Anders Ahlqvist and Pamela O'Neill (eds), Fír Fesso: A Festschrift for Neil Mcleod, University of Sydney, Sydney, 2018

Securing Public Safety and the Defence of the Commonwealth? The Detention of Australia's Irish Radicals during the First World War

JEFF KILDEA
University of New South Wales

INTRODUCTION

IT has long been a fundamental principle of the common law that 'the involuntary detention of a citizen in custody by the State is penal or punitive in character and, under our system of government, exists only as an incident of the exclusively judicial function of adjudging and punishing criminal guilt' (*Chu Kheng Lim* [1992] HCA 64; (1992) 176 CLR 1, [23]). Nevertheless, the common law recognises certain exceptions, including: arrest on warrant to ensure presence at trial; certified mental illness; quarantine in times of infectious disease; immigration detention pending deportation; and internment during wartime for reasons of national security. It is the last of those exceptions with which this article is concerned.

Cases in which Australian courts have examined the constitutional limitation on executive power routinely affirm that administrative detention in the absence of a breach of criminal law and outside the well-accepted categories of exceptions 'is offensive to ordinary notions of what is involved in a just society' (*Chu Kheng Lim*, [9]). Yet the courts and legal academics have rarely paused to justify the wartime exception except by glib assertions such as that offered by a young Robert Menzies in a prize-winning essay in 1917:

> [H]owever much we may cherish the Rule of Law as one of our most precious possessions, we must recognize that permanent liberty is often best achieved only by a temporary sacrifice of individual freedom (Menzies 1917, 24).

According to the cases, so long as the power to detain is conferred by legislation, ordinary notions of what is involved in a just society are deemed to be satisfied. Yet, in wartime there have been instances where such powers have been exercised on the basis of considerations other than national security or in reliance on inadequate evidence or in a procedurally defective manner. Such instances show that if the power to detain, though legislatively conferred, is effectively beyond the scrutiny of the courts, it may nevertheless be exercised unjustly in an arbitrary or capricious manner or incompetently.

To illustrate the problem this article examines three case studies concerning the arrest and detention during the First World War of supporters of Irish independence. The cases concern in total nine men (a group of seven plus two individuals) interned without trial in 1917 and 1918 under reg. 56A of the *War Precautions Regulations 1915* (WPR) and held in military custody for periods ranging from six to fourteen months. The article looks at the circumstances of their arrest and detention and considers to what extent their internment was justified by considerations of national security and whether extraneous factors may have influenced the decision to detain them. Before looking at the three cases it is

worthwhile to review the history of reg. 56A and the political context in which the men were detained under it.

HISTORY OF REG. 56A OF THE WAR PRECAUTIONS REGULATIONS 1915

Regulation 56A was made on 4 August 1915 pursuant to the *War Precautions Act 1914–1915* (WPA). Sub-regulation (1) provided:

> Where in the opinion of the Minister, for securing the public safety and the defence of the Commonwealth, it is expedient in view of the hostile origin or associations of any person that he should be detained in military custody, the Minister may, by warrant under his hand, order him to be detained in military custody in such place as he thinks fit during the continuance of the present war.
>
> Provided that the order shall, in the case of any person who is not a subject of a State at war with His Majesty, include express provision for the due consideration by the Minister of any representations he may make against the order.[1]

The bill for the WPA was introduced by Andrew Fisher's Labor government, passed through the House of Representatives and the Senate with little debate and received assent on 29 October 1914.[2] However, two sets of amendments in 1915 expanding the scope of the Act and the regulation-making power under it saw many Labor members dissenting from their own government's legislative proposals, fearful of the wide-ranging powers it gave to the executive. Nevertheless, with the support of the Liberal opposition under Sir Joseph Cook, the amending acts were passed.[3]

The WPA and the regulations and orders made under it derived their validity from s 51(vi) of the Constitution: the 'defence power'. The defence power is said to be elastic in scope, expanding and contracting according to the extant political climate, being given its broadest interpretation during times of war. In *Polyukhovich v Commonwealth* (1991) 172 CLR 501, Brennan J said at 592–593:

> In times of war, laws abridging the freedoms which the law assures to the Australian people are supported in order to ensure the survival of those freedoms in times of peace. In times of peace, an abridging of those freedoms [...] cannot be supported unless the Court can perceive that the abridging of the freedom in question is proportionate to the defence interest to be served.

Consequently, the greater the prevailing threat or tension, the greater the power and, therefore, the greater the potential for the infringement of rights. In time of active war, the defence power is almost without limit.

[1] Regulation 56A was initially made on 4 August 1915 by Statutory Rule (SR) 1915 No. 135 as a provisional regulation and superseded on 5 April 1916 by new reg. 56A in the same terms made by SR 1916 No. 47.

[2] Act No. 10 of 1914. The Act was modelled on DORA: the United Kingdom's *Defence of the Realm Act*.

[3] *War Precautions Act 1915* (Act No. 2 of 1915, assented to on 30 April 1915); *War Precautions Act (No. 2) 1915* (Act No. 39 of 1915, assented to on 13 September 1915).

Not long after the WPA was first amended in 1915 a case arose in Victoria which tested the minister's power to order a person's detention. In July 1915 the Minister for Defence, Senator George Foster Pearce, signed a warrant pursuant to WPR reg. 55 for the arrest of Franz Wallach, a German-born naturalised British subject, and for his detention in military custody during the continuance of the state of war. Regulation 55 provided:

> Where the Minister has reason to believe that any naturalized person is disaffected or disloyal, he may, by warrant under his hand, order him to be detained in military custody in such place as he thinks fit during the continuance of the present state of war.

Following his detention Wallach applied for a writ of habeas corpus. On return of the writ the Full Court of the Victorian Supreme Court by majority ordered that Wallach be discharged from detention (*R v Lloyd, Ex Parte Wallach* [1915] VLR 476). On appeal, the High Court overturned the decision and unanimously upheld the validity of the warrant (*Lloyd v Wallach* (1915) 20 CLR 299).

In the Full Court, Madden CJ and a'Beckett J (Cussen J dissenting) held that the warrant was bad for a number of reasons including the invalidity of reg. 55. In addition, their Honours held the warrant should have set out facts sufficient to justify the minister in arriving at his belief and that the grounds and reasonableness of the minister's belief were examinable by the court. The High Court rejected those findings, basing its decision essentially on the statutory interpretation of the WPA and the regulation. None of the five High Court justices gave consideration to whether there might be any constitutional impediment to Wallach's detention. Only Higgins J saw the need to approach such territory, but he did so only by way of stating expressly what the other justices had taken for granted, namely (20 CLR 310):

> In all countries and in all ages, it has often been found necessary to suspend or modify temporarily constitutional practices, and to commit extraordinary powers to persons in authority, in the supreme ordeal and grave peril of national war.

