

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
No. W.S. 1396

ROINN  COSANTA.

BUREAU OF MILITARY HISTORY, 1913-21.  
STATEMENT BY WITNESS.

DOCUMENT NO. W.S. 1396

Witness

*Michael. Mc Dunphy, B. L.,  
25, St. Lawrence Rd.,  
Blontarf,  
Dublin.*

Identity.

*Section Commander,  
'C' Coy, 2nd Battalion,  
Dublin Brigade*

Subject.

*Dail Decus 1919 - 1922*

Conditions, if any, Stipulated by Witness.

*nil.*

File No. S. 1083

DÁIL DECREES.NOTE BY THE DIRECTOR.

1. Following and arising out of the Anglo-Irish Treaty of 6th December, 1921, a Provisional Government was established in Ireland on 16th January, 1922. It included many of the members of the Cabinet of Dáil Éireann, the independent Parliament of Ireland which had come into being as a result of the General Election of December, 1918, as the First Dáil Éireann, and which with its successor, the Second Dáil, had existed and operated in the face of opposition, military and otherwise, from the British authorities.
2. With the coming into existence of the Provisional Government in January, 1921, the Cabinet of Dáil Éireann did not come to an end. It continued to exist and operate side by side with the Provisional Government, with the result that for a time there were two national governments, to some extent identical in personnel, acting as a dual government.
3. With the election of the Third Dáil Éireann in May, 1922, the Second Dáil, of which the then Dáil Cabinet was the Government, came to an end. The Dáil Cabinet, however, in theory at least, continued to exist pending the election by the Second Dáil of its successor, but with the

election of a new Government by the Third Dáil at its first meeting in September, 1922, both the Dáil Cabinet and the Provisional Government which had been formed in January, 1922, ceased to exist, their place being taken by the new Government - again entitled a "Provisional Government - responsible to the Third Dáil Éireann.

4. In 1932, in my then capacity of Assistant Secretary to the Government, I suggested to the President of the Executive Council or Head of the Government, Mr. de Valera, that the records of the First and Second Dáil Éireann, other than those of a purely parliamentary nature, should be taken over by the Government, and he authorised me to take all steps necessary to put that proposal into effect.

5. I approached the Clerk of Dáil Éireann, Mr. Colm Ó Murchadha, who then had custody of many of the documents, and received from him and various other persons miscellaneous files which are now in the custody of the Secretary to the Government in the Department of the Taoiseach. These did not include the minutes of the Dáil Cabinet which had been handed over to the Secretary to the Provisional Government on its formation in January, 1922, by General Michael Collins, who was then Chairman of the Provisional Government, the Secretary to the Government being Dermot O'Hegarty who had been until then, and continued to be, Secretary to the Dáil Cabinet.

6. The parliamentary records of Dáil Éireann as a legislative body remained, and properly so, in the custody of the Clerk of Dáil Éireann.
7. Among the documents received by the Government Secretariat as a result of this transfer of records in 1932 were files dealing with decrees passed or approved by Dáil Éireann as a Parliament, this being the form in which that Parliament legislated or approved of ministerial action which purported to have the force of legislation. Many of these files were incomplete, due no doubt to the circumstances of the times in which they were compiled and preserved, that is to say, mainly during the years, 1919-1921, when the country was overrun by the British Army, Auxiliaries and Black and Tans, and most of the Irish leaders were either in prison or on the run.
8. For the purpose of compiling this note regarding Dáil decrees, particulars of which should, I think, be in the hands of historians as part of the records of the Bureau, I have borrowed the relevant files from the Secretary to the Government, consisting of a number dealing with the individual decrees and including a general one dealing with matters of a general nature concerning these decrees, and the enclosures to this note are based on the information contained in them.
9. On the general file there is an undated neostyled tabulated list of the decrees numbered consecutively according to the years of issue, as follows -

1919	...	1-13.
1920	...	1-19.
1921	...	1-5.
1922	...	1-8.

TOTAL: 45 decrees -

the serial numbers, 1-44, being set opposite them. The discrepancy between the number of decrees and the serial numbers was due to the fact that the serial numbers corresponding to two decrees, No. 4 of 1921 - Exclusion of British Goods - and No. 5 of 1921 - Exclusion of British Goods (Supplemental) - were 36 and 36A, respectively.

10. These serial numbers are described in the list as "file" numbers but, when the documents reached me, I could find no files so numbered. The documents relating to the decrees, individually and collectively, bore all sorts of numbers on them, but I reorganised them into files and adopted the serial numbers mentioned.

11. To all the files transferred from Dáil Éireann I gave the prefix "D", the general decree file being No. 8 in that series, the prefix "D", for Dáil Éireann, being used in order to ensure that these papers would not get mixed up with documents of the Provisional and succeeding Governments. As a further precaution, I enclosed them in specially printed buff manilla covers, bearing the heading, "Dáil Éireann", in contrast with the blue manilla covers used for the current departmental files.

12. Having given the prefix "D.8" to the general decree file, I numbered the files relating to the individual decrees in a subordinate series, D.8/1, D.8/2, ... D.8/44, to correspond with the "file" numbers on the list referred to. Any existing numbers on the papers were, of course, left undisturbed.
13. Attached to the list on the general file (D.8) are copies of what purport to be the decrees themselves. A copy of that list, without the enclosures, is annexed hereto.\* As file D.8 and the others in its subordinate series will, I understand, be made available to historians - see paragraph 25 hereunder - I have not included copies of the enclosures with this note, as the amount of copying to be done would be very great and, in the circumstances, would scarcely be justified.
14. As a matter of interest, it may be mentioned that the eight decrees of 1922 were enacted during the period of dual government referred to in paragraph 2 of this memorandum.
15. In a second list on the general file, D.8, also undated, but apparently of later compilation, the decrees are numbered consecutively one to forty-four without reference to the years of issue; the discrepancy between the totals of forty-five in the first list, and forty-four in the second one, being due to the fact that this numbering of the decrees in the second list corresponds to the "file" numbers given in the first list, involving the numbering of

13  
- a. /  
decree No. 5 of 1921 as No. 36A. A copy of that list is annexed, - Appendix B.

