week to write their expla-

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<sup>91</sup>Ibid.

<sup>92</sup>Ibid.

nations. If these proved unsatisfactory, Captains Flood and Clarke were to be placed under close arrest and Major-General O'Daly formally arrested but, if he agreed to stand trial, allowed to remain at liberty.<sup>93</sup> Davitt discussed the possibility of allowing O'Daly the alternative of resigning his commission but advised against it. He counseled:

This ... would savour of weakness and an attempt to cloak matters and besides would not avert the scandal of the McCarthys themselves instituting civil or criminal proceedings. Moreover, in view of the part played by the Minister for Home Affairs this course would appear to be impossible.<sup>94</sup>

The situation was further complicated by the fact that once the Defence Forces Bill became law, at the end of August, nobody could be tried for an offence committed prior to the passage of the Act. The Judge Advocate-General explained that the military authorities "could not try any military offence committed prior to the passing of the Act, because these offences were not strictly offences before the act passed."<sup>95</sup> Before the Defence Forces Act, military crimes had been dealt with on the basis that a state of war was in existence.

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<sup>93</sup>Davitt, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/7, University College Dublin Archives, Dublin, Ireland.

<sup>94</sup>Davitt, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/24, University College Dublin Archives, Dublin, Ireland.

<sup>95</sup>Davitt, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/7, University College Dublin Archives, Dublin, Ireland.

On August 3, 1923, Davitt had an interview with the Minister for Defence. Mulcahy believed that the evidence against Major-General O'Daly was not sufficient to order a Court Martial and "that the scandal of trying a General officer and the publicity following it would result in more harm than good," especially since he felt O'Daly would not be convicted.<sup>96</sup> Although he agreed that O'Daly would probably be acquitted, Davitt argued that it would be in the best interest of both the army and the officers involved to hold a trial. Mulcahy ended the interview by deciding to submit the matter to the Attorney-General for his consideration.<sup>97</sup>

Kevin O'Higgins brought the Kenmare case to the attention of the Executive Council. The Minister for Home Affairs had received a letter from Dr. McCarthy and had in turn written the President.<sup>98</sup> At a special meeting of the Cabinet, on September 17, 1923, it was decided to seek the advice of the Attorney-General. O'Higgins dissented and instead recommended "that the Officers, against whom in the opinion of the Judge Advocate-General a prima facie case had been made, be asked whether they or anyone on their behalf would challenge the legality of a court martial in connection

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<sup>96</sup>Ibid.

<sup>97</sup>Ibid.

<sup>98</sup>Ireland, SPOD, Cabinet minutes, Cl/146 and Cl/148.

with this matter."<sup>99</sup> O'Higgins was suggesting that the Officers voluntarily submit to a trial since the Defence Forces Act had been passed. His idea, however, found no support among the members of the Cabinet.<sup>100</sup>

The Attorney-General submitted his opinion to the Executive Council on 27 September 1923. Essentially, he upheld Mulcahy's decision not to institute court martial proceedings against O'Daly and his officers. He not only evaluated the evidence but also provided a social commentary on the aspiring country Catholic bourgeoisie.

In reviewing the evidence on the Kenmare case, Kennedy felt it necessary to reconstruct the atmosphere, the social milieu in which the incident occurred, in order to achieve a clearer and more complete understanding. The Attorney-General, describing, not entirely without bias or prejudice, the type of people involved in the Kenmare incident, wrote:

In the first place, let us see who the complainants are. They are not city people and their mentality as witnesses and generally must be considered in the light of their own history and environment. We all know the type of Catholic bourgeoisie which existed in Irish country towns and villages under the British regime. It formed a small social group consisting of the doctor, the local district inspector of the R.I.C., perhaps with luck the county

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<sup>99</sup>Ireland, SPOD, Cabinet minutes, C1/149

<sup>100</sup>Ibid.



inspector and the bank clerks. This group had distinctly British leanings because of its social aspirations and reached through the Protestant grocer to attain to an occasional smile from the country family.<sup>101</sup>

Kennedy then went on to analyze the relationship between this particular class and the British Army:

When during the war conditions following on 1916, British Military were scattered through the country, their officers however temporary, were cultivated by the ladies of this social type. It is humiliating to have to confess that when the 'Black and Tans' and the Auxilliaris followed in the train, many of the girls of this social stratum were easy associates - possibly intrigued by the combination of uniform, southern English accent and reputed careers in the British Army.