His Honour referred to the practice in the United Kingdom and gave examples of how the executive in Ireland had been granted wide powers by acts of parliament, stating (20 CLR 311):

> The Lord Lieutenant was empowered (amongst other things) to imprison men without any charge formulated, and on mere suspicion.[4]

But Higgins J's observations in this regard were not directed to the elucidation of constitutional principle but rather as an aid to statutory interpretation, concluding (20 CLR 311):

[4] He cited 44 Vict. c.4 (*Protection of Person and Property (Ireland) Act 1881*) and 45 & 46 Vict. c.25 (*Prevention of Crime (Ireland) Act 1882*). The former was used to imprison Land League activists, including Charles Stewart Parnell. During the 120 years of the union of Great Britain and Ireland the Westminster parliament passed over 100 such 'Coercion Acts' regarded by many Irish nationalists as indicative of England's oppression of Ireland. For a discussion of these acts and their context see Townshend 1984.

> There is, therefore, no such inherent improbability as is asserted that our Parliament would give extraordinary powers during the present extraordinary war to a Minister responsible to Parliament.

Nevertheless, Griffith CJ (20 CLR 304–305) discussed the proper role of the courts in cases involving internment under the regulation:

> I think that [the Minister's] belief is the sole condition of his authority, and that he is the sole judge of the sufficiency of the materials on which he forms it. If this be so, the only inquiry which could possibly be made by the Court ... would be whether the Minister had in fact a belief arrived at in the manner I have indicated. That belief is a matter personal to himself, and must be formed on his personal and ministerial responsibility. It is quite immaterial whether another person would form the same belief on the same materials, and any inquiry as to the nature and sufficiency of those materials would be irrelevant. Further, having regard to the nature of the power and the circumstances under which it is to be exercised, it would, in my opinion, be contrary to public policy, and, indeed, inconsistent with the character of the power itself, to allow any judicial inquiry on the subject in these proceedings.

The High Court's decision effectively put the minister's exercise of the power to intern beyond scrutiny enabling him to act arbitrarily or capriciously so long as he faithfully followed the regulatory formula. Menzies in his essay observed:

> This very modern resuscitation of the Minister's arbitrary power is, true enough, a Parliamentary creation, and not the product of the inherent and prerogative powers of the Executive; but though the cause be different the result, the arbitrary power, is there all the same; and as such it is in direct conflict with the Constitutional Rule of Law.

But he then added the qualification quoted above justifying the use of arbitrary power in wartime.

Following the decision in the Victorian Supreme Court, but before the High Court gave its decision, the government introduced amending legislation to overcome the Full Court's determination that reg. 55 was invalid by giving statutory form to the internment regulation (CPD, Senate, 27 August 1915, 6199–6201). New paragraph (da) of WPA, s 4(1) empowered the Governor-General to make regulations for securing the public safety and the defence of the Commonwealth with a view (inter alia):

> to confer on the Minister power, by warrant under his hand, to detain any person in military custody for such time as he thinks fit, if he is satisfied that such detention is desirable for securing the public safety and the defence of the Commonwealth. (Act No. 39 of 1915, s 2(b)).

This provision not only gave the minister express legislative power to intern, it also made clear that the power could be exercised not only in the case of aliens and naturalised persons but also native-born British subjects. That category was not relevant in *Lloyd v Wallach* because reg. 55, under which Wallach was detained, applied only to naturalised persons. But the new provision gave legislative support for the recently-made reg. 56A which applied to 'any person'.

During the parliamentary debate on the amendment Senator Millen argued for a provision to be inserted giving a detained person the right to be heard before a

tribunal. Senator Pearce rejected the suggestion, arguing that the *Suspected Persons Inquiry Order 1915* (SPIO), which enabled an internee to apply to the minister for an inquiry by an authorised person, was sufficient and appropriate because there were situations where the disclosure to the authorised person of information to justify a person's detention might be contrary to national security (CPD Senate, 31 August 1915, 6316–6332).

In the result, the legislation had been tidied up and the detention power expanded, while at the same time the High Court had given a minimalist interpretation of the procedural requirements necessary for the valid exercise of the power.

Context of the Internments of Supporters of Irish Independence

In the period from the founding of the colony in 1788 to the First World War, about one quarter of immigrants to Australia had been Irish while three quarters had been British. And often the prejudices and divisiveness of the Old World accompanied them. Nevertheless, in the main, the Irish, who were mostly Catholics, and the British, who were mostly Protestants, coexisted peacefully, but occasionally there would be a flare up, sometimes around the Twelfth of July, as in Melbourne in 1846 when shots were fired, or on St Patrick's Day, as in Sydney in 1878 when rioting broke out. And, all the while, charismatic sectarian propagandists, from their pulpits and in the religious press, loudly and frequently warned their co-religionists of the evils inherent in Catholicism or Protestantism, as the case may be.

In the years immediately before the First World War sectarian tensions increased due to a ramping up of Catholic demands for the restoration of state funding of their schools and local reaction to the introduction of the Third Home Rule Bill into the Westminster parliament. Generally speaking, Catholics of Irish descent strongly supported Irish home rule while Protestants of British descent opposed it. The outbreak of the First World War acted as a circuit breaker. And, for a time, the sectarian divisions subsided. Protestants and Catholics came together in support of the war effort. But the uneasy truce was shattered following Easter week 1916 when Irish rebels seized the General Post Office and other buildings in Dublin. At first the Australian Irish deplored the rising, but when the British military authorities declared martial law and began executing the rebel leaders and interning thousands of Irish men and women, they began to criticise the British government, provoking a backlash from mainly Protestant Empire loyalists with claims that the Irish and their progeny in Australia were disloyal to the Empire. The sectarian divide widened during the conscription referendum campaigns of 1916 and 1917.

Following the Easter rising, doubts as to the loyalty of the Australian Irish began to pervade the federal government from the highest levels (including the governor-general and the prime minister) to the lowest (including those in the intelligence services and the offices of the state censors).[5] Their suspicions were the product of

[5] As to the attitudes of the former see Kildea 2007. Those of the latter are sprinkled through their various reports. For example, letter 30 January 1918 from George Steward to Frank Hall (NAA A8911 240). For a discussion of political surveillance during the First World War see Cain 1983 and Fewster 1980.

a combination of long-entrenched anti-Irish and anti-Catholic prejudice and more recent concerns as to the attitudes of the Australian Irish to events they perceived as impacting on the war effort: overt expressions of sympathy for the 'German-backed' rebels of Easter week 1916; increasing support for the campaign for Irish self-government that threatened the unity of the Empire; the widely-accepted perception that Catholics of Irish descent were responsible for the defeat of conscription; and the bitter public rivalry between Prime Minister Billy Hughes and his two most prominent political opponents, the Irish-born Catholic Archbishop of Melbourne, Daniel Mannix, and the Australian-born son of Irish Catholic immigrants, Queensland Premier T. J. Ryan.