16. On this second list there are pencil footnotes in a handwriting which I do not recognise, and initialled with initials which are not decipherable, to the effect that the following documents, listed as decrees, "were resolutions, not decrees":-

<u>Number in second list.</u>	<u>Number in first list.</u>	<u>Title of Decree.</u>
37	No. 1 of 1922.	Register of Births, Marriages & Deaths.
38	No. 2 of 1922.	Árd Fheis Agreement.
39	No. 3 of 1922.	General Election.

17. A further footnote adds that decree No. 43, entitled "Secondary Education" of 8th June, 1922, which appears as No. 7 of 1922 in the first list, was "a decree but not recorded as such in index to printed volume of debates". The reason for this omission was not stated, but it was probably due to an oversight in indexing.

18. The D.8 series of files referred to above contain, as far as my present information serves, all the information now in official custody regarding the decrees of Dáil Éireann, apart from that which is contained in the published proceedings of Dáil Éireann itself. As already mentioned, many of these files are incomplete, and some of them contain nothing more than typescript or neostyled copies of what appear to be drafts or texts at some stage of

the decrees to which they relate. Moreover, in a number of cases the texts on these files differ from those cited in the printed proceedings of Dáil Éireann which body, sitting as a parliament, discussed, made or approved of the texts, and the discrepancies are not always fully explained.

19. In very few cases is there on these files, or elsewhere in official custody as far as I know, a signed, sealed or otherwise authenticated text of a decree. In fact, there is only one case in which there is a sealed copy of a decree, namely, that entitled "Decree Restricting Increase of Rent - 13th Decree, 2nd Session, AD 1920", No. 26 on the second list - File D.8/26. That document, which is printed in Irish and in English under the heading, "Dáil Éireann", is not signed but is sealed, the seal being impressed directly on to the paper without any intervening wafer.

20. The design of the seal is a harp within a circular belt, one and five-eighth inches in outside diameter, on which is inscribed in Gaelic characters, "Séala Saorstáit Éireann: Sigillum Reipublicae Hibernicae". Surrounding the circular belt is an eight-pointed rayed star, the extreme distance between whose opposite points is two and three-eighth inches. The seal itself is at the moment in the National Museum to which it was presented by the Government in May, 1925.

21. Reference has been made in this note to the published proceedings of Dáil Éireann. The issue of these was limited and copies have become very



scarce, but are available in the National Library, Dublin. It is possible that copies may be acquired by the Bureau before it is brought to a close.

22. Sometime about the year 1934 a proposal was made by Mr. Justice George Gavan Duffy, then Judge and later President of the High Court, and formerly a member of the Dáil Cabinet and later of the Provisional Government, that these decrees of Dáil Éireann should be published as part of the legislative code of the State, but owing to the impossibility of getting authentic copies of the whole series, the proposal was not proceeded with.

See Appendix H.

23. It is possible that the meagre information at present available regarding the decrees may be amplified or clarified by documents now in course of collection by the Bureau, as many of the decrees, when enacted or approved as the case may be, were published or otherwise issued and circulated, sometimes in print and sometimes in typescript, and copies of the texts so issued may still be extant. Some have, in fact, already come into the possession of the Bureau. Owing to pressure of other work, however, no opportunity has yet become available to examine these documents.

24. As far as I know, without having gone into the matter in any detail, there was only one case in which a decree of Dáil Éireann was formally rescinded or annulled, namely, the Courts of Justice and Equity Decree, No. 5 of 1920. That decree was rescinded by Mr. Eamonn Duggan, Dáil Éireann

Minister of Home Affairs, on 25th July, 1922, following an application for habeas corpus to a Judge of one of those Courts, Mr. Diarmuid Crowley, on behalf of a prisoner who was then in the custody of the Provisional Government, arising out of the Civil War which was then in progress. Mr. Duggan was, in addition to being Minister of Home Affairs of Dáil Eireann, holder of the same portfolio as a member of the Provisional Government, this being one of the features of the system of Dual Government referred to in paragraph 2. above. The rescission of the decree was gazetted in "Iris Oifigiuil", No. 55, of 1st August, 1922, page 449.

25. The decree files referred to in this note, viz., series D.8 etc., remain in the official custody of the Secretary to the Government, but will, I understand, be made available to historians and research workers when the documents collected by the Bureau are released for that purpose, which, of course, will not be during the life-time of any person who took part in the events or developments being investigated by the Bureau.

26. A supplementary memorandum regarding Decree No. 2 of 1919, "Democratic Programme", which was the subject of a certain amount of publicity in 1943 and 1944, is attached. - Appendix C.

  
(M. McDunphy)

DIRECTOR OF THE BUREAU OF MILITARY HISTORY.

24th February, 1956.

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
No. W.S. 1396

FIRST LIST OF DÁIL DECREES

referred to in paragraph 9 et seq,  
of the covering note.

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SECOND LIST OF DÁIL DECREES

referred to in paragraph 15 et seq.,  
of the covering note.

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## DAIL EIREANN

Sessions January 1919 to May, 1921.

Index to Decrees

No.	Title of Decree	Session	Page	Volume
1.	Declaration of Independence	21st Jan. 1919	15	1
2.	Democratic Programme	21st " "	22	"
3.	Loan Issue	10th Apl. "	47	"
4.	Establishment of Consular Services	18th June "	121	"
5.	Provision of Land	18th June "	121	"
6.	Afforestation	18th June "	121	"
7.	Fisheries	18th June "	122	"
8.	National Arbitration Courts	18th June "	122	"
9.	National Civil Service	18th June "	122	"
10.	Industrial Commission of Inquiry	18th June "	123	"
11.	Housing	19th June "	130	"
12.	Loan Issue in America	20th Aug. "	150	"
13.	Oath of Allegiance	20th Aug. "	151	"
14.	Election Campaign for the Presidency of U.S.A.	29th June 1920	171 173	" "
15.	Consuls and Diplomatic Agents	29th June "	174	"
16.	Ambassador to Washington	29th June "	174	"
17.	Diplomatic Mission	29th June "	174	"
18.	Courts of Justice and Equity	29th June "	178	"
19.	Claims to Land	29th June "	179 180	"
20.	Income Tax	29th June "	181	"
21.	Closing of Loan Issue	29th June "	182	"
22.	Commission re Local Administration	29th June "	185	"
23.	Import and Export Company	29th June "	186	"

Note: Motion appointing Trustees as from 1st July 1920 to 30th June 1921 Pages 182-183, Volume I.)