It seems clear that the McCarthys were of this type and this fact cannot be lost sight of in assessing the evidence offered in support of the story.<sup>102</sup>

The Attorney-General contrasted this attitude with their feelings toward the new Irish Army:

Officers of the National Army have been in many cases the butt for people of this kind and especially the broad doric of Dublin had seemed a vulgarity after the accents of British Military and Auxilliaris. Occasionally officers of the National Army are accepted into this select circle, as for instance, Captain Harrington, whose father was a member of the British House of Commons and a Barrister-at-law, or Lieut. Higgins, who had been a Bank Clerk in Tralee.

One may assume that in the intimate relations that sprung up between the McCarthys and these two elect officers, the general status and character of the National Army was often the subject for pitiful comment.<sup>103</sup>

After having discussed the social characteristics of the

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<sup>101</sup>Opinion of Attorney-General Hugh Kennedy on McCarthy Affair (Kenmare), Kennedy Papers, P4/A/16, University College Dublin Archives, Dublin, Ireland.

<sup>102</sup>Ibid.

<sup>103</sup>Ibid.

McCarthy, the Attorney-General finally examined the evidence. He found that "there is not one shred or title of evidence in all the papers put before me to justify a charge against either Major-General O'Daly or against Captain Clark of having taken part in such an outrage."<sup>104</sup> Kennedy felt that the evidence against Captain Flood primarily depended on the statements of the two sisters which he thought to be contradictory. Each of the women had identified a different assailant as the Captain. Moreover, Kennedy was skeptical of the women's charge that they had been beaten and kicked since there was no evidence that they had required medical attention and had not been in any noticeable physical distress when visited by the military authorities immediately after the incident. The Attorney-General decided that not only was there no direct evidence against Captain Flood but what evidence did exist was not only of the "flimsiest character but ... quite contradictory."<sup>105</sup> He did not believe a conviction could ever be obtained. Kennedy recommended, if the McCarthy family were not satisfied, that they institute civil or criminal proceedings.<sup>106</sup>

Kevin O'Higgins had not been satisfied with the outcome of the Kenmare investigation and, in his testimony before the Committee, charged favoritism and cover-up. He

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<sup>104</sup>Ibid.

<sup>105</sup>Ibid.

<sup>106</sup>Ibid.

believed that the failure to prosecute had been the "death knell of either discipline or efficiency in the Army."<sup>107</sup> O'Higgins felt that the officers should have been relieved of their commissions if there was proof, even though not necessarily legally conclusive, that they had not met the standards which the government expected. The Minister had been distressed by the fact that Captains Clarke and Flood were to be retained in the reorganisation scheme and that Mulcahy had offered Major-General O'Daly the position of Vice G.O.C. of the Western Command with the rank of Colonel. O'Higgins had blocked the nominations of Clarke and Flood in the Executive Council. O'Daly chose to resign.

Addressing criticism over his decision not to prosecute O'Daly and his selection of him as one of the officers on the G.O.C. Officers Demobilisation Board, Mulcahy claimed O'Daly had special knowledge of the Dublin command, a troublesome section as the events of the mutiny demonstrated.<sup>108</sup> He dismissed the accusations of those who held that the Kenmare incident had a negative effect on the army<sup>109</sup>

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<sup>107</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/23, University College Dublin Archives, Dublin, Ireland.

<sup>108</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/37, University College Dublin Archives, Dublin, Ireland.