To Hughes, the perceived influence of the Irish in Australia was alarming. He told the British prime minister Lloyd George in August 1917, '[T]he Irish question is at the bottom of all our difficulties in Australia. They—the Irish—have captured the political machinery of the Labor organisations, assisted by syndicalists and I.W.W. people. The Church is secretly against recruiting. Its influence killed conscription'. The IWW, i.e. the Industrial Workers of the World, was a radical syndicalist working-class organisation that opposed the war. Speaking of the general strike then taking place in New South Wales, Hughes added, 'The I.W.W. and the Irish are mainly responsible for the trouble. In a sense it is political rather than industrial. […] [T]hey are now trying to take the reins of Govt out of our hands' (Fitzhardinge 1979, 276).

The governor general, Sir Ronald Munro-Ferguson, concurred, advising the British colonial secretary in March 1917 that the Queensland government was in the hands of the Irish Roman Catholics (Murphy 1975, 15). Outspoken Protestants agreed.[6] The *Methodist* newspaper was quite explicit in its attitude:

> Romanism at heart is disloyal and desires the downfall and dismemberment of the Empire as a great Protestant power. [… T]he attitude of Romanists, as a whole, and of the great majority of their priests and bishops, is conclusive as to the utterly disloyal spirit of that communion (*Methodist* 8 December 1917, 7).

Although Catholics of Irish descent enlisted in the AIF roughly in line with their proportion in the population, Protestant Empire loyalists frequently claimed they were shirkers and working against the war effort. Even Hughes seemed to believe so. In March 1917 he complained to Lloyd George through his London confidant Keith Murdoch:

> Australian recruiting is practically at a standstill. Irish National Executive here has carried resolution to effect that until Home Rule granted no Irish Catholics shall join forces. This is being acted on and in such a way that the non-Irish population are going out of Australia to fight […]. The Irish remain behind and in any election their voting strength is greatly increased (Fitzhardinge 1979, 261).

Increasingly, Irish individuals and organisations came under surveillance by the security services. As Justin McPhee (2015, 143) observed in his PhD thesis:

> A concerning aspect relating to the surveillance of the Irish groups was not the amount of surveillance conducted on them, but the extent to which the

[6] See, for example, an attack on the loyalty of the Australian Irish by Archdeacon Hindley in a sermon at St Paul's Cathedral, Melbourne (*Argus* 27 August 1917, 4).

> intelligence community had bent to Hughes' political objectives, the pro-conscription cause, and anti-Irish views.

The extent to which the government was prepared to use the intelligence services and censorship against Irish and working-class organisations to suppress perceived disloyalty and to thwart the anti-conscription movement, has been well documented (Fewster 1980; McPhee 2017). It was against this background that the internments of the Australian Irish occurred.

THE INTERNMENTS

Of the nine men who were interned, eight were members of the Irish National Association (INA). Originally established in Sydney in July 1915, branches of the association were formed in Brisbane in August 1916, Melbourne in September 1917, Adelaide in May 1918 and Perth in February 1919. Its objects were 'to assist Ireland to achieve her national destiny and to foster an Irish spirit among the Irish portion of the community' (*CPS* 29 July 1915, 17). Like Sinn Féin in Ireland, the INA supported Ireland's independence from Great Britain and the Empire rather than a measure of home rule within the United Kingdom as preferred by the Irish Parliamentary Party and most Irish organisations in Australia.

WILLIAM JOSEPH FEGAN

William Joseph Fegan was the first of the nine to be interned. Born in Dublin in 1876, he emigrated to Australia in 1914. In Ireland he had worked as a solicitor's managing clerk and then a school attendance inspector. On his arrival in Australia he became secretary of the Prison Warders and Asylum Employees' Union.[7] Along with Thomas Fitzgerald and George McKitterick he helped to establish a branch of the INA in Brisbane under the name of the 'Austral Irish National Association of Queensland' (AINA) (NAA A8911 216).[8]

Fegan came to the notice of the authorities because of a letter he wrote to Brisbane's *Daily Mail*. The letter arose out of the death of Major William Redmond MP, at the Battle of Messines in Belgium on 7 June 1917. Major Redmond was the brother of John Redmond MP, leader of the Irish Parliamentary Party. At a not-well attended meeting, the AINA resolved to send a cable to John Redmond expressing its sincere sympathy. The next day the *Daily Mail* carried a report of the meeting (*DMB* 21 June 1917, 4). This prompted Fegan to write to the paper advising he had given notice of a rescission motion, adding:

[7] Biographical details derived from Ireland Births and Baptisms, 1620–1881; Census of Ireland 1911; Australia, Queensland, Immigration indexes, 1864–1940; Queensland Register of Births, Deaths and Marriages.

[8] Extracts from the Minute Book of Queensland INA, 27 August 1916. After a year it dropped 'Austral' from its name (*CPS* 6 September 1917, 28). See also Ainsworth 2005.

> I may state that I was one of the founders of the association, which cannot, consistently with its principles, have any sympathy with men of Irish birth who get killed in the service of Ireland's enemy, and personally I have no sympathy whatever with their fate. […] The founders of the association have got no time for pro-British or anti-Irish Irishmen. (*DMB* 22 June 1917, 4).

Although the editor of the *Mail* was prepared to publish Fegan's letter, he added an editorial comment deploring its sentiments as 'not only discreditable to a supposed loyal subject of the Crown, but a bitter insult to the memory of a dead hero. They will be repudiated by the great bulk of Englishmen and Irishmen alike'.

Fegan fired back the next day: 'I cannot conceive why you should describe me as "a supposed loyal subject of the Crown", which is a description I indignantly resent, and have never deserved either in my native land or here'. Once again Fegan's letter was published with an editorial comment rejecting his viewpoint (*DMB* 23 June 1917, 8). Fegan's letters provoked a strong reaction: correspondents wrote to the *Mail* expressing their disgust (*DMB* 23 June 1917, 8); indignant empire loyalists wrote to the government demanding it take action against Fegan (NAA MP367/1 527/21/ 496);[9] the censor noted in his weekly intelligence report that the AINA's repudiation of Redmond 'indicates disloyalty in the Irish National Association of Queensland' (NAA MP367/1 527/21/496);[10] and the military authorities recommended that the government prosecute Fegan (NAA MP367/1 527/21/496).

