

*Submission handed in by
Mullen, Solo. - at Session on 5/3/41*

STATEMENT ON APPEALS OF MEMBERS OF 4TH
NORTHERN DIVISION. I.R.A. (1)

This area is largely within the District known in former times as the Pale. Nevertheless there was a handful of men in this Area imbued with the spirit of their glorious forefathers and their comrades throughout Ireland. The population for the most part was sneeringly hostile. They were for the larger part members of the A.O.H. and Protestant settlers in and around Dundalk. This was a garrison Town and a large number of the households therein had at least one if not more ex-British soldier as a member. The British element and the British Shoneens, the British Camp Hangers-On, and the A.O.H. were virulently opposed to the National Movement. Considerable moral courage, not to speak of physical courage, was required of anyone having anything to do with Sinn Fein and the I.R.A. here in these days. Their task would have been more pleasant if it had to be carried out in the heart of England itself, because treachery and the very bitter hatred that was part and parcel of the Irish "Loyalist" would not be encountered, or at least would be expected and prepared for. These elements therefore in addition to the strong British garrison maintained here, constituted a very dangerous locate for the operations of the brave men who took part in the struggle. They were liable to a stab in the back at any time and their members were few having regard to the population. This important fact must be taken into consideration in considering their claims to active service in this area. The present Appellants and their comrades rendered abundant active service in the cause, and their activities and presence kept the Crown Forces in this Area fully occupied.

The present Appellants submitted their claims for Service Certificates several years ago and were recently advised that the Referee considered they had not rendered active service. A detailed scrutiny of each claim will show that every one of the Claimants can show that he took ~~part~~ an active part in at least one operation against the enemy. War had to be made in every type of way on the

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enemy, by armed attack, by sabotage, by hampering his activities etc. These~~x~~ men were not wanting in courage and not once but many times they were mobilised for attacks on enemy forces, took up positions with their arms only to find the engagement cancelled by their superiors at the last moment. Apart from the instances specified on their claim sheets of actual engagements, surely mobilisations such as these must be reckoned as service of a very active nature.

On consideration of the whole question of active service it has been indicated that the test applied in regard to applications for Service Certificates is whether or not the Applicants engaged in an armed engagement with the enemy. I respectfully make the following submissions in this connection. When a member took the Oath of Allegiance he entered the Service of the Irish Republican Army ready and willing to perform any of the duties allotted to him, whether it be Intelligence work, scouting, ambushing, raiding, or any of the many assignments that fell to the lot of a soldier engaged in guerilla warfare. When he received an order from his superior Officer to carry out any operation of whatever kind, and he duly presented himself at the selected site of operations, whether he carried^{it}/out or not surely his service became active. If a soldier in the regular Army to-day is called out and rushed to the defence of a Frontier for instance, he must be considered on active service even though no necessity arises for him to engage in an armed conflict. In all of the activities of the present Applicants same were carried out in pursuance of orders received. They went into positions of danger many times and though all their activities did not consist of ambushes and fierce armed encounters with the enemy, they must be considered as being on active service on every occasion that they ventured forth on any mission having its' object ~~of~~ the breaking of enemy control. If it is to be the deciding factor in every case, except cases such as Intelligence Officers and persons arrested or interned for their activities (specially provided for in the Act) that an actual armed conflict with enemy forces must have occurred before such

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case can be considered as complying with the qualifying conditions relating to active service, then I respectfully submit that the Act must be amended to provide that "unless the Applicant can show some Act or combat or conflict in arms with enemy forces no service Certificate will be granted". I submit that as the act stands and the fair and just interpretation of the relevant section these Appellants must be allowed as they had service which was most active and in no circumstances could the service they rendered be termed otherwise.

Again on the question of active service claims have been successfully made by comrades of these present appellants in this area for service Certificates. It can and will be proved that apart from the list of activities covered and specified within the sheets of these present appeals, no activities save perhaps some of a minor nature, were engaged in ~~the~~ by the entire personnel of the Companies of the 4th Northern Division in this particular area. The records kept/show this. Therefore the comrades of these men whose claims have been allowed must be considered as being having rendered active service in the Forces. These appellants can prove that they were actively engaged on all the operations in which their successful comrades took part and the attention of the Referee is particularly directed to this portion of this statement. These claims are well founded and in view of the claims already allowed (and actually in some cases allowed on the certification of men who took part in the services claimed by those allowed but whose own claims in respect of the very same acts of service have been rejected) I emphatically press that the present Appeals must be allowed. If they are not allowed then these men should be dealt with under the provisions of the relevant section of the Act in regard to making false statements. Their claims are either or genuine. If bogus they can be dealt with as stated. If their sworn testimony is believed then they must be dealt with as their comrades have been dealt with since all of them on the records and on the entire weight of evidence are confined to certain specified

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activities. If these activities have been held to constitute active service in one case the same ruling must apply to all. In the event that a conflict arises, and up to the present the Appellants have had no means of ascertaining the detailed grounds of their disallowance or what form the certification of their respective claims took, regarding the part these men played in any of the said activities or if the fact that they actually did take part in such activities is not completely accepted, I must on their behalf demand that the entire records of the area be produced and that likewise all the available witnesses, whether they be members of the Brigade Committee, certifying Officers, or independent witnesses, ~~whether they~~ be produced for examination or cross-examination on behalf of said appellants. The entire presentation of these appeals is subject to this demand and the right is reserved to take independent action of whatever nature and at whatever stage of the proceedings as may be advised if this just demand is not complied with.

Finally these Appellants are men who fought without hope of reward for their Country. Twenty five years has not changed the ideals of any one of them; none of them are half as much concerned with the monetary end of the matter as with the honour and proud distinction of being acknowledged active soldiers of the Army that won freedom for most of Ireland. So many of the people in this Area were so bitterly hostile during the period and so many of these very same people during the course of the years have changed their tune and have made pretences, absolutely false, regarding their part in the struggle, that it is doubly galling on the men who took part in the conflict to find that they are now relegated to the same level as these same people who scoffed, sneered and were openly antagonistic to all things national and Irish, for that is what it amounts to. There is no escaping that fact. These appeals are the test. These men will either be tried (and they eagerly await the most careful examination of their claims)

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and proved serving soldiers of the I.R.A. and certified as such beyond fear of contradiction for all time, or they will take their place in the community as ordinary citizens of the time who certainly showed ~~xx~~ a bit of sympathy but otherwise and for all practical purposes and in the eyes of the people alluded to they are just in the same position as those people and can never hope to say without fear of contradiction that they were members of the Irish Republican Army who rendered active service to their Country in the hour of their Country's need.