<sup>109</sup>O'Higgins, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/23, University College Dublin Archives, Dublin, Ireland; Russell, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/20; Professor Hogan, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/25, University College Dublin Archives, Dublin, Ireland.

and defended his position:

Generally, in the case of any Officer who has given distinguished service of lasting benefit to his Country, and shown himself in difficult and varying circumstances to have been a thoughtful and a bold soldier, I was not prepared lightly, and on no evidence, to place him in the degrading position of answering to a low charge.<sup>110</sup>

Meredith's report cited the Kenmare case as proof of the necessity for having a civilian as Minister for Defence. He believed that, as a military man, Mulcahy was reluctant to bring charges against a high ranking officer and was loathe to bring discredit on the army. The Chairman thought Mulcahy had been wrong in not acting as soon as the Kenmare incident occurred.<sup>111</sup> The Inquiry Report stated that the decision to drop the Kenmare case was "a grave error of judgment" on the part of General Mulcahy. The Committee believed that, although it did not contribute to the mutiny, "it did militate against discipline generally by encouraging suspicion in the minds of officers and others that the Army Authorities were disposed to hush up charges against persons high in authority."<sup>112</sup>

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<sup>110</sup>Mulcahy, Testimony before the Army Inquiry Committee, Mulcahy Papers, P7/C/10, University College Dublin Archives, Dublin, Ireland. It is interesting to note that four years after the event, Dr. McCarthy was still writing to O'Higgins demanding monetary compensation for their expenses in the matter and for their sufferings, loss of health and mental torture. Ireland, SPOD, Kenmare File, S3341.

<sup>111</sup>"Chairman's Draft Report," Mulcahy Papers, P7/C/41, University College Dublin Archives, Dublin, Ireland.

<sup>112</sup>Ireland, Executive Council, Army Inquiry Committee, Report, 1924, p.9.

The Report concluded that no evidence existed to support the charges of muddling, mismanagement and incompetence on the part of the Chief of Staff; that the Quartermaster-General, although committing a disastrous error of judgment in reorganising the I.R.B., had no other charges relevant to the Inquiry made against him; that the Adjutant-General had not been negligent nor trying to shield offenders in handling cases involving high ranking officers; and, in the Kenmare case, he strictly followed the advice of his adviser, the Judge Advocate-General.<sup>113</sup> In spite of these findings, only MacMahon was reissued his commission.

The Army Inquiry Committee Report was presented to the Dail in June of 1924. General Mulcahy branded it a "national humiliation" and announced his intention to introduce in the Dail a motion to reinstate the three generals, in effect, a motion of censure of the Executive Council.<sup>114</sup> It was to be a futile gesture.

On June 26, 1923, Mulcahy moved that the Dail condemn "as contrary to the best interests of the State the ill-considered action of the Executive Council" in removing the Army Council and the "subsequent failure of the Executive Council to act upon the Report of the Army Inquiry Com-

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<sup>113</sup>Ibid.

<sup>114</sup>Ireland, Dail Eireann, Official Report 7 (1924): 2490-2502.

mittee."<sup>115</sup> The ensuing debate was unimpressive. Because the Executive Council refused to publish either the evidence presented to the Committee or the Chairman's reservations, the deputies were being asked to vote on a motion about which they had very incomplete information. For this very reason, the Labour Party, for example, decided to abstain completely from voting on Mulcahy's motion.

Most of the debate consisted of a reiteration of positions previously stated during earlier discussions on the army. Mulcahy asked the Dail to reinstate the generals because, however grudgingly, the Report did not uphold the charges against them. He detailed the herculean service the three men had performed for the Free State and charged that "these officers were swept away to satisfy the personal wishes of certain members of the Executive Council and to satisfy the demands of certain mutinous officers for their removal."<sup>116</sup> Mulcahy claimed that he introduced the motion with regret but that he had to because these former members of the Army Council were being unfairly victimised by personal prejudices and his sense of public duty demanded it. In rebuttal, O'Higgins restated his position concerning the problems and inadequacies of the administration of the army and stated that the Army Council had been dismissed because of "a lack of confidence and that lack of confidence was

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<sup>115</sup>Ibid.:3110.

<sup>116</sup>Ibid.:3113

proved and justified by the Parnell Street incident."<sup>117</sup>

However, it was the President who set the tone of the Government's position when he said:

That particular incident which occurred three months ago is an incident which in my opinion, ought to be dead and buried and ought not to be resurrected, no matter what its influence was either at that time or now.<sup>118</sup>

The motion to censure the Executive Council was subsequently defeated.

