

ORIGINAL

BUREAU OF MILITARY HISTORY 1913-21

BURO STAIRÉ MILEATA 1913-21

No. W.S. 452

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BUREAU OF MILITARY HISTORY, 1913-21.

STATEMENT BY WITNESS

DOCUMENT NO. W.S. 452

Witness

Mr. Michael McDunphy, B.L.,
25 St. Lawrence Road,
Clontarf, Dublin.

Identity

Section Leader, I.V's. "C" Coy. 2nd Batt'n 1913-15 and later.
Asst. Sec. to Irish Government 1922-1937;
Sec. to the President of Ireland 1937 to date;
Director of the Bureau of Military History, 1947 to date.

Subject

Civil Servants and
The British Oath of Allegiance, 1918.

Conditions, if any, stipulated by Witness

Nil

File No. S.1600.

Form B.S.M. 2.

STATEMENT BY MR. MICHAEL McDUNPHY.The Civil Service in Ireland and the
Oath of Allegiance 1918.

1. Following the Rising of 1916, the British Government began to show increasing signs of concern at the existence of National feeling within the ranks of the Civil Service in Ireland, which was then, of course, a branch of the British Civil Service, and among the steps which they took to deal with that situation was the imposition of an Oath of Allegiance in 1918, while the European War of 1914-1918 was still in progress.
2. Some time about the middle of that year information was conveyed to all Civil Servants in Dublin - I cannot say how, but probably by means of an official circular - that the Government had decided that all Civil Servants in Ireland would be required to take and subscribe an Oath of Allegiance to the King.
3. I was then a permanent Civil Servant in the Department of Agriculture, my rank being that of Second Division Clerk. Three of us in that Department, all of the same rank and all serving in the Agricultural Branch, known as the "A.B.", decided to refuse to take the Oath. They were Diarmuid O'Hegarty, later Secretary to the Irish Government and Lieutenant General in the Irish Army, Seán O'Callaghan, B.A., and myself. As far as I can remember we had little mutual discussion on the matter; each man, I think, decided for himself. We were all associated in some way with the National movement, and felt that it would be against our

principles to subscribe to such an Oath. Our ages were about the same. I was then 27½ years old.

4. I was then a member of "C" Company of the 2nd Battalion of the Volunteers in Dublin, and I sought advice from Richard Mulcahy, later General Mulcahy, who was then high in the councils of the Volunteers, probably a member of G.H.Q. staff. He met me some time afterwards and informed me that the Executive would not give any direction, but that the general view was that any Volunteer who took the Oath could not remain a member of the Volunteers. I decided on that basis to refuse to take the Oath.

5. I may mention that within the last five or six years I recalled our conversation to General Mulcahy, but he said he was unable to remember it. I have a very clear recollection of it, however. One of our conversations, I think it was the second one, took place in the hall or just outside the door of a house in Parnell Square, West, which was used for meetings of various National bodies. I think the number was 44.

6. Some time in the middle of the year 1918 each member of the staff of the Department of Agriculture was called up to the office of a senior official for the purpose of taking the Oath. We in the Agricultural Branch were summoned before the Staff Officer, ^{James} John Vincent Coyle, who was a man of culture and obviously had no liking for the task which had been thrust on him. I told him that my National principles debarred me from taking the Oath, and that, consequently, I would have to refuse. He said that my action came as a complete surprise to him as I was the first person who, as far as he was aware, had taken such a stand. He said that while he regretted my decision he respected the

motives which prompted it. He asked me if I realised that refusal meant dismissal and a complete loss of a career to which I had already given so many years. I replied that I did, that that was a matter which I had fully considered.

7. Mr. Coyle said that he was bound to administer the Oath, but that, in view of my decision and with a view to postponing the evil day, he would suspend all further action on the administration of the Oath for the moment. He would be compelled, however, to complete it within the prescribed time, which I think was the end of August or September. Following that, all action as regards the administration of the Oath was suspended, at least in the Department of Agriculture.

8. Some time about the end of August, or perhaps early in September, I was again sent for by Mr. Coyle. He again tendered the Oath to me and I refused. He said that he had no option but to report accordingly, and that, of course, meant my dismissal. I then said that in my opinion the Government had no authority to impose such an Oath, that it was a breach of the contract on which Civil Servants had been appointed, and that if any Civil Servant refused to take the Oath the Government had no power to penalise him for doing so. Mr. Coyle asked me to put that in writing and I said that I would do so.