Proceedings were commenced against Fegan in the Brisbane Summons Court where on 31 August 1917 he was convicted of making a statement likely to prejudice recruiting. The magistrate imposed a fine of £10 plus costs totalling £2.18.8 and sentenced him to three months imprisonment suspended on his entering into a three-months good behaviour bond totalling £50 with surety. The matter might have ended there but for the fact that during the court hearing the unrepresented Fegan chose to give evidence to explain his motives in writing the letters. In doing so he expanded on his anti-English opinions as expressed in the letters (*BC* 1 September 1917, 6). The military authorities seized upon Fegan's remarks and recommended he be interned or deported. Following advice from the Crown Solicitor and the approval of the prime minister and the cabinet, Senator Pearce on 13 October 1917 signed a warrant for Fegan's arrest and detention. Twelve days later Fegan was arrested and transferred from Brisbane to Sydney where he was taken to Darlinghurst Detention Barracks, formerly Darlinghurst Gaol.

Fegan's case is of concern for two reasons. Firstly, he had been prosecuted and convicted for what he had written to the *Daily Mail* and yet four months after publication and two months after the court dealt with the matter he was detained, not for any subsequent behaviour, but for having expressed the anti-English opinions which had led to his prosecution. Secondly, the warrant had been issued under reg. 56A, which related to persons of 'hostile origin or associations'. Given that Fegan was a British subject by birth the former category did not apply and since the actions leading to his detention were the public expression of his opinions

[9] See, for example, Letter 25 June 1917 from Grand Secretary, Loyal Orange Institution of Queensland to Prime Minister Hughes; Letter 27 June 1917 from State Recruiting Committee to Secretary to Director General of Recruiting.

[10] Extract from Brisbane Censor's Intelligence report for week ended 16 June 1917.

in letters to the *Daily Mail* and court testimony, it is difficult to see how the minister could conclude he was a person of hostile associations. The Crown Solicitor in his advice to the government said that statements in Fegan's letters that he was one of the founders of the INA and that the founders of the association had no time for pro-British or anti-Irish Irishmen amounted to evidence that Fegan was a person of hostile associations (NAA MP367/1 527/21/496). If that analysis is correct then all members of the INA were persons of hostile associations and liable to internment whether they chose to express their opinions in public or not. Yet, as we will see in the next section, the government did not regard members of the INA as persons of hostile associations merely because of their membership of the association. But, the minister having signed the warrant, which in its printed form stated he had formed the relevant opinion for the purposes of reg. 56A, the merits of the minister's opinion were beyond judicial scrutiny.

THE DARLINGHURST SEVEN

The next to be detained were seven members of the INA, who would be dubbed the 'Darlinghurst Seven' because of their detention in Darlinghurst gaol.[11]

Four of them were from Sydney: Albert Dryer, Edmund McSweeny, Liam McGuinness and Michael McGing. Two were from Melbourne: Maurice Dalton and Frank McKeown. And one was from Brisbane: Thomas Fitzgerald. All were Irish-born except Albert Dryer, who was born in Sydney to an Australian-born father of German and Irish descent and an Irish mother from Limerick.

Dryer, the founder of the INA, was a recent convert to the Irish cause. His epiphany occurred in early 1914 when reading Alice Stopford Green's 1911 *Irish Nationality*. He would later write, 'Ireland's real history, her glories and her sufferings, were revealed to me for the first time' (Dryer 1954).[12] His interest aroused, he soon gravitated from support for Irish home rule within the United Kingdom to the more radical notion of Irish independence. The others were long-time supporters of Irish independence, with the oldest of them, Dalton, claiming to be a veteran member of the Irish Republican Brotherhood (IRB) who had taken part in the fenian rising of 1867.[13] McGuinness had also been a member of the IRB in Ireland and McSweeny might have been a member in England, where he lived for a time (NLA Dryer Papers).

[11] For an overview of the internment of the Darlinghurst Seven see O'Farrell 1992, 273–78, O'Farrell 1983 and O'Keeffe 1997.

[12] Dryer contributed two statements to Ireland's Bureau of Military History, which between 1947 and 1957 collected more than 1750 witness statements concerning the revolutionary period in Ireland from 1913 to 1921. Dryer's second and more detailed statement is Dryer 1956. Vanessa Collins in a MA thesis has contended that Dryer was exposed to republicanism when he was thirteen and a student at Saint Catherine's from 1901 until 1903 (Collins 2013).

[13] According to the Catholic Parish Registers, 1655–1915 (National Library of Ireland) Dalton was born in 1843. As to his claim to have taken part in the 1867 rising, see Memorandum 24 June 1918 Lt CA Lempriere (ISGS) to Major FV Hogan (ISGS) (NAA A8911 246).

British intelligence first alerted Commonwealth authorities to the existence in Australia of 'a seditious Irish Association' after intercepting a letter dated 29 November 1916 from John Doran, an Irish republican living in America, to his sister in Ireland. In the letter Doran wrote that he feared he had been under surveillance while visiting Australia. (NAA A5522 M770).[14] The vague concerns which the letter aroused crystallised in October 1917 when the censor intercepted a letter datelined 'San Francisco 17 September 1917' and signed 'X.Y.Z.' The letter in Doran's handwriting was in an envelope addressed to 'M. Dalton' at an address in Melbourne. The following wording caused alarm within the security services:

> If you have any subscriptions for guns, etc. send them to Sydney (you know who I mean) along with a list of names and they will be transmitted here, and through the proper channels to Berlin or Hamburg, by direct messenger (NAA A3932 SC417).

As a result, Dalton was placed under surveillance and his mail intercepted, leading to an expanded list of persons of interest who were also placed under surveillance. Following raids on their homes and businesses, the heads of military and naval intelligence issued a joint report, entitled 'Report on the Activities of Sinn Féin and Seditious Irish Societies in the Commonwealth' which concluded:

> Leading executive officers of the Irish National Association in Sydney, Melbourne and Brisbane (Dryer, Dalton, McKeown and Fitzgerald) organised branches of the Association for the purpose of assisting in an effort to gain the independence of Ireland by the means (inter alia) of helping Germany and her allies in the war.

It stated that the limited numbers of searches authorised by the cabinet rendered it impossible to state how many of the members of the INA were privy to 'the real aim of those who controlled the Association'. The report recommended that consideration be given to prosecuting the four men for incitement to treason or sedition (NAA A5522 M770).