No.	Title of Decree	Session	Page	Volume.
24.	Imposition of Political or Religious Tests	6th Aug.1920	194	1
25	Organised Opposition to the Republic	6th Aug. "	194	"
26.	Increase of Rent	6th Aug. "	195 206	"
27.	Emigration from Ireland	6th Aug. "	206	"
28.	Severance of Connection with Local Government Board	17th Sept."	218 221 276	"
29.	Terms of Reference of Commission on Organised opposition to the Republic	17th Sept. "	228	"
30.	Non-recognition of hostile Legislation	17th " "	229	"
31.	National Economic Council	17th " "	231 232	"
32.	National Land Commission	17th " "	199 232	"
33.	Local Government Code of Laws	25th Jan.1921	260	"
34.	Prohibition of Census	11th Mar. "	275	"
35.	Increase of Rent and Mortgage Interest	11th " "	276	"
36	Exclusion of British Goods	11th " "	276	"
36.a	Exclusion of British Goods (Supplemental)	10th May "	291	"
37.	Registration of Births, Marriages and Deaths	1st Mar.1922	165	"
38	Ard-Fheis Agreement	2nd " "	196	"
39.	General Election	20th May "	480	"
40.	Membership of Local Authorities	8th June "	502	"
41.	Limerick Night Watchmen	8th " "	509	"
42.	County Scheme - Temporary Provisions	8th " "	512	"
43.	Secondary Education	8th " "	513	"
44.	Workmen's Compensation (War Addition) Extension	8th " "	513	"



A P P E N D I X C.

D A I L D E C R E E S

1919 - 1922

S U P P L E M E N T A R Y N O T E R E G A R D I N G D E C R E E N o . 2 O F 1919.

D E M O C R A T I C P R O G R A M M E

/See paragraph 26 of the covering note./

DÁIL DECREES.1919-1922.SUPPLEMENTARY NOTE REGARDING DECREE No. 2 OF 1919."DEMOCRATIC PROGRAMME"

1. On the 25th November, 1943, Senator General Richard Mulcahy, at one time Minister for Defence, and Mr. Seán T. O'Kelly, Tanaiste and Minister for Finance, in the course of a discussion in Seanad Éireann, referred to the democratic programme which was adopted by the 1st Dáil in 1919 and was embodied in Dáil Decree No. 2 of that year. Relevant extracts from the published debates of the Seanad are annexed - see Appendices D. and E. They appear in the official report of Seanad Éireann, volume 28, columns 225-7 and 243-4 of 25th November, 1943.
2. The same decree was the subject of a series of three articles in the "Irish Times" of 31st January and 1st and 2nd February, 1944, by Mr. Cathal O'Shannon, a prominent leader of the Labour movement. Photostats of these articles, as published, are annexed - see Appendix F.
3. Subsequent to the publication of these articles, Mr. Seán T. O'Kelly, who had been Speaker in Dáil Éireann in 1919 and who, at the time of the publication of the articles, was Tanaiste and Minister for Finance, and was subsequently President of Ireland, was asked by an "Irish Times" reporter if he wished to comment on, or add anything to Mr. Cathal O'Shannon's articles.

Copy of a note published in the "Irish Times" of the 5th February, 1944, following that enquiry, is annexed. - Appendix G.

4. The text of the decree itself, in Irish and in English, and the debate thereon are cited on pages 21-24 of the minutes of proceedings of Dáil Éireann, 1919-1921.



DIRECTOR

(M. McDunphy)

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
No. W.S. 1396

24th February, 1956.

A P P E N D I X D.

EXTRACT FROM THE OFFICIAL REPORT,

PARLIAMENTARY DEBATES, SEANAD ÉIREANN,

VOL. 28, PAGES 225, 226 & 227, 25th NOVEMBER, 1943.

STATEMENT BY GENERAL MULCAHY.

Referred to in paragraph 1 of Appendix C.7

No. W.S. 1396

EXTRACT FROM THE OFFICIAL REPORT,  
PARLIAMENTARY DEBATES, SEANAD EIREANN, VOL. 28,PAGES: 225, 226 and 227, 25th NOVEMBER, 1943.

General Mulcahy,

.....

For the past four years, reams have been written about things that must be brought about after the war if we are to have a civilisation worth boasting of. Nothing that has been so written is in any way new. I found nothing in any of the papers or books published recently that better summarised the position we ought to keep in mind than an article published in the London Times of the 11th March, 1941. In a leading article on that date, they spoke of two scourges - the scourge of war and the scourge of unemployment. They said that unemployment had to be got rid of, that people should be as vigorous, energetic, self-sacrificing and effective in their organisation to deal with unemployment as they were in their organisation for dealing with the war and that that could only be done by positive and constructive action. Here is a further quotation from the same article:-

"It is a problem less of means than of ends. It can be solved (or transformed, as at the present moment, into a technical problem of fitting supply to demand) when we recognise in time of peace a social purpose as compulsive and as worthy of sacrifice as the purposes of war. In 1940, the manufacturer forgoes profits, the worker forgoes trade union restrictions on conditions of employment, the consumer forgoes luxuries and lends to the Government to finance expenditure from which no material return is asked or expected. In 1930, a small

fraction of these sacrifices would have sufficed to avert the unemployment crisis of the ensuing years, and, at the same time, to bring to the countries now involved in war better housing, more ample nutrition, better education, and more amenities for the leisure of the masses. These sacrifices were not made because they were not called for by any political leader; they were not called for because the lesson had not yet been learned. There is no longer any reason for failure to understand".

That was stated in the London Times in March, 1941, and was re-echoed, either shortly before or after, by the Christian churches generally in Great Britain, and it is nothing new as far as we are concerned. If we turn our minds to these things now, we are not learning something from the people outside, but we are hearing from them what is natural and instinctive in our own people here. Both in the Declaration of 1916 and in more detail in the democratic programme issued by the Dáil when it first met in January, 1919, these things are enshrined. Taking one sentence from the democratic programme of the 21st January, 1919: "It shall be the first duty of the Government to make provision for the physical and mental and spiritual well-being of the children to ensure that no child is suffering from 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 as citizens of a free and Gaelic Ireland".

