

Roger Casement

Speech From The Dock

1916

My Lord Chief Justice, as I wish my words to reach a much wider audience than I see before me here, I intend to read all that I propose to say. What I shall read now is something I wrote more than twenty days ago. I may say, my Lord, at once, that I protest against the jurisdiction of this court in my case on this charge, and the argument, that I am now going to read, is addressed not to this court, but to my own countrymen.

There is an objection, possibly not good in law, but surely good on moral grounds, against the application to me here of this old English statute, 565 years old, that seeks to deprive an Irishman today of life and honour, not for 'adhering to the King's enemies', but for adhering to his own people.

When this statute was passed, in 1351, what was the statute of men's minds on the question of a far higher allegiance - that of a man to God and His kingdom? The law of that day did not permit a man to forsake his Church, or deny his God, save with his life. The 'heretic', then, had the same doom as the 'traitor'.

Today a man may foreswear God and His heavenly kingdom, without fear or penalty - all earlier statutes having gone the way of Nero's edicts against the Christians, but that constitutional phantom 'the king' can still dig up from the dungeons and torture-chambers of the Dark Ages a law that takes a man's life and limb

for an exercise of conscience.

If true religion rests on love, it is equally true that loyalty rests on love. The law that I am charged under has no parentage in love, and claims the allegiance of today on the ignorance and blindness of the past.

I am being tried, in truth, not by my peers of the live present, but by the fears of the dead past; not by the civilisation of the twentieth century, but by the brutality of the fourteenth; not even by a statute framed in the language of the land that tries me, but emitted in the language of an enemy land - so antiquated is the law that must be sought today to slay an Irishman, whose offence is that he put Ireland first.

Loyalty is a sentiment, not a law. It rests on love, not on restraint. The government of Ireland by England rests on restraint, and not on law; and since it demands no love it can evoke no loyalty...

Judicial assassination today is reserved only for one race of the king's subjects - for Irishmen, for those who cannot forget their allegiance to the realm of Ireland. The kings of England, as such, had no rights in Ireland up to the time of Henry VIII, save such as rested on compact and mutual obligation entered into between them and certain princes, chiefs, and lords of Ireland. This form of legal right, such as it was, gave no king of England lawful power to



impeach an Irishman for high treason under this statute of King Edward III of England until an Irish act, known Poyning's Law, the tenth of Henry VII, was passed in 1494 at Drogheda, by the parliament of the Pale in Ireland, and enacted as law in that part of Ireland. But, if by Poyning's Law an Irishman of the Pale could be indicted for high treason under this Act, he could be indicted in only one way, and before one tribunal - by the laws of the Realm of Ireland and in Ireland. The very law of Poyning, which, I believe, applies this statute of Edward III to Ireland, enacts also for the Irishman's defence 'all these laws by which England claims her liberty'.

And what is the fundamental charter of an Englishman's liberty? That he shall be tried by his peers. With all respect, I assert this court is to me, an Irishman, charged with this offence, a foreign court - this jury is for me, an Irishman, not a jury of my peers to try me on this vital issue, for it is patent to every man of conscience that I have a right, an indefeasible right, if tried at all, under this statute of high treason, to be tried in Ireland, before an Irish court and an Irish jury. This court, this jury, the public opinion of this country, England, cannot but be prejudiced in varying degrees against me, most of all in time of war. I did not land in England. I landed in Ireland. It was to Ireland I came; to Ireland I wanted to come; and the last place I desired to land was in England.

But for the Attorney-General of England there is only 'England'; there is no Ireland; there is only the law of England, no right of Ireland; the liberty of Ireland and of an Irishman is to be judged by the power of England. Yet for me, the Irish outlaw, there is a land of Ireland, a right of Ireland, and a charter for all Irishmen to appeal to, in the last resort, a charter, that even the very statutes of England itself cannot deprive us of - nay more, a charter

that Englishmen themselves assert as the fundamental bond of law that connects the two kingdoms. This charge of high treason involves a moral responsibility, as the very terms of the indictment against myself recite, in as much as I committed the acts I am charged with to the 'evil example of others in like case'. What was the evil example I set to others in the like case, and who are these others? The 'evil example' charged is that I asserted the right of my own country and the 'others' I appealed to, to aid my endeavour, were my own countrymen. The example was given, not to Englishmen, but to Irishmen, and the 'like case' can never arise in England, but only in Ireland. To Englishmen I set no evil example, for I may no appeal to them. I ask no Englishman to help me. I ask Irishmen to fight for their rights. The 'evil example' was only to other Irishmen, who might come after me, and in 'like case' seek to do so as I did. How, then, since neither my example, nor my appeal was addressed to Englishmen, can I be rightfully tried by them?

If I did wrong in making that appeal to Irishmen to join with me in an effort to fight for Ireland, it is by Irishmen, and by them alone, I can be rightfully judged. From this court and its jurisdiction I appeal to those I am alleged to have wronged, and to those I have alleged to have injured by my 'evil example' and claim that they alone are competent to decide my guilt or innocence. If they find me guilty, the statute may affix the penalty, but the statute does not override or annul my right to seek judgement at their hands.

This is so fundamental a right, so natural a right, so obvious a right, that it is clear that the Crown were aware of it when they brought me by force and by stealth from Ireland to this country. It was not I who landed in England, but the Crown who dragged me here, away from my own country to which I had returned



with a price upon my head, away from my own countrymen whose loyalty is not in doubt, and safe from the judgement from my peers whose judgement I do not shrink from. I admit no other judgement but theirs. I accept no verdict save at their hands.