Despite the cost, the Cosgrave government had survived both the military and political crisis caused by the mutiny. Its victims were Mulcahy, MacMahon, O'Murthuile, and O'Sullivan, four of the men most responsible for winning the Civil War and preserving the Irish Free State. Their resignations, and the army's passive acceptance of the government's decision, was a tribute to their success in creating an obedient, non-political fighting force. Out of the crisis of mutiny came the affirmation that Ireland was to be governed by the will of the people and not by the dictates of her generals.

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<sup>117</sup>Ibid.:3159-3160.

<sup>118</sup>Ibid.:3150.

## CONCLUSION

The Irish Army Mutiny of 1924 directly influenced the development and formation of the Irish Free State, having a significant impact on both its immediate and ultimate political structure. It was instrumental not only in determining the direction post-colonial Ireland would take but also in shaping its leadership, furnishing valuable clues to the puzzle of the Cosgrave government. The Mutiny provides an insight into the workings of the Executive Council, highlighting both the relationship between the government and the Dail and the particular characteristics of the individual Cabinet members. During the crisis, the Cosgrave government continually treated the legislature in a dictatorial manner, using it as a rubber-stamp rather than as a body to whom it was ultimately responsible. Cumann na nGaedheal party meetings had more influence on government and state policy than Dail sessions. Although the Cosgrave government had shown itself to be weak, vacillating and compromising when dealing with the mutineers, when threatened, it displayed a remarkable ability to maintain itself in power, despite numerous challenges and inner conflicts.

The Army crisis exacerbated the tension already existing in the Cabinet between O'Higgins and Mulcahy,



culminating in the latter's resignation. Mulcahy was the "army man," insensitive to the feelings of his civilian colleagues, intensely protective of the army and his prerogatives as Minister of Defence, but loyal to his staff, party and government. Mulcahy, in the tradition of Michael Collins, incorporated unto himself both political and military power. However, he did not have the force of character, the heroic stature necessary to fulfill Collins' legacy. Moreover, the advent of peace made his colleagues more critical of the army and more concerned with vindicating civil supremacy. Although Mulcahy was himself totally dedicated to the formation and development of an Irish army which would be loyal to any Irish government and above political involvement, he unfortunately provided his nemesis, O'Higgins, with sufficient ammunition to force his removal. Always the loyal soldier, despite his resignation and motion of censure, he patiently waited until his party and government recalled him into the Cabinet as Minister for Local Government in 1927.

Throughout the crisis, O'Higgins, ambitious, strong and single-minded, was almost fanatical in his determination to cleanse the army of its leadership and involvement with secret societies, so much so that he seemed to have lost his perspective. Frequently, interfering with the administration of the army, he violated, by meeting and communicating with an Army officer without the knowledge and consent of the Minister for Defence, not only the standards of military

conduct but also the norms imposed by the concept of collective responsibility. He did not trust Mulcahy or the Army Council and had no appreciation for the very real difficulties that they had to labor under and try to surmount. However, O'Higgins was clearly dedicated to restoring law and order in Ireland and seems, in his dealings with the army, to have been motivated and influenced by this objective.

McGrath's position remains shadowed and unclear. He seemed to have exerted influence over Cosgrave and the Cumann na nGaedheal party and was obviously persuasive, motivated both by his desire to help the mutineers and by his own personal political ambitions. However, his exact relationship with the mutineers was and is not clear. Although he repeatedly stated that he did not condone mutiny, he probably had never quite accepted the concept of a non-political army. Whether he would ever have used the army or its discontented factions to attain power, if given the opportunity, is debatable. Clearly, he overestimated the influence of Tobin and Dalton on the army and his own ability to maintain a political party.

President Cosgrave, as the leader of a government which tenaciously clung to power and maintained its control over the Dail, was able to survive political challenges and misfortunes to remain President until 1932. He managed to keep in check the ambitions of his subordinates and assert himself as leader in a determined but unobtrusive manner,

while holding together a Cabinet often filled with dissension. A strong impression remains that Cosgrave was always in control, allowing nothing to happen of which he did not approve.

