CONCLUSIONS of a Meeting of the Cabinet held at 10, Downing Street, S.W., on Friday, 2nd June, 1922, at 11 a.m.

PRESENT:-

The Prime Minister (in the Chair).

The Right Hon. A. Chamberlain, M.P.,
Lord Privy Seal

The Right Hon. Viscount Birkenhead,
Lord Chancellor

The Right Hon. E. Shortt, K.C., M.P.,
Secretary of State for Home Affairs

The Right Hon. Viscount Peel, G.B.E.,
Secretary of State for India.

The Right Hon. Lord Lee of Fareham,

The Right Hon. Sir Alfred Mond,
Bart., M.P., Minister of Health.

The Right Hon. Sir Arthur Griffith-Boscawen,
M.P., Minister of Agriculture & Fisheries.

The Right Hon. Sir Hamar Greenwood,
Bart., K.C., M.P., Chief Secretary for Ireland.

The Right Hon. the Earl of Balfour,

The Right Hon. Sir Robert Horne,

The Right Hon. W.S. Churchill,
M.P., Secretary of State for the Colonies.

The Right Hon. Sir L. Worthington-Evans,
Bart., M.P., Secretary of State for War.

The Right Hon. Stanley Baldwin,
M.P., President of the Board of Trade.

The Right Hon. H.A.L. Fisher, M.P.,
President of the Board of Education.

The Right Hon. T.J. Macnamara,
M.P., Minister of Labour.

Lieut.-General the Earl of Derwent,
G.C.V.O., D.S.O., Lord Lieutenant of Ireland.

Mr. Lionel Curtis.

Mr. T. Jones, Principal Assistant Secretary
With reference to Cabinet 31 (22), THE PRIME MINISTER read to the Cabinet the letter he had addressed to Mr Arthur Griffith dated June 1, 1922, dealing with the draft Irish Constitution (Paper S.F.B.-32). THE PRIME MINISTER explained that this letter had been handed to the Irish Ministers at about 6 o'clock on the previous evening, with a request that they should meet the British Signatories at 6.30. The former complained that this gave them very little time in which to consider the document, and it had then been arranged that Mr Collins and Mr Griffith should see the Prime Minister and that the formal reply of the Irish Ministers should be handed in this afternoon. In the course of the interview with the Prime Minister the Irish leaders had raised a number of difficulties. Mr Collins alleged that we were taking up the attitude of Shylocks and demanding the fulfilment of the letter of the bond. He (THE PRIME MINISTER) had pointed out that we had shown our bona fides by withdrawing our troops and handing over the revenues of Ireland to the Provisional Government. When asked were they prepared to be included in the Empire, or were they still contemplating an Independent State, they had replied quite distinctly -- both Mr Griffith and Mr Collins -- that they stood by the Treaty and were within the Empire, an admission which did not agree with their draft Constitution. Mr Collins had laid great stress on the strong feeling prevailing in Ireland against allowing appeals to the Judicial Committee of the Privy Council, in view of the fact that three of the Judges were men who had publicly taken up a very hostile attitude to the Irish Free State, viz., Lord Carson, Lord Sumner and Lord Gave. There was no doubt that the conduct of these Judges had placed His Majesty's Government in a very awkward and indefensible position, and he (THE PRIME MINISTER) had answered by stating that where a Judge had taken part in a controversy he would
stand aside should questions affecting such controversy come before the Court. The participation of these Judges in political questions was a great misfortune, and its effect would extend beyond Ireland. Mr Collins had repeatedly raised the question of the Ulster situation and of our responsibility for it, in view of the fact that we were at any rate in part paying the cost of the "Specials", and pressed for an impartial Enquiry. He (THE PRIME MINISTER) had replied that Ulster was a part of the United Kingdom and that we had agreed to the employment of Specials as substitutes for troops which were not available. At the close of the interview he had spoken in the most solemn terms to the Irish leaders, and had striven to impress upon them that they now had the best chance any leaders ever had of securing real liberty for their country, in association with a partnership of free nations which was filling a great place in the world. If, through their impatience or folly they threw away an opportunity which had never been given to any of the great Irishmen of the past, such as Grattan or O'Connell, their names would be execrated for generations to come by their own countrymen. Ireland would never forgive them. He pointed out that if they failed to stand by the signatures they had appended to the Treaty they would be dishonoured, and such conduct would be a departure from the high reputation for good faith which Irish leaders had enjoyed in the past. They had received these observations in silence, but without appearing to resent them.