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BUREAU OF MILITARY HISTORY 1813-21
BURO STAIRÉ MILEATA 1913-21
No. W.S. 1396

A P P E N D I X      E.

EXTRACT FROM THE OFFICIAL REPORT,

PARLIAMENTARY DEBATES, SEANAD ÉIREANN,

VOL. 28, PAGES 243 & 244, 25th NOVEMBER, 1943.

STATEMENT BY MR. SEAN T. O'KELLY,

TANAISTE AND MINISTER FOR FINANCE.

Referred to in paragraph 1 of Appendix C.

EXTRACT FROM THE OFFICIAL REPORT,  
PARLIAMENTARY DEBATES, SEANAD ÉIREANN, VOLUME 28,  
PAGES 243 and 244, 25th NOVEMBER, 1943.

Mr. Seán T. Ó Ceallaigh, Tánaiste & Minister for Finance.

.....

The social outlook that inspired the 1916 programme, to which Senator Mulcahy referred also, is the outlook of this Government. Virtually every member of the Government is a 1916 man. They were brought up in that tradition and they have that national, social and economic outlook. They have done their best, with the resources available, in the past 11½ years to implement that programme. The democratic programme adopted by the First Dáil in 1919 was - perhaps I may mention this as a matter of interest - written by myself. I sat at a meeting all the afternoon of the day before the First Dáil met. Some of those who were at the meeting are now dead. We had gone round to people who were for years advocates of social reform - Mr. Johnson, Mr. William O'Brien and others - and got a variety of notes from them. We discussed all that afternoon the drafting of the programme. But committees cannot write programmes. About 12 o'clock at night, somebody said: "Go and write it yourself". I took the material home, sat up the greater part of the night, wrote it and brought it down to Michael Foley to be typed in time for the Dáil. That is the history of the democratic programme.

Mr. Baxter: As a matter of historical interest, would the Minister mind giving us the names of those who sat with him at that meeting?



Mr. O Ceallaigh: I should not like to mention some and not to mention others because those whose names were omitted might feel sore. I shall look the matter up and see if I can get the names of all who were present. I should be happy to put them on record. J.J. Walsh was there and Harry Boland and, I think, Gavan Duffy. I am not sure whether Bob Barton was there or not. Six or seven, in all, were present. As one member of the Government, I have tried to implement that programme every day of my membership of it. There is not a Government in the world which has done more by way of social reform during the past 11½ years than this Government has done. I admit that our social legislation is not all that I should like to see it. But where would you get a Government that has done more with the resources available.

.....

BUREAU OF MILITARY HISTORY 1913-21
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A P P E N D I X F.

PHOTOSTATS OF EXTRACTS FROM THE "IRISH TIMES"

OF 31/1/1944, 1/2/1944 and 2/2/1944,

BEING THREE ARTICLES BY CATHAL O'SHANNON

ENTITLED

"THE 1919 DEMOCRATIC PROGRAMME".

Referred to in paragraph 2 of Appendix C.7

Irish Times 31.1.44

# THE 1919 "DEMOCRATIC PROGRAMME"

By Cathal O'Shannon

## 1. AUTHORSHIP.

PROFESSIONAL historians and proletarian critics at Mr. William O'Brien's reading of letters out of John Devoy's Fenian mailbag a month ago were united in encouraging the preservation, for the use of competent students, of every document of the political revolution which culminated in the establishment of the Irish State.

This is a department of scholarship in which we have been deplorably weak in Ireland. It has been nobody's business to garner and collate the historical documents of our national movements. As with manuscripts in Irish, much material has disappeared beyond recovery through ignorance or carelessness or obtinate reluctance to permit its use. Only recently, thanks to the late Edmund Curtis and Dr. R. B. McDowell, have we had worthy collections even of printed matter.

I have had occasion elsewhere to suggest that at the charge of the State the editing and printing of such of the documents of the revolutionary period as can be publicly assembled should be undertaken without further delay. The French periodical *Les Annales Historiques de la Revolution Francaise* is one of the several publications which might be considered a model. But whatever form publication may take the task of co-operative collection admits of no delay and the editing should be definitely for historical purpose and with adequate critical apparatus. It would be an essential corollary that the texts of documents, and of the drafts out of which they emerged in their final shape, should be accompanied by the most accurate information still possible to obtain on the circumstances of their origin and composition and by acknowledgment of their authorship where ascertainable. Circumstances and authorship will throw desirable light upon the documents and their place in history.

That the flight of time and the lapse of memory or its extinction through death make this a pressing obligation impresses itself upon the student only too forcibly almost every time mention is made of any piece of this material. And by no means to their credit, too many of our authors repeat in books error after error which honest checking beforehand would enable them to avoid.

An instance in illustration of the desirability of complete publication has occurred recently in Seanad Eireann in connection with the Democratic Programme adopted at its first sitting by Dail Eireann on January 21, 1919, commemorated over Radio Eireann on the twenty-fifth anniversary of that meeting.

Following up a quotation by Senator Richard Mulcahy from that document the Minister for Finance, Mr. Sean T. O'Kelly, said in the Seanad on November 25th, 1943:

"The Democratic Programme adopted by the First Dail in 1919 was—perhaps I may mention this as

had gone round to people who were for years advocates of social reform—Mr. Johnson, Mr. William O'Brien and others—and got a variety of notes from them. We discussed all that afternoon the drafting of the programme, but committees cannot write programmes. About 12 o'clock at night, somebody said: 'Go and write it yourself.' I took the material home, sat up the greater part of the night, wrote it, and brought it down to Michael Foley to be typed in time for the Dail. That is the history of the democratic programme." (Seanad Eireann Parliamentary Debates, 24th to 26th November, 1943. Official Report, Vol. 28, No. 3, Columns 243, 244.)