I assert from this dock that I am being tried here, not because it is just, but because it is unjust. Place me before a jury of my own countrymen, be it Protestant or Catholic, Unionist or Nationalist, Sinn Feineach, or Orangemen, and I shall accept the verdict, and bow to that statute and all its penalties. But I shall accept no meaner finding against me, than that of those, whose loyalty I have endangered by my example, and to whom I alone made appeal. If they adjudge me guilty, then guilty I am. It is not I who am afraid of their verdict - it is the Crown. If this is not so, why fear the test? I fear it not. I demand it as my right.

This is the condemnation of English rule, of English-made law, of English government in Ireland, that it dare not rest on the will of the Irish people, but exists in defiance of their will: that it is a rule, derived not from right, but from conquest.

Conquest, my Lord, gives no title; and, if it exists over the body, it fails over the mind. It can exert no empire over men's reason and judgement and affections; and it is from this law of conquest without title to the reason, judgement, and affection of my own countrymen that I appeal.

I can answer for my own acts and speeches. While one English party was responsible for preaching a doctrine of hatred, designed to bring about civil war in Ireland, the other, and that the party in power, took no active steps to restrain a propaganda that found its advocates in the Army, Navy, and Privy

Council - in the House of Parliament, and in the State Church - a propaganda the methods of whose expression were so 'grossly illegal and utterly unconstitutional' that even the Lord Chancellor of England could find only words and no repressive action to apply to them. Since lawlessness sat in high places in England, and laughed at the law as at the custodians of the law, what wonder was it that Irishmen should refuse to accept the verbal protestations of an English Lord Chancellor as a sufficient safeguard for their lives and liberties? I know not how all my colleagues on the Volunteer Committee in Dublin reviewed the growing menace, but those with whom I was in closest co-operation redoubled, in face of these threats from without, our efforts to unite all Irishmen from within. Our appeals were made to Protestant and Unionists as much almost as to Catholic and Nationalist Irishmen. We hoped that by the exhibition of affection and goodwill on our part toward our political opponents in Ireland, we should yet succeed in winning them from the side of an English party who sole interest in our country lay in its oppression in the past, and in the present in its degradation to the mean and narrow means of their political animosities. It is true that they based their actions, so they averred, on 'ears for the empire', and on a very diffuse loyalty that took in all the peoples of the empire, save only the Irish. That blessed word empire that bears so paradoxical resemblance to charity! For if charity begins at home, empire begins in other men's homes, and both may cover a multitude of sins. I, for one, was determined that Ireland was much more to me than empire, and, if charity begins at home, so must loyalty. Since arms were necessary to make our organisation a reality, and to give to the minds of Irishmen, menaced with the most outrageous threats, a sense of security, it was our bounden duty to get arms before all else. I decided, with this end



in view, to go to America, with surely a better right to appeal to Irishmen there for help in an hour of great national trial, then those envoys of empire could assert for their weekend descents on Ireland, of their appeals to Germany.

If, as the right honourable gentleman, the present Attorney-General, asserted in a speech at Manchester, Nationalists would neither fight for Home Rule nor pay for it, it was our duty to show him that we knew how to do both. Within a few weeks of my arrival in the United States, the funds that had been opened to secure arms for the Volunteers of Ireland amounted to many thousands of pounds. In every case the money subscribed, whether it came from the purse of the wealthy man, or from the still readier pocket of the poor man, was Irish gold.

We have been told, we have been asked to hope, that after this war Ireland will get Home Rule, as a reward for the lifeblood shed in a cause which whomever else its success may benefit, can surely not benefit Ireland. And what will Home Rule be in return for what its vague promise has taken, and still hopes to take away from Ireland? It is not necessary to climb the painful stairs of Irish History - that treadmill of a nation, whose labours are as vain for her own uplifting as the convict's exertions are for his redemption, to review the long list of British promises only to be broken - of Irish hopes, raised only to be dashed to the ground. Home Rule, when it comes, if come it does, will find an Ireland drained of all that is vital to its existence unless it be that unquenchable hope we build on the graves of the dead. We are told that if Irishmen go by the thousands to die, not for Ireland, but for Flanders, for Belgium, for a patch of sand in the deserts of Mesopotamia, or a rocky trench on the heights of Gallipoli, they are winning self-government for Ireland. But if they dare to lay down their lives on their native soil, if they dare to dream even that freedom

can be won only at home by men resolved to fight for it there, then they are traitors to their country, and their dream and their deaths are phases of a dishonourable phantasy.

But history is not so recorded in other lands. In Ireland alone, in this twentieth century, is loyalty held to be a crime. If loyalty be something less than love and more than law, then we have had enough of such loyalty for Ireland and Irishmen. If we are to be indicted as criminals, to be shot as murderers, to be imprisoned as convicts, because our offence is that we love Ireland more than we value our lives, then I do not know what virtue resides in any offer of self-government held out to brave men on such terms. Self-government is our right, a thing born in us at birth, a thing no more to be doled out to us, or withheld from us, by another people than the rights to life itself - than the rights to feel the sun or smell the flowers, or to love our kind. It is only from the convict that these things are withheld, for crime committed and proven - and Ireland, that has wronged no man, has injured no land, that has sought no domination over others - Ireland is being treated today among the nations of the world as if she were a convicted criminal. If it be treason to fight against such an unnatural fate as this, then I am proud to be a rebel, and shall cling to my 'rebellion' with the last drop of my blood. If there be no right of rebellion against the state of things that no savage tribe would endure without resistance, then I am sure that it is better for men to fight and die without rights than to live in such a state of right as this. Where all your rights have become only an accumulated wrong, where men must beg with bated breath for leave to subsist in their own land, to think their own thoughts, to sing their own songs, to gather the fruits of their own labours, and even while they beg, to see things inexorably withdrawn from them - then, surely, it is a braver, a saner and truer thing to be a rebel, in act and in deed, against such circumstances as these, than to tamely accept it, as the natural lot of men.