In reply to a question whether the Irish leaders realised that the time had come for them to choose between De Valera and the Treaty, THE PRIME MINISTER said that he did not think they quite realised the issue. Perhaps Mr Griffith did, but Mr Collins appeared to think that he could carry the others along with him. He had read to the Irishmen
repeatedly, in the course of the interview, the second clause of the Treaty, and had impressed upon them that the position of Ireland in regard to the Crown must be identical with that of Canada. THE PRIME MINISTER further explained that the reply from the Irish Ministers was expected about 5 or 6 o'clock today, and that they would probably make difficulties in regard to the Oath, the appeal to the Privy Council, and the position of the Republican Members of the forthcoming Coalition Government.

THE SECRETARY OF STATE FOR THE COLONIES said we could not possibly give way on the question of requiring the declaration from all the Ministers of the Coalition Government. With regard to the Election itself, it would be better to wait until we knew the composition and the method of its election, before denouncing it. The more the fear of renewed warfare was present to the minds of the electors, the more likely were they to go to the polls and support the Treaty.

THE LORD PRESIDENT OF THE COUNCIL stated that he did not mind the Parliament being a very imperfect one, but it would be a real tragedy if in days to come Irishmen asserted that the Constitution of their country had been adopted by a Parliament which did not truly represent Ireland.

THE SECRETARY OF STATE FOR THE COLONIES said that after the June Election it might be necessary to tell the Irish leaders that we could not consider the Election as a sound basis for further legislation by the Imperial Parliament, and that we proposed, therefore, to postpone ratification until their next Parliament, which would be based on adult suffrage. That would automatically involve a postponement of the date from which the "Ulster month" would run.

THE LORD PRESIDENT OF THE COUNCIL pointed out that the objection to the course suggested by the Secretary of State for the Colonies was that we should be blamed for failing to give notice in advance of this postponement of ratification, having known all the time that the June Election was not a bona fide expression of Irish public opinion.
THE PRIME MINISTER observed that it would hardly be possible for the Irish people to turn round and blame us for their own cowardice at the polling booth. The situation was not the same as if we had British soldiers in the country and were exercising any pressure for or against the expression of opinion. According to the past, any and every national interest is free to run its own candidates.

MR. CHAMBERLAIN asked what would be the state of Ireland during the period of waiting for the second Parliament and ratification. He did not believe that Parliament or the country would consent to such postponement of the issues at stake unless there was in the meantime very sensible improvement in the situation and adequate protection afforded to the minority.

THE SECRETARY OF STATE FOR THE COLONIES said that he did not differ from that view.

THE LORD PRIVY SEAL, continuing, said that the situation in the South differed from that in the North in so much as the Republicans had refused our offer and that the only people whom the Provisional Government consulted and tried to conciliate were the Republicans. In the meantime murder and looting went on. This could not continue and it ought not to continue. We had done all we could to implement our side of the bargain. It was time the Irish leaders did their share and gave us, and that very soon, a Constitution in conformity with the Treaty.

THE PRIME MINISTER
THE PRIME MINISTER observed that having regard to all the facts there was little difference between the efforts put forward to deal with outrage between the Governments of the North and the South.

In reply to a question as to the publication of the Irish Constitution the Prime Minister said that the Irish Ministers probably realised that the publication in its original form would involve a break with us. They might therefore endeavour to escape from their promise to De Valera to publish.

Mr. Churchill thought the question of the publication of the Constitution ought to be pressed forward now and that we should resist a fresh pact with De Valera to postpone the publication and discussion of the Constitution until after the Elections. The people of this country would see through such an arrangement. He had told Mr. Collins in advance of his statement to the House of Commons what he proposed to tell the House in regard to the Constitution and Mr. Collins had agreed to the line proposed. In any case whether they published the Constitution or not in Ireland the important matter was that we should agree the Constitution with them.

