

Discovering Casement

No evidence Rising hero and philanthropist wrote 'Black Diaries'

by Paul R Hyde

It is today widely believed that between Casement's arrest and execution in 1916 the Black Diaries now held in the UK National Archives were clandestinely shown to influential persons in order to disarm appeals for his reprieve. This belief was once again articulated by law professor Sean McConville on 2 June, 1916 at a Casement event in London when he stated to a TV audience of millions "...the diaries were circulated in London ... Blackwell ... was circulating these diaries at a time when Casement's fate had not finally been decided ...".

The original sources of this belief, however, are the books written by Rene MacColl BL, Reid, Roger Sawyer, Brian Inglis and Seamus Ó Síocháin.

These volumes comprise more than 2,000 pages and at an average of two years of research for each study, we have around ten years research. Strangely, in these 2,000 pages there is not a single verifiable instance recorded of the diaries in the National Archives being shown to anyone in that period. How can this be?

It is not credible that these authors of research overlooked this crucial aspect after ten years. If they found instances of the diaries being shown in that period, then it seems they withheld that vital information from their readers. Since this is not credible, we must assume that none of them found any instance of the diaries being shown in that period. It is well

attested that typescript pages were circulated in that period and that a large quantity of these eventually found their way to Singleton-Gates who published them in Paris in 1959. But Casement did not type those pages.

What would constitute a proof of authenticity of the diaries held in the National Archives? There are no witnesses to Casement's authorship and there have been no rigorous and impartial scientific tests. The only evidence that has been adduced in favour of authenticity is a resemblance in handwriting. The attempts at corroboration in July 1916 are not evidence of authorship.

But perhaps the question about authenticity is a false trail. In the period from 25 April to 3 August the British authorities claimed

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to be in possession of the five bound volumes now held in the UK National Archives. However, there is no verifiable record that these volumes were shown to anyone in that period. Rather than show the diaries, the Intelligence chiefs had decided to prepare typescript pages and to show these to influential persons, journalists, editors, politicians, churchmen and others. They told these persons that the typescript pages were authentic copies of original diaries written by Casement. They failed to provide any proof that the typescript pages were copies of anything written by anyone. The proof which they did not provide would have been exhibition of the bound volume diaries now in the UK National Archives. No explanation has ever been proposed for this failure.

Today there are five bound volumes in the UK National Archives. Their existence today does not prove their existence in the period 25 April to 3 August 1916. That the bound volume diaries were not shown in that period means there was some impediment to showing them. The protagonists – Blackwell, Thomson, Hall, Smith and others – had the strongest of motives for showing the bound volume diaries which they said had been discovered but they did not do so. The impediment certainly existed and it was such that these powerful men neither jointly nor singly could overcome it. Therefore it was out-with their *joint power* to show the bound volume diaries *in that period*. This circumstance indicates that the impediment could not have been overcome by anyone in England at that time – not even by the monarch. In this regard these powerful men had touched the limit of their *human power*.

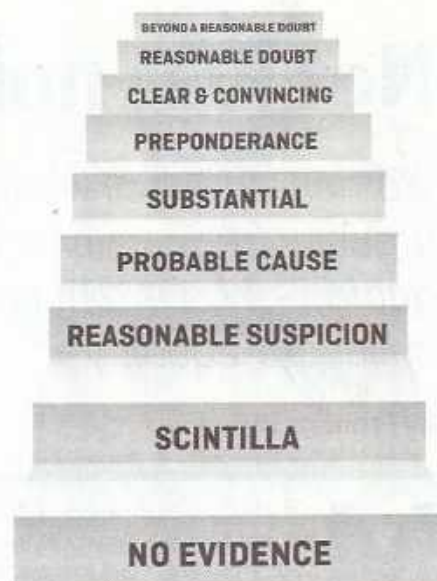
The question is therefore not about forgery or authenticity but about the material existence of the bound volume diaries at that time. The absence of verifiable evidence that the bound volume diaries existed before August 3, 1916 means that questions about authenticity are meaningless. What first requires to be proved is their existence in that period before August 3. Those who claim the typescripts were true copies have now had 100 years to produce evidence of the existence of the bound volumes in that period. That they have not produced the necessary evidence indicates that they too have been unable to overcome the impediment which defeated their powerful predecessors, Thomson, Smith, Hall etc. In these circumstances an impartial court of law would decide to act as if the bound volume diaries did not exist *at that time* and would dismiss a case for their authenticity as being un-tryable. The case for the typescripts being copies at that time could not be tested or proved without verifiable independent evidence that the bound volumes existed before August 3.

Thus the case in favour of the material existence of the bound volume diaries before August 3 rests entirely on the word of Thomson, Hall, Blackwell, Smith and others and these are the people who at that time were circulating typescripts which depicted Casement as “addicted to the grossest

sodomitical practices”. These persons can only be considered as hostile witnesses by virtue of their uncontested behaviour. There are no neutral witnesses who testified to seeing at that time any of the bound-volume diaries now in the UK National Archives. Absence of proof of existence of the bound volumes at that time entails that no proof of their authenticity can be derived. That no proof of authenticity can be derived entails that - until such proof of existence is provided - the veracity or falsity of the typescripts cannot be considered. *Ei incumbit probatio qui dicit, non qui negat*; the onus of proof rests on the accuser, not on the defence.

If questions about authenticity are meaningless due to lack of conclusive evidence after 100 years, claims favouring authenticity do not rest upon verifiable facts or upon independent testimony. Therefore such claims rest upon an induction which excludes the normal apparatus of reasoned proof, a process which is indeterminate, untestable and unprovable, akin to that of faith.

That there is no independent witness to the existence of the bound volumes at any time before August 3, 1916 means that their continuous existence from 1903, 1910, and 1911 can only be presumed *because* it cannot be proven. That the Intelligence chiefs did not show the bound volumes to any independent witness during the three-month period up to August 3 is an extraordinary omission but it cannot have been an oversight given their joint plan to destroy Casement’s moral reputation. Therefore the *presumption* that the bound volumes existed before August 3 is groundless because unsupported by verifiable facts or the testimony of independent witnesses. That the bound volume diaries are effectively ‘date stamped’ proves only that they are date stamped but does not constitute a verifiable fact that they existed on those dates. The anomalous behaviour of the Intelligence chiefs was nonetheless intentional and intentional behaviour is that which is felt to be necessary. Therefore they felt it necessary to show typescripts rather than bound volumes. That necessity compelled them to exclude showing the bound volumes. Such a necessity indicates that there was no option; the bound volumes could not be shown by any of the Intelligence chiefs at any of the many recorded showings of the typescripts. An impartial person, indifferent to the political equations, would be irresistibly drawn to the conclusion that the bound volumes held in the UK National Archives could not be shown in that period because they did not exist before August 3; therefore they cannot be authentic Casement writings. The search for reasonable alternative explanations being exhausted *after 100 years*, the impartial person would regard this as satisfying the 0.91 probability threshold required for proof beyond reasonable doubt. ■



Levels of Proof



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