Now, purely as a matter of strict historical record, I have to set down here that the original draft of that document was the work of Mr. Thomas Johnson. That draft underwent some alteration before its adoption was moved in the Dail, but, as its text in a second article will show, for the greater part it was the basis of the Democratic Programme as passed by the Deputies on January 21st, 1919.

At the time Mr. Johnson was Treasurer of the Irish Labour Party and Trade Union Congress, Mr. William O'Brien was its Secretary, and I was a member of its National Executive. The three of us were in daily—sometimes hourly—conference. With Mr. Thomas Farren and the late Thomas MacPartlin we were the medium through which contact was maintained with Labour by Sinn Fein and the Irish Volunteers. We were in intimate association not only in our own Labour sphere, but in the national struggle as well; with MacPartlin we were the delegates appointed by our Party and Congress to represent Ireland at the first International Socialist and Labour Conference after the war, to meet next month, February, at Berne, Switzerland; and Mr. William O'Brien and Mr. Johnson, with Mr. M. J. Egan, of Cork, had been the Labour members of the four-party Mansion House Conference against conscription, and I had been their Secretary there. On every act, speech or statement of importance we took counsel together, and in this way, by exchange of view, we co-operated on what we considered should be the social programme and policy of Dail Eireann. But whatever its merits or defects, the original draft of the document was Johnson's.

I should add that the draft was in no sense officially a Labour Party production. If it had been it would probably have been worded differently. It was a personal contribution for which its author was responsible, and, as its introductory note derived from the Republican Proclamation of 1916 and from Pearse shows, it was designed to link Easter Week with the Dail's need for a social policy. For all that it was fairly representative of Labour opinion of what should be the social content of any Irish Government's fundamental legislation.

Irish Times 31.1.44

# THE 1919 "DEMOCRATIC PROGRAMME"

By Cathal O'Shannon

## 1. AUTHORSHIP.

PROFESSIONAL historians and proletarian critics at Mr. William O'Brien's reading of letters out of John Devoy's Fenian mailbag a month ago were united in encouraging the preservation, for the use of competent students, of every document of the political revolution which culminated in the establishment of the Irish State.

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I have had occasion elsewhere to suggest that at the charge of the State the editing and printing of such of the documents of the revolutionary period as can be publicly assembled should be undertaken without further delay. The French periodical *Les Annales Historiques de la Revolution Française* is one of the several publications which might be considered a model. But whatever form publication may take the task of co-operative collection admits of no delay and the editing should be definitely for historical purpose and with adequate critical apparatus. It would be an essential corollary that the texts of documents, and of the drafts out of which they emerged in their final shape, should be accompanied by the most accurate information still possible to obtain on the circumstances of their origin and composition and by acknowledgment of their authorship where ascertainable. Circumstances and authorship will throw desirable light upon the documents and their place in history.

That the flight of time and the lapse of memory or its extinction through death make this a pressing obligation impresses itself upon the student only too forcibly almost every time mention is made of any piece of this material. And by no means to their credit, too many of our authors repeat in books error after error which honest checking beforehand would enable them to avoid.

An instance in illustration of the desirability of complete publication has occurred recently in Seanad Eireann in connection with the Democratic Programme adopted at its first sitting by Dail Eireann on January 21, 1919, commemorated over Radio Eireann on the twenty-fifth anniversary of that meeting.

Following up a quotation by Senator Richard Mulcahy from that document the Minister for Finance, Mr. Sean T. O'Kelly, said in the Seanad on November 25th, 1943:

"The Democratic Programme adopted by the First Dail in 1918 was—perhaps I may mention this as a matter of interest—written by myself. I sat at a meeting all the afternoon of the day before the First Dail met. Some of those who were at the meeting are now dead. We

had gone round to people who were for years advocates of social reform—Mr. Johnson, Mr. William O'Brien and others—and got a variety of notes from them. We discussed all that afternoon the drafting of the programme, but committees cannot write programmes. About 12 o'clock at night, somebody said: 'Go and write it yourself.' I took the material home, sat up the greater part of the night, wrote it, and brought it down to Michael Foley to be typed in time for the Dail. That is the history of the democratic programme." (Seanad Eireann Parliamentary Debates, 24th to 26th November, 1943. Official Report, Vol. 28, No. 3, Columns 243-244.)

Now, purely as a matter of strict historical record, I have to set down here that the original draft of that document was the work of Mr. Thomas Johnson. That draft underwent some alteration before its adoption was moved in the Dail, but, as its text in a second article will show, for the greater part it was the basis of the Democratic Programme as passed by the Deputies on January 21st, 1919.

At the time Mr. Johnson was Treasurer of the Irish Labour Party and Trade Union Congress, Mr. William O'Brien was its Secretary, and I was a member of its National Executive. The three of us were in daily—sometimes hourly—conference. With Mr. Thomas Farren and the late Thomas MacPartlin we were the medium through which contact was maintained with Labour by Sinn Fein and the Irish Volunteers. We were in intimate association not only in our own Labour sphere, but in the national struggle as well; with MacPartlin we were the delegates appointed by our Party and Congress to represent Ireland at the first International Socialist and Labour Conference after the war, to meet next month, February, at Berne, Switzerland; and Mr. William O'Brien and Mr. Johnson, with Mr. M. J. Egan, of Cork, had been the Labour members of the four-party Mansion House Conference against conscription, and I had been their Secretary there. On every act, speech or statement of importance we took counsel together, and in this way, by exchange of view, we co-operated on what we considered should be the social programme and policy of Dail Eireann. But whatever its merits or defects, the original draft of the document was Johnson's.

I should add that the draft was in no sense officially a Labour Party production. If it had been it would probably have been worded differently. It was a personal contribution for which its author was responsible, and, as its introductory note derived from the Republican Proclamation of 1916 and from Pearse shows, it was designed to link Easter Week with the Dail's need for a social policy. For all that it was fairly representative of Labour opinion of what should be the social content of any Irish Government's fundamental legislation.

It was the only Dail instrument which was fashioned outside the Dail and its Deputies.

(To-morrow—II: The Original Draft.)

*Irish Times*  
1.2.44.