9. In view of what I had said, Mr. Coyle said that the matter would now have to be referred to a higher authority, but that in the meantime he had no option but to suspend me, pending resolution of the points raised. I was accordingly suspended forthwith.

10. On my return from that interview with Mr. Coyle, I

wrote in to the Department officially registering my protest and recording my views. I may mention that my challenge was an entirely uninformed one. I had no idea whatever whether the instruction to impose the Oath was based on Statute, Order in Council, Cabinet direction or otherwise, but I thought it worth while to challenge it, and was justified by the result.

11. I think that following my protest the matter was referred to London for advice by the Law Officers of the Government, but that is merely a conjecture on my part. Nobody seems to know exactly what happened, except that there was considerable delay before anything further was heard of the matter.

12. In the course of one of the two interviews which I had with Mr. Coyle, I think it must have been the second, he asked me whether, instead of refusing to take the Oath and being dismissed from the public service with all the ignominy and subsequent disadvantages which that would entail, I would be prepared to tender my resignation. If I did so, although the length of my service was not sufficient to entitle me to a pension, he would recommend me for a substantial gratuity. I said that I could not accept that alternative; I was taking the stand on principle and I was not going to avoid the issue either out of consideration for myself or to facilitate the Government.

13. Some months later, I think it must have been in December, 1918, I got an official letter from the Department of Agriculture, referring to my suspension from duty and informing me that I had been definitively dismissed from the public service as from the date of my suspension. I wrote back immediately and pointed out that since I had been merely suspended I was in the interim still technically a Civil Servant and not free to seek other employment. That being the case I claimed that I was entitled to be

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paid in full up to the date of my notice of dismissal. I did not think it necessary to mention in my letter that, in fact, I had been in employment all that time. In my letter I spoke on behalf of my two colleagues, Diarmuid O'Hegarty and Seán O'Callaghan, after, I think, consultation with them.

14. I received a reply from the Department stating that the Vice President of the Department, ^{Rt. Hon. Sir} ~~Mr.~~ T.W. Russell, M.P., would receive the three of us on a date which was specified. Unfortunately, Diarmuid O'Hegarty was engaged on the day named, I think in connection with something arising out of the imprisonment of Volunteers in Belfast Jail, with the result that Seán O'Callaghan and myself alone met Mr. Russell. He was extremely courteous and expressed his regret at the whole development. While he could not officially approve of what we had done, he said that he regarded the imposition of the Oath as an unwise and unnecessary act. My companion, who was somewhat impulsive, made an unfortunate reference to Pontius Pilate but Mr. Russell did not permit himself to be ruffled. He appreciated that we had taken our decision on a matter of principle, and he promised to do his utmost to secure payment of our salaries up to the actual date of our notice of dismissal. Throughout the interview he was courteous and kind to the last degree. Speaking for both of us I expressed my sincere thanks and the interview closed.

15. Shortly afterwards the three of us each received a cheque for payment of the full amount of salary up to the date of the notice of our dismissal.

16. As I write, I have before me a testimonial which I received from Mr. Russell under date 13th January, 1919, which indicates that I was employed in the Department up to
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17th December, 1918, so that it is clear that, following the interview in question, the actual date of dismissal was altered to fit in with the payment of arrears of salary.

17. I may mention that when the question of the Oath of Allegiance was first made known to Civil Servants, an effort was made to organise the Service as a whole to oppose it. A meeting was convened by Michael Cremen, who was then serving, I think, in the Post Office, and was held in Aldboro' House, Portland Row, Dublin. It was not attended by all the Civil Servants, or anything like a large proportion of them. From memory I would say that there were not more than one hundred present, and the number may have been very much less.

18. At that meeting platitudes and pious assertions of principles were freely spoken, but it was quite clear that there was little hope of organising the Service as a whole against the Oath. When that became apparent I stood up and said that it was clear that the majority of Civil Servants had made up their minds to take the Oath of Allegiance, while others, a small number, had decided otherwise. I said that I was going on the assumption that each man was guided by his own conscience, and, that being the case, there was little more to be done.