Instead of prosecution, the government chose internment. On 13 June 1918 Defence Minister Pearce signed warrants under WPR, reg. 56A ordering that the seven men be detained in military custody. The arrests occurred on 17 and 18 June. The following day Treasurer William Watt, who was acting prime minister during Hughes' absence in England for an Imperial War Conference, issued a press release advising of the internments. In a carefully worded statement that contained a mix of sensational allegations and soothing words suggesting fair play, Watt said that it had recently come to the knowledge of the government that an Australian division of the IRB with links to America and Germany had been formed with the object of establishing an Irish Republic. The plan, he said, was to aid an armed revolution in Ireland by enrolling volunteers to send to America and thence Ireland and to remit money to America for hostile purposes. He claimed that republican extremists in the brotherhood had been using the INA as a cloak, without the knowledge of the bulk of its members, in a sinister attempt to pervert the INA's declared objects, which he acknowledged were consistent with loyalty. He said that once the facts had been ascertained and carefully considered, the government decided to take

[14] A transcript of the letter is in NAA CP406/1 BUNDLE 1.

prompt and decisive action by arresting the ring-leaders in the conspiracy and interning them. While declining to disclose their names, Watt announced that in the interests of justice a public inquiry presided over by a judge would be held, adding that there was no occasion for alarm. The next morning newspapers across the nation trumpeted the sensational news (*Argus* 20 June 1918, 6; *SMH* 20 June 1918, 7; *DTS* 20 June 1918, 7).

The metropolitan dailies were content to report the acting prime minister's statement without comment, relying on saucy headlines to show their approval of the government's actions. However, Catholic and Labor newspapers expressed reservations. The *Freeman's Journal* said it was troubled by the news, suggesting that Watt must himself feel 'that there has been too much heresy hunting recently; too many attacks on free speech and independent thought; too many attempts to make the Catholic people of Australia appear disaffected and seditious' (*FJS* 27 June 1918, 25). The *Catholic Press* argued that Watt's statement was prejudicial because of its sensational claims and its naming of the INA (*CPS* 27 June 1918, 27). The *Daily Standard*, a pro-Labor Brisbane newspaper, expressed broader political concerns suggesting, 'In view of other occurrences there is considerable well-founded alarm that committal to the internment camp might become too easy a way to get rid of keen critics of the war methods of the Allies' (*DSB* 24 June 1918, 4). Although protest meetings were held, the government's indication of a judicial inquiry blunted much of the criticism.

The inquiry by Justice John Harvey of the New South Wales Supreme Court commenced on 7 August 1918 with an opening address by Alexander Ralston KC, counsel representing the Minister for Defence. In that address Ralston laid out in detail the Crown's case that the seven were part of an international conspiracy inimical to the interests of the British Empire in the war. The hearing was then adjourned for twelve days to give the internees time to prepare their defence. When the inquiry resumed on 19 August, Sidney Mack, counsel for the internees, tried to short-circuit the process by applying for a writ of habeas corpus on the ground that the warrants under which the men were being held were invalid. However, Harvey J after hearing submissions rejected the application. Thereafter the inquiry got under way and ran for ten consecutive hearing days, taking evidence from 33 witnesses. Of those, Ralston called twenty-nine and Mack called four, but not the internees themselves. Ralston tendered 134 exhibits while counsel for the internees tendered 46. The transcript of the inquiry extends to more than 500 pages. Throughout the hearing, Harvey J demonstrated an intelligent and nuanced understanding of Irish history and politics and behaved with impeccable fairness, frequently interrupting Ralston to challenge his submissions.

On 11 September 1918 Harvey published a succinct six-page report which adopted the government's case almost in its entirety, thus providing the Minister with ample justification to continue the men's detention. In the report, which is clinical in its condemnation of the men's conduct, the judge wrote:

> It is in my opinion impossible to resist the conclusion that the Irish physical force party represented by the Irish Republican Brotherhood, the Clan na Gael, and de Valera's military organization in Ireland, had during the present year 'hostile associations' in the sense that they were through their accredited agents in communication with persons in Germany to further their own military ends and to prepare for a renewal of their armed rebellion against the British Government on the first favourable opportunity. This is not from any love for Germany, but because any means are in their view justifiable to injure Great Britain, whom they regard as the enemy and oppressor of Ireland. (Harvey 1918, 5).

He said that although there was no evidence of a connection with enemy persons in Australia, the internees as members of the IRB had 'hostile associations' through German agencies in America. He found that they had collected moneys in Australia for the purpose of assisting armed rebellion in Ireland and the money was expended for the purchase of warlike material from Germany.

One hundred years on, it is difficult to comprehend what the fuss was about. A total of $US190.80 was sent to Doran in the United States, hardly sufficient to fund an armed rebellion in Ireland. Moreover, there was no evidence that the money sent to America had gone beyond Doran, so that the finding that it had been used to purchase 'warlike material' from Germany was pure speculation. Also, the documents suggest, and Dryer later confirmed, that it was intended to recruit men to travel to Ireland via America to take part in a renewed uprising. But, as Mack argued in the inquiry, the seven did not have the means to carry out such a plan because of lack of money and wartime travel restrictions. Many of the documents laid before the inquiry were on their face troubling, and there was ample evidence to indicate that Dryer, Dalton and Fitzgerald were involved in Doran's plotting. Whether that evidence was sufficient to show that 'for securing the public safety and the defence of the Commonwealth' it was 'expedient' to detain them is debatable. But the evidence against the other detainees was not compelling. In particular, Harvey J's findings against McGing and McKeown are tenuous given the paucity of evidence against them. For instance, the only evidence that McGing was a member of the IRB was the inclusion of his name on a list written by others with no evidence that he ever saw the list, let alone acknowledged its truth.

This case demonstrates that even the provision of a merit-based judicial inquiry may not be sufficient to afford a true measure of justice to a person held in detention where the focus of the inquiry is not whether there is sufficient evidence to vindicate the minister's opinion but whether that opinion can be shown to be wrong.

MICHAEL KIELY

The third case study concerns Michael Kiely, who arrived at the Darlinghurst Detention Barracks in early July. At first the Darlinghurst Seven regarded him with suspicion, believing him to be a spy (O'Farrell 1983, 192). However, they soon learned that, like themselves, he had been interned, though not for being a member of the IRB. His offence was said to be that he had made 'disloyal utterances' at the Formby Hotel, Devonport, Tasmania (NAA MP16/1 1918/954).