The Lord Privy Seal stated that he concurred in the views of the Secretary of State for the Colonies. The draft Irish Constitution was a direct challenge to us. We had described it as a negation of the Treaty and we could not behave as if we
as if we were not aware of its existence. We must see that they quickly produce a Constitution in conformity with the Treaty. It was known that at this very moment they were placing orders for arms and munitions in this country, in Belgium and in the United States. Was it right to ignore this peril and allow these preparations indefinitely when we knew that their Constitution was vastly different from what we intended it to be? In his view the issue ought to be brought to a head.

THE PRIME MINISTER suggested that the discussion was traversing ground which had been covered at the Cabinet on the previous day.

THE LORD PRIVY SEAL laid stress on the importance of the questions put to the Irish leaders being clearly answered and their answers published.

THE PRIME MINISTER said that he was all for going on with the revision of the Constitution but it would take a considerable time and he doubted if it could be got through before the election. It had to be borne in mind that the document addressed to the Irish leaders on the previous day altered the whole situation. In the event of unsatisfactory answers there would be a break. On the other hand if the answers were satisfactory there would be a break with De Valera. He thought the answers ought to be published and that if satisfactory the Lord Chief Justice should be invited to assist in the amendment of the Constitution. He thought there should
be an agreed communiqué so that the Irish people might know the position before the election. It would be very difficult to put the whole Constitution before the electorate whereas the questions which we had put were clear and comprehensible.

THE LORD CHANCELLOR stated that such a platform for the election would be a most unfortunate one for the supporters of the Treaty in Ireland because it would stress the special points in which we were interested and these only.

Several Ministers agreed in the view of the Lord Chancellor.

THE MINISTER FOR EDUCATION thought that if they accepted our points and were prepared to re-draft their Constitution in the light of them, that should suffice for the present.

THE SECRETARY OF STATE FOR THE COLONIES reminded the Cabinet that if their answers were satisfactory they would be making no new concession but simply re-asserting their concurrence in the Treaty. He thought that in four or five days the Constitution might be revised. A number of amendments had already been prepared.

THE CHANCELLOR OF THE EXCHEQUER said that the answer to the questions this afternoon ought to show whether they were going to agree with De Valera or going to fight him.

THE LORD CHANCELLOR, in reply to criticism,
thought the Irish leaders had known long ago that they would have to break with De Valera and pointed out that the slow but inevitable course of events was at last forcing the issue. He did not think we could decide at the moment the question of publication.

THE SECRETARY OF STATE FOR THE COLONIES said that it might be necessary to come to some compromise on the question of the appeal to the Privy Council. His Majesty's Government might conceivably make a public declaration that certain judges had disqualified themselves by political action from hearing Irish appeals. The Irish Free State was entitled to know that the three Lords referred to would have nothing to do with appeals from Ireland. It was a question whether the Tribunal ought not to be purged.

THE CHANCELLOR OF THE EXCHEQUER urged the importance of forcing the Irish Ministers with the straight issue on the Constitution.

THE CHIEF SECRETARY FOR IRELAND thought that we ought to prepare our own draft amendments and insist on their embodiment in the Irish Constitution.

THE LORD CHANCELLOR said he had glanced at the amendments which had been proposed from our side and thought that these could be modified and that a much more moderate instrument would suffice for our purpose.

THE SECRETARY OF STATE FOR THE COLONIES.
The Secretary of State for the Colonies said that subject to securing our essential conditions, it was desirable that the Constitution should be drafted in language which would command the widest assent in Ireland.

The Minister for Education reminded the Cabinet that the British Constitution had a 13th century exterior or façade with an interior domestic arrangement of a very modern character. The Irish were interested in the latter and not at all in the façade.

The Secretary of State for the Colonies remarked that they had agreed to come behind the façade.

The Prime Minister said that it had to be remembered that the "Crown" had too often in Ireland represented repression - the Crown Forces, the Crown Solicitor, the Crown Prosecutor, and so forth.

