The Irish Resident Magistrate’s Confession: Dirty Play by the UK.

Jim Cuthbert

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One of the unanticipated side effects for Scotland of Irish independence, as well as the primary benefit of demonstrating that it can be done, is that it enables some light to be thrown upon the inner workings of the UK state. This is because, in the chaotic process of Ireland achieving independence, various internal documents concerning UK state activities ended up in publicly accessible Irish archives: documents which would otherwise have never seen the light of day from official UK sources. Some of these documents throw a fascinating light on the extent to which the UK was prepared to play very dirty indeed to prevent Irish independence. One such document is the subject of this note: but first of all some background is necessary.

The particular episode examined here is to do with Charles Stewart Parnell. Parnell was, of course, the charismatic leader of the Irish parliamentary Home Rule Party in the 1880s. He came agonisingly close to achieving home rule – but was brought down by a sex scandal, the Kitty O’Shea divorce case. This delayed Irish independence by perhaps 30 years. But nevertheless the foundations achieved by Parnell, and by people like Land League founder Michael Davitt, were indispensable precursors to eventual success. It is always worth remembering the famous principle proclaimed by Parnell, namely “No man has a right to fix the boundary of the march of a nation.” (Though, of course, nowadays “no person” would be more appropriate than “no man”.) Alex Salmond in fact intended to use this quotation in his maiden speech in the House of Commons: but in the excitement of the occasion, it slipped his mind; (as was recalled in the Irish Times, October 3, 2016).

Although Parnell is probably best remembered in the UK for the Kitty O’Shea scandal, the episode I want to look at occurred a few years earlier, and is something the UK establishment is much less keen to dwell on: namely, the Times Commission debacle.

The Times Commission, or, to give it its formal title, the “Special Commission”, was a bizarre legal episode which unfolded in London between 1887 and 1889. It is a scandal which is little remembered in the UK, but is not forgotten in Ireland. The starting point of the affair was a series of articles, “Parnellism and Crime”, published in the London Times: included in this were facsimile letters purporting to show clear links between Parnell and other nationalist MPs on the one hand, and on the other hand, Irish extremist groups responsible for a number of dynamite attacks and murders, including the Phoenix Park murders. The Times followed up with a series of articles, “Behind the Scenes in America”, directly accusing Parnell and other nationalist MPs of links with extremist Irish nationalist organisations in America. Despite this provocation, Parnell refused to sue for libel, but pressed for a parliamentary committee to investigate the affair. Instead, the Tory government headed by Lord Salisbury stepped in, and passed a Bill setting up a quasi-judicial process, the Times Commission, to investigate the charges the Times had made.

The Commission was a strange legal entity. It would be chaired by three high court judges, sitting without a jury: and it would have the power to sub-poena witnesses. But its costs would be met by the Times, and opposing Parnell would be counsel for the Times. Effectively, it amounted to a way of putting on trial for supporting terrorism the reputations of Parnell, and the others accused by the Times, while at the same time keeping the government’s hands clean: in the last resort, the government could claim that this was an affair between the Times and Parnell.

In the event, largely because of brilliant undercover work by Michael Davitt, the commission turned out to be a disaster for the Times, and a triumph for Parnell. It was established that the original letters had in fact been forged, by a journalist called Richard Pigott. Pigott admitted this, before fleeing to Madrid and committing suicide. The whole episode ended up costing the Times about £200,000 in damages and costs: (which would be worth about £25 million in today’s prices.)

The scandal, naturally, was immense: but before the end of 1889, Parnell was cited in the O’Shea divorce case, and his political fate was sealed.

The official line on the Commission, that it was a matter between the Times and Parnell, and that the government had not been actively involved, held. The closest it came to being breached was in 1910, when a retired civil servant and former head of the Metropolitan Police Criminal Investigation Department, Sir Robert Anderson, wrote a series of articles in Blackwood’s Magazine – in which he boasted that it was actually he himself, acting in his official capacity, who was the anonymous author of the “Behind the Scenes in America” articles in the Times. This provoked a parliamentary storm. But this was seen off by the then Home Secretary, one Winston Churchill, who insisted in Parliament that Sir Robert had acted alone, without the approval of his superiors, in writing the articles for the Times. Sir Robert came within a whisker of losing his pension.