While Cumann na nGaedheal successfully surmounted any immediate challenge to its supremacy, the crisis inflicted long term damage. Both Mulcahy and McGrath represented a particular type of nationalist, both of which were now lost to the Party. Coupled with failure to effect a successful change in the boundary with Northern Ireland, the events of the army mutiny left the impression that the party was now outside the nationalist tradition, depriving it of some of its vital centers of political organisation throughout the country. Many of the people associated with the mutiny eventually joined Fianna Fail. The government's handling of the crisis managed to alienate both those who supported the mutineers and those who supported the Army Council. The Irish Army Mutiny of 1924 thus contributed to the decay and stagnation which would beset Cumann na nGaedheal and hence unwittingly aided the coming ascendancy of de Valera and Fianna Fail.

The Army Crisis of 1924 also proved fatal for the Irish Republican Brotherhood. The mutiny provided the government with an opportunity to ruthlessly abandon the men and the machinery which had made the Free State possible. The Executive Council openly and defiantly announced that the leaders of the army, the men most responsible for winning

the Civil War, and the I.R.B., the bulwark of the revolutionary movement, were no longer useful or necessary to Ireland. Obviously, the position of a secret society within a liberal democratic state had become increasingly ambiguous. However, the Cosgrave government did not seem to recognize the contributions which the I.R.B. had made to the liberation struggle and overestimated its influence and power after the Civil War. The Brotherhood had ceased, by 1924, to be an active revolutionary organization and did not pose a threat to the government. In any event, the crisis marked the official demise of the I.R.B. as a significant and powerful force within the army. From 1924 on, all members of the army had to swear that they did not belong to any secret society.

The crisis clearly demonstrated the change which had taken place within the army. The independent spirit which had characterized the Volunteers and the early forces had basically disappeared. By accepting the dismissal of its leaders without recourse to violence, the army showed it had made the transition from a politically involved and independent guerrilla force to a professional and disciplined national Army. Most significantly, however, the Irish Army Mutiny of 1924 upheld and affirmed the supremacy of constitutional rule in Ireland. The early years of independence were years of precedent setting decisions which shaped and molded the new state. As a country just emerging both from a successful struggle for liberation and a devastating civil war, imbued

with a strong tradition of revolutionary nationalism and a chronic addiction to violence, one of its most important institutions was the army. Consequently, the relationship between the military and the duly elected civilian government became crucial. The Civil War had been the first test of the new state's authority, but it was tinged with too many peripheral issues to provide a clear and unequivocal answer. The Mutiny of 1924 clarified and strengthened the position of the army as the unquestioning and obedient servant of the state.

Since the beginnings of the revolutionary movement, the power of the military vis-à-vis civilian authority had never been clearly delineated. The Mutiny clarified the ambiguous relationship which existed between the army and the government. At a time when the government was preoccupied with the process and problems of state-building, and a substantial and influential segment of Irishmen had not yet accepted the legitimacy of the new state, this crisis could have precipitated a military coup d'etat. By submitting their resignations on the demand of the government, regardless of the validity of the decision, and by appearing before the Inquiry Committee, when those who had caused the crisis and those who had levelled the charges against the army, refused to testify, the Army Council clearly and unequivocally upheld the principle that the Irish army was subordinate to the Irish Government. Its action established an important precedent with respect to the balance of power

within the state. It demonstrated that peaceful change in the leadership of the army was not only possible but desirable, and helped free Ireland from the reoccurring threat of military intervention in the political structure, a situation not uncommon in countries emerging from colonialism. Moreover, by peacefully resigning the Army Council demonstrated the strength of the parliamentary tradition in Irish politics and its impact on the leaders of the liberation struggle. The actions of the four generals, men who embodied the doctrine of physical force nationalism and who could legitimately have claimed to be the heirs of 1916, clearly reflected the inter-dependence between these two strands of Irish nationalism. Thus, the legacy which the future political leaders of Ireland inherited is a blend of Parnell and Pearse, of the Irish Parliamentary Party and the Irish Republican Brotherhood, a fact which helps to explain the high degree of stability which the Irish Free State was able to achieve.

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