# THE 1919 "DEMOCRATIC PROGRAMME"

By Cathal O'Shannon

## II. THE ORIGINAL DRAFT.

I HAVE before me the first rough draft made by Johnson, and the final text as given to the Dail. This rough draft I remember well, with all Johnson's marks, deletions, additions laboriously thought out and worked in.

Here is the final text, patiently revised and amended, as it left Johnson's hand:—

**Draft of a Democratic Programme for Dail Eireann submitted by Thomas Johnson.**

"Repeating the words of the Proclamation of the Provisional Government of the Irish Republic: 'We declare the right of the people of Ireland to the ownership of Ireland and to the unfettered control of Irish destinies to be indefeasible.' And further, in the language of its First President, Patrick H. Pearse, we declare that the Nation's Sovereignty extends not only to all the men and women of the Nation, but to all the material possessions of the Nation, the Nation's soil and all its resources, all wealth and all wealth-producing processes within the Nation. In other words, no private right to property is good as against the public right of the nation." ("The Sovereign People" — 31st March, 1916.)

"We further declare that as the nation in the exercise of its sovereignty may entrust its soil and its resources, its wealth and wealth-producing processes to the care and charge of any of its citizens, to use and exploit for the nation's enrichment on such terms and subject to such conditions as may be determined by the whole people, so the nation must never retain the right and power to resume possession of such soil or wealth whenever the trust is abused or the trustee fails to give faithful service.

"In the same manner as we affirm that the duty of every man and woman is to give allegiance and service to the Commonwealth, so we declare it as the duty of the nation to ensure that every citizen shall have the opportunity for spending his or her strength and faculties in the labour of wealth production or the service of the people. In return for willing service we, in the name of the Republic, declare the right of every citizen to an adequate share of the produce of the nation's labour.

"The Irish Republic shall always count wealth and prosperity by the measure of health and happiness of its citizens. It shall therefore 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 ensure that no child shall suffer hunger or cold from lack of food, clothing or shelter, that all shall be provided with ample means and facilities requisite for the education and training of free citizens of a free nation. A condition precedent to such education is to encourage by every reasonable means the most capable and sympathetic men and women to devote their talents to the education of the young.

"To promote the development of its resources, to increase the productivity of its soil, to exploit its mineral deposits, peat bogs and fisheries, its waterways and harbours—in the interests of and for the benefit of the Irish people—the nation, exercising its rights of sovereignty, shall deem it to be a duty to organise and direct into as fruitful contact the labour of men

with the land and raw materials and machinery and industry. Wherever the land, the mineral deposits and other forms of productive wealth are wrongfully used or withheld from use to the detriment of the Republic, there the nation shall resume possession without compensation.

"In the sphere of overseas commerce the Republican Government, to safeguard the economic interests of the nation, shall itself undertake the organisation of the import and export of merchandise so as to prevent the shipment from Ireland of food and other necessities until the wants of the Irish people are fully satisfied and the future provided for, and to obviate the waste of life and labour which competitive commerce involves, and the risk of destroying Irish productive undertakings.

"It shall be the purpose of the Government to encourage the organisation of the people into trade unions and co-operative societies, with a view to the control and administration of the industries by the workers engaged in the industries. It shall also devolve upon the National Government to seek the co-operation of the Government of other nations in determining a standard of social and industrial legislation, with a view to a general improvement in the conditions under which the working classes live and labour.

"Finally, the Republic will aim at the elimination of the class in society which lives upon the wealth produced by the workers of the nation but gives no useful service in return, and in the process of accomplishment will bring freedom to all who have hitherto been caught in the coils of economic servitude."

On examination and comparison of this text with the Programme adopted and printed by the Dail I find that out of the 133 lines printed above 66 were deleted, and that of the 91 lines in the official record—36 were not in the Johnson draft. This corrects the footnote on page 288 of "The Irish Republic," by Dorothy Macardle: "About half of their draft was included in the above programme as finally written by Sean T. O'Kelly and adopted by the Dail."

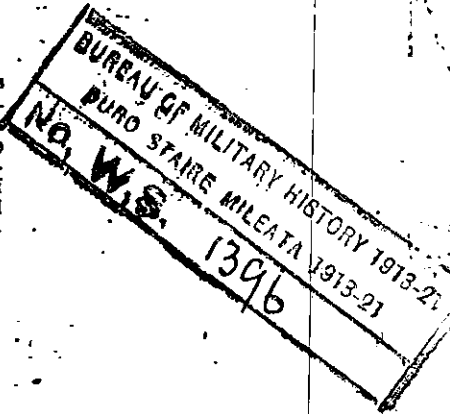
At the most, Mr. O'Kelly's contribution amounted to one-third, and Mr. Johnson's to practically two-thirds. About one half of the Johnson draft was omitted.

The Johnson draft, as I have shown, was a completed document.

The substantial deletions were:—

Last sentence of first paragraph—Pearse's words — and title of pamphlet; the whole second paragraph; a dozen words of the third paragraph, the first and last sentences of the fourth, and the last sentence of the fifth; the whole sixth paragraph; the first of the two sentences in the seventh, and the entire last paragraph. The additions made to the Johnson draft were:—The words "and Gaelic Ireland" for the word "nation" in the fourth paragraph; a short general affirmation on "Liberty, Equality and Justice for all" in place of the second paragraph; a new paragraph on the "Foreign Poor-Law system" and health instead of the sentences cut out of the fourth paragraph. The sixth paragraph was re-worded without much alteration of the sense, and there were a few minor verbal alterations.

(To-morrow: III—In Dail Eireann)



BUREAU OF MILITARY HISTORY 1913-21  
 BURO STAIRÉ MILEATA 1913-21  
 NO. W.S. 13916

Jack James 2.2.44

## THE 1919 "DEMOCRATIC PROGRAMME"

By Cathal O'Shannon

### III. IN DAIL EIREANN.

**A**T the sitting of the Dáil the revised document was read in an Irish version by Piaras Béaslaí, and in English by the late Alderman Tom Kelly. Its adoption was moved by Mr. Richard Mulcahy and seconded by Mr. Con Collins. In reading the Irish version, Béaslaí explained that the document had been drafted in haste (*fé dheabhadh*), but that they had considered it better to draft it in haste than to omit it. (Dáil Eireann Miontuairisc an Chéad Dála, 1919-1921. Minutes of Proceedings of the First Parliament of the Republic of Ireland, 1919-1921. Official Record: Dublin [1922]. p. 21, col. 2). In moving its adoption, Mulcahy asked that it should be made effective in the statutes of the Dáil (*ibid.*, p. 23, col. 2).