Born in Warrnambool, Victoria in 1882 of Irish Catholic parents, Kiely, a farmer, was travelling with a friend Robert McCosker in Tasmania. While staying at the Formby Hotel he became involved in an argument about the war with the licensee, named Luck, and some other patrons of the hotel. According to a police report dated 7 June 1918 prepared by Detective Sergeant M.A. Summers of Devonport Police, Kiely 'enter[ed] into a heated argument and state[d] he was a Sinn Feiner and a member of the I.W.W. a follower of the red Flag and not the British Flag that he would not be sorry if it was torn down tomorrow, that he was a follower of Dr Mannix who, he stated, was a second Jesus Christ, and the Saviour of the people'. Summers' report and five statutory declarations by Luck and the patrons of the hotel were forwarded to the commandant of the 6th Military District in Hobart who passed them on to Headquarters in Melbourne 'for consideration as to whether Proceedings should be undertaken'. On 12 June 1918 the commandant

wrote to the Tasmanian police, advising that the file had been sent to Melbourne with a recommendation that action be taken, adding: 'It is suggested that close observation of their acquaintances may lead to information as to the existence or otherwise of Sinn Féin or I.W.W. sympathies, or associations' (NAA A456 W95/4/53).

A week later military headquarters sent to Hobart a warrant for Kiely's arrest issued under reg. 56A. It was executed at Burnie on 25 June. From there Kiely was transferred to Hobart and on 29 June sent to Sydney under military escort. The day before boarding the steamer for Sydney Kiely wrote to Senator Pearce protesting his innocence, saying that he had been in Tasmania for six months 'for the good of my health' and that 'I connected myself with nothing of a hostile nature or any Associations for I know no one here'. He concluded by saying he was prepared to make a sworn statement (NAA A456 W95/4/53).

Under WPR reg. 56A the minister had to be of the opinion that Kiely was a person of 'hostile origin or associations'. Because he was a British subject only the latter applied. In that regard, when the police carried out a search of Kiely's accommodation they reported that 'nothing was found which would implicate him as belonging to an unlawful association' (NAA A456 W95/4/53). The only evidence to support the issue of the warrant were the allegations by Luck and his patrons, people with whom he had had a heated argument in a hotel.

After Kiely's transfer to Sydney the intelligence authorities continued to investigate the matter. On 12 July Lieutenant Lempriere of the Intelligence Section of the General Staff went to Warrnambool to make inquiries about Kiely and McCosker. The latter had not been arrested but was being been kept under observation. Kiely's brother William told Lempriere that he was not close to his brother who had been away for some time, but he had never heard Michael say anything disloyal, though he was 'pig-headed' and 'always stupid in talking too much [and] would always have his say whether he knew anything about it or not'. Lempriere's report of 16 July states that the Kiely family was 'well known locally as of socialistic tendencies', but the report contains nothing suggesting any hostile associations (NAA MP16/1 1918/954). At Lempriere's suggestion the local police were asked to comment on Kiely and McCosker. Senior Constable James McCarthy reported on 19 July, 'There was no reason […] for suspecting the loyalty of either of them. Both occasionally indulged in a few drinks. In his drinks Kiely may have said something. He was a bit queer in his head a few years ago. […] They have always been looked upon as far as I can ascertain as respectable and reputable citizens' (NAA MP16/1 1918/954). The Chief of the General Staff seems to have accepted these reports, for he informed the Commandant of 6th Military District that his further inquiries showed that the Kiely family was 'well known locally to be of socialistic tendencies, but not suspected of disloyalty' (NAA A456 W95/4/53).

In the meantime, a solicitor instructed by Kiely's brother wrote to the Department of Defence inquiring as to the nature of the charge against Kiely and when and where his trial was to take place (NAA A456 W95/4/53). Notwithstanding Kiely's protestation of innocence and despite the lack of corroboration of the original allegations and the results of inquiries regarding his loyalty, Kiely remained in detention without any charge being laid and without his case being reviewed. That state of affairs might have continued indefinitely but for the intervention of Tasmanian Labor Senator David O'Keefe.

O'Keefe first raised the matter in the Senate on 19 September (CPD Senate 19 September 1918, 6241–6244). He told the Senate that a few weeks earlier he had

asked the Department of Defence about the case, which prompted the Chief of the General Staff to request information from 6th Military District, leading Pearce to inform O'Keefe that 'Kiely was arrested under the War Precautions Act as a precautionary measure. Any request for an investigation will be dealt with on its merits'. Not satisfied with Pearce's answer, O'Keefe had made further inquiries when visiting Hobart and learned that Kiely was alleged to have made a disloyal statement in a hotel and had been moved to the mainland, probably to an internment camp, without having been told the charge upon which he was arrested. O'Keefe told the Senate he found it remarkable that a man who is arrested has to request his case be investigated.

In reply Senator Pearce said the government had good grounds for the action taken but he did not propose to discuss the merits of the case in parliament. He said that 'no person of British nationality can be arrested unless the case has first been brought by the Minister for Defence to Cabinet with the facts, and the full consent of Cabinet has been obtained'. That must have been a policy position, for reg. 56A contained no such requirement. Pearce added that as far as he could recall no application had been made for an inquiry in regard to Kiely. Strictly speaking that was true, but there was no provision in the regulations for an inquiry to be requested where the internment was under reg. 56A.[15] There was provision in the SPIO for an internee to apply for an inquiry, but as discussed below, that order did not apply in this case. In any event, Kiely's letter to Pearce written three days after his arrest and the solicitor's letter a few weeks later both amounted to a form of request for the government to reconsider its decision to intern Kiely. Both had been ignored until Senator O'Keefe raised the matter with the minister.

On 16 October O'Keefe informed the Senate that the Defence Department had just informed him that an inquiry would be held (*CPD* Senate 16 October 1918, 6918). But more than a month later, with no inquiry having been held and after having received a letter from Kiely, O'Keefe once more raised the matter in the Senate (*CPD* Senate 21 November 1918, 8155–8164). He told the Senate that Kiely had written that he still did not know what was alleged against him. He said he thought it might have arisen out of an argument he had had with Luck and others at the Formby Hotel when he defended Archbishop Mannix. Senator Pearce again refused to give any details justifying Kiely's detention. Another three weeks passed before an inquiry was convened at Launceston on 13 December before Police Magistrate Edward Larat Hall. Kiely was unrepresented. The opening exchange between Hall and Kiely as recorded in the transcript (NAA A456 W95/4/53, Transcript, 1) indicates that neither man knew what was supposed to happen:

> PM: I have been appointed to conduct an inquiry and hear your evidence.
>
> Kiely: I have no evidence. I expected to have a charge brought against me. There has been no charge. I was arrested on 25 June. I can get no information.