19. My words came as an obvious relief to the majority of those present because of the complete unreality of the discussion which had taken place up to that, with the result that the atmosphere, which had hitherto been subdued, repressed and artificial, became a little more cheerful. One man stood up and said he was glad that the position had been made clear. He admired those who were going to take a stand on principle and were going to lose their employment

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as a result, and suggested that those who intended to take the Oath, being the vast majority, should start a fund to help those who would be penalised as a result of their refusal. This was a very cheering proposal for me, but the atmosphere of goodwill was rudely shattered by one of the men present, who stood up and in a truculent tone said something to the following effect: "We want none of your bloody charity. If the rest of you haven't the guts to do what we are going to do you can keep your money". These, I think, are almost his exact words. That put an end to the goodwill and to the meeting, which broke up shortly afterwards.

20. I have heard it argued that the Oath of Allegiance was imposed as a safety measure because of the fact that the European War was still on. If that is the case, it is a curious commentary that a number of us were not dismissed until after the conclusion of that War, which came to an end with the Armistice of 11th November, 1918.

21. I regret to say that I have been unable to obtain any documents regarding this matter, except that mentioned in paragraphs 16 and 24, although I have written to a number of Departments, including my original Department, the Department of Agriculture, so that to this day I do not know on what authority the imposition of the Oath was based, whether on Statute Law, Cabinet Order, Instruction from Dublin Castle, Order in Council or otherwise. I do not know the exact number or the proportion of Irish Civil Servants who refused to take the Oath and were dismissed as a result, but I think that the total number was about twenty or thirty.

22. I may mention that I was informed that there were some offices in Dublin where refusal to take the Oath did not

result in dismissal. One of these was the High Court of Justice, where, apparently, the stand was taken by the judges that Civil Servants employed there were the employees of the Courts and were not subject to ordinary Government jurisdiction in matters of this nature. Joseph Thunder, who was then serving in that office, may be able to give information on that point.

23. I understand that at some later date, that is to say in 1919 or 1920, the Volunteer Executive, disturbed at the deprivation of employment of many valuable workers in the movement, and concerned moreover at the loss of valuable contacts within the Service, issued a direction that a number of key-men should retain their posts, notwithstanding the imposition of conditions which offended against National principles. Of that development, however, I have no direct evidence. I mention it merely as a matter of common knowledge which may serve to direct enquiries elsewhere.

24. I attach a photostat of the testimonial dated 13th January 1919, referred to in paragraph 16. It is signed by T.W. Russell, Vice-President of the Department of Agriculture, and was, I think, drafted by John V. Coyle, by whom the Oath was tendered to me. It was subsequently explained to me by Mr. Coyle that the testimonial was worded so as to be of the greatest value to me and that for that reason no reference was made to the fact that I had been dismissed.

25. I think it well to mention that this statement is given by me in my capacity as a witness, and is in no way influenced by anything which may have come to my knowledge in my capacity as Director of the Bureau of Military History.

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SIGNED

DATE

Wm. J. Russell
28th November 1950

WITNESS

Wm. J. Russell
Secretary, Bureau of Military History

Telegrams:
Resources, Dublin."

Department of Agriculture
and Technical Instruction for Ireland,
Upper Merrion Street,
Dublin,

Any further communication
on this subject should be
addressed to

"THE SECRETARY,"

and the number and date of
this letter should be quoted.

No. _____

THIS IS TO CERTIFY that Mr. Michael McDunphy who entered the Second Division of the Civil Service on 8th August, 1911, served as a Second Division Clerk in the Offices of the Department of Agriculture and Technical Instruction for Ireland from 15th February 1912 to 17th December 1918.

Mr. McDunphy was punctual in his attendance and during his service with the Department discharged whatever duties were from time to time assigned to him in a highly satisfactory manner.

His work was always characterised by extreme neatness, accuracy and attention to detail. These qualities proved particularly useful when in May 1917 he was placed in charge of a sub-section dealing with (1) permits for the manufacture of agricultural machinery and for the importation and distribution of such machinery in Ireland, and (2) the purchase by the Department and re-sale of agricultural and other machinery in connection with the Food Production Scheme. While in charge of this work he had under him a staff of five clerks. Mr. McDunphy quickly acquired a thorough knowledge of the numerous regulations made by the Ministry of Munitions and other Government Departments affecting permits, and the care and accuracy which he displayed in carrying out the intricate details of these regulations contributed largely to the success of that Section of the Department in which he was engaged.

J. V. R. [Signature]

13-1-1919