Lord Balfour stated that in accordance with the desire of Sir James Craig and Lord Londonderry. They had put their difficulty as follows. The whole of the rebellion organisation of the South which had been engaged in resisting the British Forces, having nothing further to do in the South had immigrated to the North, where they were concentrating all their machinery and were making the utmost trouble. The Northern Government had to cope with this increased force. They had to protect a frontier extending 300 miles and they had not enough soldiers for the purpose. They were, therefore, compelled to use the best members of their special force.
The less excellent parts of the Special force were being used for dealing with the chronic and at the present time acute disturbances in Belfast. Insofar as soldiers could be provided for guarding of the frontier, it would be by so much the easier for the Northern Parliament to divert the best of their Specials to Belfast. In the view of the Northern Government the present disturbances were being deliberately aimed at destroying Ulster — that they were a part of a great conspiracy for exacerbating the secular feeling between the Roman Catholics and Protestants, and these disturbances were being used as propaganda with extraordinary skill. After giving examples, LORD BALFOUR proceeded to say that additional difficulty had been experienced by the Northern Government owing to the unfortunate moment chosen for the disbandment of the R.I.C., who were now utterly demoralised, and consequently one of the best Police Forces in the world was only partially available. He had pointed out to Sir James Craig the extraordinarily difficult situation which would arise if the Treaty broke down, and he emphasised the importance of the view set forth by the Prime Minister to the Cabinet on the previous day, that in the event of a break-down we should have behind us a united country at home, supported by the public opinion of the Dominions and of the United States of America. This would not be easy if the South had any ground for contending that the Belfast outrages were part of a movement to persecute Roman Catholics. Sir James Craig had called his attention to the fact that the Southern Government had voted £100,000 for propaganda, by means of which they were spreading lies all over the world in a very dexterous fashion. The Northern Government could not afford to undertake similar propaganda. He himself had pointed out that this was very dangerous, and the only way he could see
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to meet it was by a British Enquiry into the facts of the recent events in Ulster. To this Sir James Craig had stated he had no objection, provided it was initiated from Ulster. LORD BALFOUR then summed up by stating that he understood Sir James Craig would have no objection to an Enquiry provided it was the Ulster Government which approached the British Government and said that in view of the false reports in regard to what had happened there they would be glad if an impartial body could be sent over to investigate and report. LORD BALFOUR continued that Sir James Craig had admitted that the British Government had given them a considerable amount of help, but had suggested that Ulster was treated by the Chancellor of the Exchequer rather as he treated another Department of the British Government, whereas their attitude was that this Parliament had been forced on them, though they did not want it, by the British Government, and consequently ought to be treated generously. Another point which Sir James Craig had made was that it had been very unfortunate that the Irish Regiments had been disbanded at the very moment when trouble was brewing between the North and South. He had said that what South Ireland required was non-commissioned officers, and these were available from the disbanded Regiments.

THE LORD PRIVY SEAL said that he had made a note to raise this point.

THE SECRETARY OF STATE FOR THE COLONIES said that this question had been gone into at his meetings on the previous afternoon, and it had been found that the action taken was unavoidable. The best plan was to try and absorb the non-commissioned officers and men disbanded into other Regiments. Many of them, he understood, were willing to adopt this course. At the present moment a good many of the
disbanded men were on leave in Ireland.

The Lord President of the Council said he had asked Sir James Craig if he expected to reduce Ulster to order, and he had replied that it was a troublesome matter, but that in time he had no doubt order would be restored. In reply to the Minister of Education, Lord Balfour said that he had consulted Sir James Craig about the application of martial law in Ulster. Sir James Craig had strongly objected, on the ground that as a Government they had no right to impose martial law, and it would involve action by the British Parliament.

The Lord Privy Seal said he thought the feeling of the Ulster Government was that it would be tantamount to a declaration of bankruptcy in the power of their Government.

The Secretary of State for the Colonies suggested that the situation was analogous to the Central Government declaring martial law in the event of a Communist rising in some great city.

The Lord Chancellor said there was no analogy in law.

The Prime Minister recalled the precedent of Winnipeg, where a Communist rising had occurred and for the suppression of which the troops not of the State but of the Central Government had had to be employed.

The Lord President of the Council recalled the precedent of the United States of America, where the individual States always resented action by the Federal troops unless they were placed under the orders of the State.