Furthermore, counsel for the Commonwealth said he could not assist the magistrate as he did not have the Defence Department file. It did not bode well for a just outcome. The hearing was adjourned to the following day by which time the file

[15] On 2 August 1918 reg. 56B was added to enable the setting up of an inquiry into the Darlinghurst Seven. But the new regulation made no provision for an application, rather it empowered the government to appoint an inquiry of its own motion.

had arrived and Kiely had secured legal representation. His counsel requested that the witnesses be brought into court for cross-examination. As they were not in Launceston the inquiry was further adjourned to 18 December, concluding the next day.

But these preliminaries were not the worst of the mishandling of this case. The inquiry itself was misconceived. The Minister of Defence had appointed Hall to hold an inquiry under the SPIO (NAA A456 W95/4/53). But Kiely having been interned under WPR reg. 56A, the SPIO did not apply. It related to 'suspected persons' being any person believed by the minister to be 'an alien enemy', 'a naturalised subject of enemy origin' or 'disaffected or disloyal'. The first two categories were not relevant and there was no provision in the WPR for a native-born British subject to be detained on the ground that he was 'disaffected or disloyal'. A native-born British subject could be interned under reg. 56A if he were believed to be a person of 'hostile associations'. And this was the provision under which Kiely had in fact been interned. So, the inquiry should have been held under reg. 56B, as was the case with the Darlinghurst Seven.

This is no mere quibble. While it is true that Kiely, at long last, had the opportunity to contest the allegations made against him, Magistrate Hall mistakenly believed he was inquiring whether Kiely was 'disaffected or disloyal' not whether he had 'hostile associations' (NAA A456 W95/4/53, Transcript 6–7). Apart from contested evidence that during the argument in the hotel Kiely had described himself as a Sinn Feiner and IWW member, there was no evidence of any hostile associations. But the evidence could support a finding that Kiely was 'disaffected or disloyal'. While the transcript does not include counsel's addresses, the report in the Launceston *Examiner* does, and it shows that both addressed on the question of 'disaffected or disloyal' and not on 'hostile associations' and neither addressed on the law (*EXL* 20 December 1920, 10). Hall's report to the government has not been located, but the fact that Kiely was not released until 25 January 1919 suggests that the magistrate had indeed found him to be 'disaffected or disloyal'. That being the case Kiely's continued internment would have been the result of the government's failure to appoint the correct form of inquiry.

Of the three case studies, that of Kiely is perhaps the most troubling. Firstly, his internment was based on a fundamental misunderstanding of the minister's powers under the WPR. Both the investigation and the inquiry were directed towards whether Kiely had made 'disloyal utterances' or was 'disaffected or disloyal', neither of which was justification at law for a native-born British subject to be interned. While some of the blame must be shared by the magistrate and the two counsel, primary liability surely rests with the minister and those advising him as to the exercise of the draconian power of detention. Properly advised, Kiely might have sought a writ of prohibition under s 75(v) of the Constitution. But it is likely that the best he could have achieved would have been the termination of the Hall inquiry, for *Lloyd v Wallach* prevented the courts from going behind the warrant.

Secondly, it is difficult to understand on the facts of the case how the authorities at all levels—the police, the military and the government—could conceivably regard Kiely's internment as expedient 'for securing the public safety and the defence of the Commonwealth'. At its highest and putting aside Kiely's denials, the government's case was that during a heated argument in a hotel Kiely claimed to be a Sinn Feiner and an I.W.W. As regards the former, the government from its monitoring of Irish radicals well-knew that Sinn Féin did not exist as an organisation in Australia. Furthermore, Sinn Féin was not banned in the United Kingdom and openly operated as a political party, standing candidates for election

to parliament with some notable success. Many in Australia, from Archbishop Mannix down, publicly expressed support for its political aims and even claimed to be Sinn Feiners. Yet Mannix remained untouched. It is true that some of its outspoken supporters, such as Fr Patrick Tuomey in Sydney and Fr M. J. Dowling in Tasmania, were dealt with by the law. But they were prosecuted under WPR reg. 27A for 'encouraging disloyalty and hostility to the British Empire', not interned for their 'hostile associations', and they made their 'disloyal utterances' to large audiences at public meetings, not a handful of men in a pub.[16] As regards Kiely's alleged claim to be a member of the I.W.W., that organisation had been proscribed under the *Unlawful Associations Act 1916* (ULA) and suppressed. But, apart from Kiely's alleged assertion, there was no evidence that he was ever a member of that organisation or associated with anyone who was. Furthermore, the police and military investigations had concluded there was no evidence of disloyalty.

Thirdly, it was only Senator O'Keefe's intervention that led the authorities to look again at Kiely's case. But by then, Kiely had been in detention for three months without knowing what was alleged against him. Yet, there was further delay before the minister appointed an inquiry, one that turned out to be misconceived.

Learning the Lessons of 1918

Senator Pearce defended the government's actions in these cases on the basis that the exigencies of war made it impractical to apply peacetime procedures. But in the case of Fegan and Kiely an elaborate procedure was not necessary to avoid injustice. What was required was an objective assessment of the evidence to assess whether the alleged conduct constituted a threat to 'the public safety and the defence of the Commonwealth'. Nevertheless, as the case of the Darlinghurst Seven indicates, even the appointment of an experienced and well-motivated judge may not be sufficient to achieve a just outcome. In the case of Kiely, it might be argued that his was an isolated case of an individual falling through the cracks. But, if so, that is further reason for ensuring that procedures are in place to avoid such occurrences. A provision in the WPR for a review of the papers by a person independent of the executive, similar to the Ombudsman or the Auditor-General, might have put an early end to the detention of Kiely, Fegan and some of the Darlinghurst Seven.[17]

[16] Tuomey was convicted and fined £30 (*DTS* 21 March 1919, 6). Senator Pearce withdrew the Dowling prosecution (*Mercury* 22 October 1918, 4).

[17] During the Second World War the Attorney-General established the Aliens Classification and Advisory Committee in 1942 to examine the situation of some categories of alien internees, leading to the release of many of them. As regards political internments, it is interesting to note the case of the pro-fascist Australia First Movement, which has some echoes of the INA internments. Twenty of its members were interned in March 1942. Mr Justice Clyne, appointed to inquire into aspects of the case, concluded that the recommendation for the detention of eight of the internees was not justified. However, his report was not completed until 5 September 1945, after the war was over. For internment policy during the Second World War see Simpson 1992 in relation to Britain and Saunders & Daniels 2000 in relation to Australia, especially chs VII and IX. See also Kiefel 2018.