The official title in Irish is "Clár Oibre Poblacánaigh," and in English, "Democratic Programme." Incidentally, I note that in his biography of Cathal Brugha (Dublin: 1942), Mr. J. J. O'Kelly (Seoilg), gives its title in Irish as "Réim Oibre na Poblachta" (p. 68), and in his transcript of the Irish version (pp. 68-70) substitutes the words "Poblacht Eireann" for the words "Saorstát Eireann" wherever they occur as the Irish equivalent for "Irish Republic" in the text in the Official Record. The word "Pobalacht" is used once in the version in the Official Record, and then as the Irish for "Commonwealth."

Seoilg declares, too (p. 68), that, like the Declaration of Independence and the Message to the Free Nations of the World, the Democratic Programme was read in French as well as Irish and English. There is no reference to that in the Official Record and no French translation of this document, and I cannot recollect hearing it in French at the sitting.

On the document as passed by the Dáil Piaras Béaslaí makes an interesting comment. Noting that it "had been drafted in consultation with the leaders of the Irish Labour Party," he says:—"The 'Democratic Programme,' it may be remarked, was of a very radical nature, so much so, that it is doubtful whether the majority of the members would have voted for it, without amendment, had there been any immediate prospect of putting it into force. Many would have

objected to the communistic flavour of the declaration, quoted as 'the language of our first President, Padraic MacPhearais' (P. H. Pearse), that 'the Nation's sovereignty extends, not only to all the 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 'that all right to private property must be subordinated to the public right and welfare.' If any charge of insincerity could be made against this first Dáil it would be on this score." (Michael Collins and the Making of a New Ireland: Dublin, 1926. Vol. 1, p. 259.)

This may be true, and in later years it was asserted that the Democratic Programme could be explained away as mere window-dressing, a gesture to help to keep Labour in good humour. That, indeed, may have been the mind of some of the Deputies, but at that sitting of that first Irish Parliament in the Mansion House the Democratic Programme was given equal status and equal importance with the other two declarations adopted, its passing was invested with as much solemnity and with as much display of earnestness as any other of that day's fateful decisions.

The quotation with "the communistic flavour" is a direct quotation from P. H. Pearse: "The Sovereign People" (p. 1), and part of it has, I believe, been accidentally omitted from some copies of the reprint in Pearse's collected works. The quotation beginning "that all right to private property . . . ." was a substitution in the Dáil document for the quotation from "The Sovereign People" (p. 1): "In other words, no private right to property . . ." given verbatim in the Johnston draft.

I recall Johnson's reaction when he heard his own words read out by Tom Kelly. To all appearance, but only to appearance, Johnson is the least demonstrative of men, although his warmth occasionally shows in his speeches. But at that reading in the Dáil he was so stirred that by his side in the gallery of spectators I put my hand to his arm in restraint, and with *sh! sh!* enjoined him to observe Ceann Comhairle Cathal Brugha's order that there should be no applause.

I was afraid that Johnson might break into a cheer.

[Concluded.]

A P P E N D I X G.

EXTRACT FROM THE "IRISH TIMES" OF 5/2/1944

OF A COMMENT BY MR. SEÁN T. O'KELLY,

TANAISTE AND MINISTER FOR FINANCE,

AND SUBSEQUENTLY PRESIDENT OF IRELAND,

ON MR. CATHAL O'SHANNON'S ARTICLES

ON THE "DEMOCRATIC PROGRAMME",

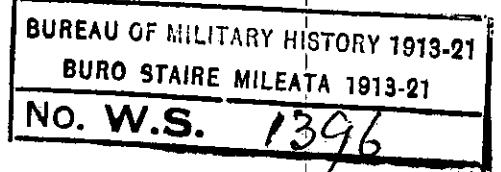
COPY OF WHICH IS ANNEXED HERETO AS APPENDIX F.

[ See paragraph 3 of Appendix C. ]

EXTRACT FROM"IRISH TIMES" 5/2/44.Programme of First Dáil.

When Mr. Seán T. O'Kelly was asked by an Irish Times reporter if he wished to comment on, or add anything to, Cathal O'Shannon's articles on the democratic programme of the first Dáil, he said that he had read the articles with much interest, and thought they formed a valuable contribution to a subject of great historical importance. He added that these articles had not contradicted in any significant respect the brief statement he had made on the same subject in the Senate, which statement was made purely ex tempore as the result of a reference to the matter by Senator Mulcahy.

As he understood the position, Mr. O'Shannon's intention was not so much to contradict what he (Mr. O'Kelly) had said as to give a more detailed version of what actually took place in the light of the records which, of course, there was no time to consult or refer to on the occasion when the Tánaiste's statement in the Senate was made.





A P P E N D I X H.

PROPOSAL IN 1934 BY MR. JUSTICE GAVAN DUFFY

FOR THE PUBLICATION OF DÁIL ÉIREANN DECREES

AS PART OF THE LEGISLATIVE CODE OF THE STATE.

The documents annexed have been copied from Dáil Decrees file D8, which is in the custody of the Secretary of the Government in the Department of the Taoiseach.

The letter signed N.S. Ó Nualláin, Asst. Secretary to the Government, dated 13th February, 1952, indicates how these documents came into the possession of the Bureau.

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# ORIGINAL



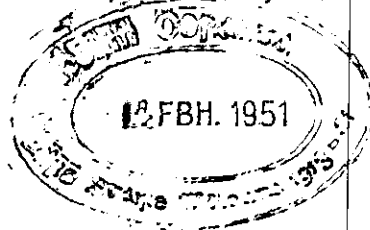
ROINN AN TAOISIGH  
DEPARTMENT OF THE TAOISEACH

BAILE ÁTHA CLIATH  
DUBLIN

Uimhir Thagartha  
- Ref. No.