The above, condensed, version of the events surrounding the Times Commission is well known. What follows here is perhaps less known. In response to the furore of 1910, another retired official felt prompted to take action. This was William Henry Joyce, a by then compulsorily retired Irish Resident Magistrate, who, at the time of the Times Commission, had been on special duties in the Irish Office. Joyce was a man with a grievance. In 1901 he had been prematurely retired, with very little pension, on the grounds of excessive drinking: and now he was seeking to increase his pension. So in 1910 he wrote a memorandum to his old employers, marked “secret”: and this came to rest, eventually, in the box files of the National Library of Ireland in Dublin, where I was intrigued to stumble across it while researching other matters: (MS 11.119, NLI.)

Early on in his memorandum, Joyce makes clear what, from an insider’s perspective, was actually going on, in what he called “The greatest political fraud of modern times.” This he states, “in its main features, if not in every detail, was guided, directed and controlled by the Unionist Administration in conjunction with the ‘Times’ in order to destroy a political policy by assailing the personality of its leaders and supporters.” And Joyce explains his own role: “…I was called upon by the Government to act as the chief agent in secretly procuring and collating the greater portion of the evidence subsequently used by the ‘Times’, as well as conveying to the same quarter every description of secret information for the purpose of bolstering up the case against the Irish Party.” And as regards this role, as Joyce makes plain, both the Irish Secretary, and the Attorney General, knew what was going on.

Joyce then describes his role more specifically:- “It involved procuring a host of informants and other witnesses, and extended to making overtures to political convicts in prison to induce them to come forward and give evidence for the ‘Times’”. In addition, “Another highly important issue is involved in the action taken to procure and collate materials detrimental to the character of the witnesses who were examined for the defence and of many other persons who were regarded as potential witnesses, in order that the Counsel for the ‘Times’ might break down their evidence. Some 200 of these histories were prepared and secretly conveyed to Mr Soames..” (Mr Soames was the solicitor for the Times.)

Joyce’s memorandum ends up on a curious note, somewhere between a threat and an attempted bribe. The implicit threat is that it would be extremely embarrassing for the Liberal government of 1910, who had just effectively cleared Lord Salisbury’s government of dirty tricks in connection with the Times Commission, if the material in Joyce’s memorandum should happen to surface. The bribe element relates to Edward Carson. It will be recalled that, by the time Joyce was writing, Carson was spearheading resistance to the attempt by the Liberal government to push through Irish home rule. Joyce states that Carson, who had been Counsel to the Irish Attorney General at the relevant period, was deeply implicated in the illegalities surrounding the ‘Times’ affair. If this evidence were brought to light the effect would be, claimed Joyce, to destroy Carson and the unionists – to the great potential benefit of the Liberal party.

Joyce’s memorandum appears to exist, however, as something of an orphan in the National Library of Ireland collection: there is no indication as to whether his fairly desperate attempt at pension redress met with any success. What is clear, from Edward Carson’s subsequent career, is that the Liberal government did not take the opportunity to neutralise Carson.

The important thing about the Joyce memorandum, however, is that it gives an insider’s account of some of what was actually going on behind the scenes of the Times Commission façade. Far from the UK government being an impartial bystander, the memorandum makes clear that it had been deeply involved as a player – devoting considerable resources, and undertaking illegal actions, to covertly assist the Times side. For that insight into the levels to which the UK state is capable of stooping, we should be grateful to the Resident Magistrate’s thirst. And such lessons are still very relevant today. To give just one example: given that Irish political memories are long, it is probably no surprise, in the light of past UK perfidy, that the Irish Government is insisting on cast iron legal guarantees in connection with the terms of Brexit, rather than relying on UK assurances.

Note

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