But this is not just an issue of historical concern. Recent legislation arising out of the 'war on terror' has conferred on the executive significant powers to arrest and detain. While it is true that that legislation also includes elaborate safeguards that did not exist under the WPR, the Haneef case in 2007 demonstrates that the lessons of 1918 might not have been learned well enough. Mohamed Haneef, an Indian-born doctor, was arrested on 2 July 2007 and wrongly accused of aiding terrorists. He was released three weeks later when the DPP withdrew the charge. In an echo of the case studies discussed above, an inquiry into the affair by John Clarke QC found that the evidence against Haneef was 'completely deficient' and that the officer who charged him 'had lost objectivity' and was 'unable to see that the evidence he regarded as highly incriminating in fact amounted to very little' (Clarke 2009, x).

In times of heightened political tension, especially in war, it is all too easy for those in positions of power to lose objectivity with regard to those who espouse unpopular causes or belong to an unpopular ethno-religious group. During the First World War supporters of Irish independence were too-readily perceived by those directing the security apparatus of the state to be disloyal and a threat to the 'public safety and the defence of the Commonwealth'. In such circumstances and given the courts' reluctance to scrutinise executive action during wartime, individuals may suffer injustice as exemplified by the three case studies discussed in this paper. More chillingly, such judicial reluctance may assist the executive government to suppress legitimate political dissent, as Fewster and McPhee have shown. If the courts are unwilling to intervene, then, in order to maintain the fundamental principles of liberty upon which our system of law is based, legislation conferring powers of detention on the executive must stipulate adequate procedures and provide a mechanism for review that is independent of the executive.

References

Secondary

Ainsworth, John S. 2005 Thomas Fitzgerald, the Irish National Association of Queensland and Australian national security, 1916-21, *Australian Journal of Irish Studies*, Vol. 5, 66-80.

Clarke QC, John 2008 Report of the Inquiry into the Case of Dr Mohamed Haneef, Parliamentary paper (Australia. Parliament) ; 2009 no. 18.

Collins, Vanessa 2013 'One Battalioned Mind': Albert Thomas Dryer (1888-1963) Identity, Culture and Politics, MA Thesis, University of Melbourne

Commonwealth Parliamentary Debates (CPD)

Dryer, A. T. 1954 Irish National Association in Australia, 1915-1919, Witness Statement to Bureau of Military History: WS 957.

Dryer, A. T. 1956 History of the movement in Australia for the Independence of Ireland 1915-1925, Witness Statement to Bureau of Military History: WS 1526.

Fewster, Kevin J 1980 Expression and Suppression: Aspects of Military Censorship in Australia during the Great War, PhD thesis, UNSW.

Fitzhardinge, L.F. 1979 *The Little Digger 1914–1952*, Sydney, Angus & Robertson.

Harvey, Justice John 1918 Irish Republican Brotherhood Internees – Report on Cases by Mr Justice Harvey, *Commonwealth of Australia Parliamentary Papers*, No. 103.

Kiefel, The Hon Susan 2008 The High Court Justices and the weight of war, Paper given to the Samuel Griffith Society, Brisbane, 4 August 2018.

Kildea, Jeff 2007 Paranoia and Prejudice: Billy Hughes and the Irish Question 1916-1922, *Echoes of Irish Australia: Rebellion to Republic*, edited by Jeff Brownrigg, Cheryl Mongan, Richard Reid, Galong, N.S.W., St. Clement's Retreat and Conference Centre.

Lake, Marilyn 1972 Tasmania and the First World War: A Study of the Effects of the First World War on Tasmanian Society and Politics, 1914-1919, M.A. Thesis, University of Tasmania.

McPhee, Justin 2015 Spinning the secrets of state: The history and politics of intelligence politicisation in Australia, PhD thesis, RMIT University, 2015.

McPhee, Justin 2017 The deadliest enemies of Australia: the politics of intelligence during the Australian conscription controversies of 1916–1917, *Journal of Intelligence History*, Vol. 16 No. 1, pp. 1-22.

Menzies, Robert 1917 *The Rule of law during the War: Bowen Prize Essay, University of Melbourne, 1917*, Melbourne, Charles F Maxwell.

Murphy, D.J. 1975 Thirteen Minutes of National Glory: The Warwick Egg Incident, 1917, *Queensland Heritage*, Vol 3 No 3, 15-18.

O'Farrell, Patrick 1983 The Irish Republican Brotherhood in Australia: the 1918 Internments *Irish Culture and Nationalism, 1750-1950*, edited by Oliver MacDonagh, W.F. Mandle and Pauric Travers, New York, St Martin's Press, pp. 182-193.

Primary

National Archives of Australia (NAA)

A401 KIELY Kiely, Michael.

A432 1929/4572 Inquiry under Regulation 56B of the War Precautions Regulations before the Hon Mr Justice Harvey re Irish Republican Brotherhood.

A456 W95/4/53 War Precautions Act. Release of Michael Kiely.

A3932 SC417 Sinn Fein Propaganda in Australia

A5522 M770 Inquiry before Mr Justice Harvey re certain internees: Joint Intelligence Report on the Activities of Sinn Fein and Seditious Irish Societies in the Commonwealth

A8911 216 Sinn Fein – Queensland

A8911 229 Thomas FITZGERALD (Secretary Irish National Association- Sinn Feiner)

A8911 240 Reverend Dr D MANNIX (Anti-Conscription and Anti-British Utterances: Sinn Feiner)

A8911 246 Maurice DALTON and Francis (Frank) McKEOWN (Irish National Association)

CP406/1 BUNDLE 1 Papers relating to the 'Irish Republican Brotherhood'.

CP506/1 2 Papers regarding a dispute with the Chief Justice about the appointment of Mr Justice Powers to conduct an enquiry into the internment of members of the Irish Republican Brotherhood

MP16/1 1918/954 Robert Cosker or McCosker also Micheal Kiely.

MP367/1 527/21/496 W J Fegan

National Library of Australia (NLA)

MS 6610 Box 01 Series 1 Folder 1 (Dryer Papers): Memorandum re William McGuinness.

MS 6610 Box 01 Series 1 Folder 1 (Dryer Papers): Memorandum re Edmund McSweeny

National Library of Ireland

Catholic Parish Registers 1655-1915, Microfilm 02497/01

Newspapers

Argus (Melbourne)

Brisbane Courier (BC)

Catholic Press (Sydney) (CPS)

Daily Mail (Brisbane) (DMB)

Daily Standard (Brisbane) (DSB)

Daily Telegraph (Sydney) (DTS)

Examiner (Launceston) (EXL)

Freeman's Journal (Sydney) (FJS)

Methodist (Sydney)