The Secretary of State for the Colonies thought that if it was deemed necessary there would be no great difficulty in inducing the Ulster Government to consent to the application of martial law in Belfast.

The Lord President of the Council expressed doubts as to whether the British Government could maintain order any
better than the Ulster Government even if they did declare martial law.

THE SECRETARY OF STATE FOR WAR stated that that was the general military view.

THE SECRETARY OF STATE FOR THE COLONIES pointed out that the troops were less hated than the Constabulary. By taking over the protection of the frontier and adopting the military dispositions which had been prepared for that emergency, a number of good Special Constables now employed on the frontier would be released for the preservation of order in Belfast.

THE LORD PRESIDENT OF THE COUNCIL said the point which had most impressed him in regard to Sir James Craig's difficulties was that the best of the Constables had to be employed on the frontier.

THE FIRST COMMISSIONER OF WORKS asked whether Sir James Craig would apply for an Enquiry?

THE LORD PRESIDENT OF THE COUNCIL said he had no doubt he could be induced to do so.

At this point there was some discussion as to the most suitable individuals to conduct an Enquiry into recent events in Ireland, and as to the Reference for such an Enquiry, which, it was generally agreed, would have to be very carefully drawn.

THE LORD PRESIDENT OF THE COUNCIL thought it was most important that the Reference should be wide enough to cover the outrages in the South of Ireland.

THE LORD CHANCELLOR said he did not wish to put any obstacle in the way of an Enquiry, but he expressed considerable doubts as to its utility. Events moved so fast in Ireland that before the Enquiry had proceeded far the events would be replaced in the public mind by later happenings.
THE PRIME MINISTER suggested that the mere fact of the presence of such a Commission might perhaps check further disturbances.

THE MINISTER OF EDUCATION doubted if much was to be expected from the labours of such a Commission, but at any rate it would show that the British Government was absolutely impartial.

THE LORD PRESIDENT OF THE COUNCIL suggested that though no doubt Judges would do the work very well, nevertheless what was required was a statesmanlike report on the situation, such as would be rendered by an experienced Statesman.

THE PRIME MINISTER suggested that perhaps the best plan would be to select a Protestant and a Catholic Judge to make the enquiry.

The Cabinet then adjourned this part of their discussion, as it was felt that no decision could be taken until the reply of the representatives of the Provisional Government was received.

(At this point the Chief of the Imperial General Staff entered.)
(2) With reference to Cabinet 31 (22), Conclusion (c), the Secretary of State for the Colonies gave the Cabinet a resume of reports which had been prepared as the result of a joint meeting of the Provisional Government of Ireland Committee and the Sub-Committee on Ireland of the Committee of Imperial Defence held on the previous afternoon.

Mr. Churchill explained that the joint Committee had divided into Sub-Committees which had produced the reports which he summarised.

These reports set forth, for the consideration of the Cabinet, certain economic and military measures which could be taken, if the Cabinet should so decide, in certain eventualities.

The Cabinet agreed:

(a) That no decision was called for at the moment;

(b) That the Committees should pursue their inquiries under the general direction of the Secretary of State for the Colonies.
3. In the course of the discussion on the subject referred to in the preceding conclusion, the Secretary of State for War raised the question as to whether, in the event of a decision to make the military dispositions outlined by the Secretary of State for the Colonies, the military authorities would be permitted to declare martial law.

The Lord Privy Seal considered that if it should become necessary to have resort to military movements, the military authorities must be supported by the Government in any steps of the kind indicated by the Secretary of State for War, which they might deem necessary.

No decision was reached on this point.
(4) With reference to Cabinet 98(FL), Conclusion 1, the Cabinet authorised the introduction in the House of Lords by the First Lord of the Admiralty of a Bill to give effect to those Articles of the Treaty for the Limitation of Naval Armament and of the Treaty to Protect Neutrals and Non-Combatants at Sea in Time of War, which were concluded at Washington and which necessitate fresh legislation in this country (C.P.3977).
THE PRIME MINISTER said he would have to ask his colleagues to remain available in case it was necessary to hold a further meeting of the Cabinet after the reply of the Members of the Provisional Government of Ireland was received.