S.3654

13 Feabhra, 1952.



Dear McDunphy,

With reference to our telephone conversation this morning on the subject of the Dáil Decrees, 1919-1922, I am now sending you herewith, as requested, a copy of the late Mr. Justice Gavan Duffy's letter of the 28th July, 1934, to the Controller of the Stationery Office on the matter, together with a copy of the covering minute of the 11th August, 1934, with which we received it from the Controller of the Stationery Office.

Yours sincerely,

M. McDunphy, Esq.,  
Director,  
Bureau of Military History, 1913-21,  
26, Westland Row,  
DUBLIN.

BUREAU OF MILITARY HISTORY 1913-21  
BURO STAIRE MILEATA 1913-21  
No. W.S. 1396

184A/26.

Oifig an tSolathair,  
Stationery Office,  
Baile Átha Cliath,  
DUBLIN.

11th August, 1934.

A Chara,

I am to attach, for your information, a copy of a recent letter from Mr. Gavan Duffy, S.C., who with Mr. Art O'Connor is engaged on the preparation of the Index of the Volumes of Statutory Rules and Orders made since the period April 1923 to December, 1933.

The Orders or Decrees made by Dáil Éireann subsequent to 5th December, 1921, have already been referred to in page 5 of your minute of 22nd November, 1932; in pursuance of which subsequent informal conversations with the Office of Dáil Éireann and your Office elicited the information that all the records of the 2nd Dáil Éireann had been transferred some time previously from Leinster House to the Office of the President.

It was understood at the time that it was a matter of some difficulty to extract these orders from the mass of material transferred. Seeing, however, that Counsel is concerned only with those Orders or Decrees made subsequent to the 5th December, 1921, it may be that these can now be supplied.

Mise, le meas,

(Sd.)

D.J. COVENEY

a.s. Ceannasaí.

An Rúnaí,  
Roinn Uachtarán na hÁrd-Chomhairle,  
Tighthe an Rialtais,  
BAILE ÁTHA CLIATH.

BUREAU OF MILITARY HISTORY 1913-21
BURO STAIRE MILEATA 1913-21
No. W.S. 1396

81, Bushy Park Road,  
Dublin, S. 5.

28.7.1934.

An Ceannasáí,  
Oifig an tSoláthair.

A Chara: -

Statutory Rules and Orders.

I am greatly indebted to you for the thoroughness with which the Rules and Orders up to the end of 1933 have been arranged and tabulated, and I hope to send you shortly the outline of the proposed scheme of publication.

I contemplate beginning with the 1922 period which stands by itself and going on to Executive Council (or Governor-General) Orders generally. But I find myself held up by a preliminary difficulty, which is that we have nothing from the Dáil Éireann Government in 1922. That Government was not amalgamated with the Provisional Government until the autumn of 1922 and there may be Orders for convening Dáil or other matters that should be either noted or reproduced in the forthcoming series.

For this reason I want to ask you to be good enough to ask Colm Murchadha, Clerk of Dáil, at Leinster House, who is in charge of the records, to state what Orders or Decrees of the Dáil Government were made after 5th December, 1921, if any, and, if there are any, to supply copies. I shall be much obliged if you can do this and persuade him to deal with the matter at once, because these documents, if they exist, should figure in the forefront of the volume.

I understand that the "Decrees" proper of Dáil before the Treaty will be published separately in due course; as they have the force of statute, they cannot be included among the Rules and Orders; but anything issued by the Government, as distinct from Dáil, whether called an Order or a Decree, would be relevant to my inquiry, if done after 5th December, 1921.

Mise, le meas ort,

(Sgd.)

SEOIRSE GABHÁNACH Ó DUBHTAIGH.

BUREAU OF MILITARY HISTORY 1913-21  
BURO STAIRE MILEATA 1913-21

No. W.S. 1396

COPY.

Roinn an Taoisigh,  
Baile Átha Cliath.

S.3654.

18 Eanáir, 1952.

Dear McDunphy,

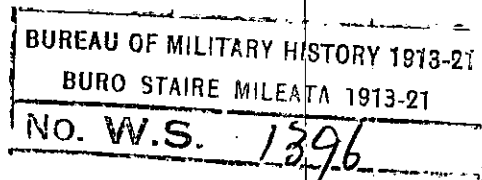
With reference to our telephone conversation this morning on the subject of the Dáil Decrees, 1919-22, I am now sending you herewith a copy of our minute of the 25th August, 1934, to the Controller of the Stationery Office on the matter, which will, I think, give you the information you require.

Yours sincerely,

(Signed)

N.S. Ó NUALLÁIN.

M. McDunphy, Esq.,  
Director,  
Bureau of Military History, 1913-21,  
26, Westland Row,  
DUBLIN.



25 August, 1934.

S.365 .

Controller,  
Stationery Office.

A Chara,

1. I am in receipt of your letter of 11th instant No. 184A/26, in regard to Decrees of Dáil Éireann, 1919-22.
2. The Department of the President has at no time had any official function or responsibility in connection with this matter, save as custodian for the past two years of certain papers which were transferred here by the Clerk of Dáil Éireann in July, 1932, that is to say 13½ years after the issue of the first Decree and 10 years after the issue of the last.
3. These documents consist almost entirely of unauthenticated copies, the majority being typed on unheaded paper, and in a number of cases they differ in text from what is recorded in the printed Dáil Debates as having been approved by Dáil Éireann. They are consequently practically useless from the point of view of providing reliable texts.
4. It is regretted, therefore, that this Department is not in a position to make any useful contribution to the subject matter of the present enquiry.
5. It is suggested that, in view of the fact that the decrees were issued either by or with the approval of Dáil Éireann, as recorded in the printed debates, the question of their authentication is properly a matter for the Clerk of Dáil Éireann who is responsible under the Ceann Comhairle for Parliamentary records.
6. It is understood that the present holder of the post held, or had close relationship with, a similar post during the period in which the Dáil Decrees under discussion were issued.
7. While this Department is unable to give any direct assistance, it is prepared if so required, to make available to the Clerk of the Dáil or to the Stationery Office or any other responsible authority the documents referred to in paragraphs 2 and 3 above.

Mise, le meas,

(Signed)

SEÁN Ó MUIMHNEACHÁIN

Rúnaí.