

The Deportees – Presentation to the Global Irish Diaspora Congress, August 2017 by Peter Burke, New Zealand

On January 16th 1942, the National Service Department drew up a list of 155 Irishmen living in New Zealand with the intention of deporting them back to Ireland. Their crime – honesty – refusing to fight for uncle Winston Churchill's New Zealand army. Yes these men had vowed and declared that to fight a war for New Zealand, and by default England was something their conscience would not allow.

They were, by New Zealand law defined as conscientious objectors, but they were not pacifists. They were willing to die for Ireland, but not England. Arguably their deportation was tantamount to a death sentence because they would have to travel across 18,000ks of ocean and face the risk of being bombed or torpedoed by German or Japanese forces. But they were prepared to do this rather than betray their country.

What's more they were not just being sent back home, but the documents setting out their deportation quite specifically states that **'these citizens of Eire who have refused military service are being allowed to return home but are not to be allowed to return to New Zealand during the war or thereafter'**. In other words they were banned from living in New Zealand forever, even though they were British subjects and had done nothing criminally wrong.

For me this untold and extraordinary story is deeply personal. If that deportation had gone ahead I would not be here today to tell you about it because my father Matthias Burke was one of the 155. On that list are many old family friends and the fathers of some of my school mates at St Patricks College in Wellington.

I also have my late mother, Mary Burke to thank for giving me the opportunity to tell this story. Dad died when I was just 16 but Mum lived to the ripe old age of 96 and it wasn't until about five years after her death that I realised what dad had actually been though. This happened when I was finally going through her papers and discovered a statement by father and then a transcript of some sort of trial.

For me this amazing piece of Irish/New Zealand history starts on the 1st of April 1909 in the small townland of Ballydotia in the parish of Moycullen, Co Galway when my father was born. He was a twin – the second of the two to be born according to parish records. Dad had a twin brother Malachy and two other brothers and two sisters.

Like many young men in Ireland he was to become part of that country's export trade of people. Historian David Fitzpatrick so succinctly describes this as 'growing up in Ireland was preparing to leave Ireland'. That's exactly what my father did – leave Ireland - along with many of his friends including some others from Moycullen. I am told that dad wanted to go to the US of A, but he had a congenital heart problem and the Americans rejected him, but not the forever loving kiwis.

Dad left Ireland just before Christmas 1929, catching a ferry across the Irish Sea and then to Southampton where he boarded the Rangitane on its maiden voyage to New Zealand, arriving in Wellington on the 5th of February 1930.

Dad was a highly intelligent man and a hard worker – he built our family home and taught me to grow spuds. While he may have thought he was coming to a new world with new opportunities, he would be disappointed. He worked on the roads and in factories, as a school caretaker and a lorry driver. He joined the Irish Club in Wellington and that's where he reconnected with some of his Moycullen mates and made new friends. Ironically his twin brother Malachy who stayed in Ireland became a multi-millionaire.

1935 saw NZ elect its first labour government which was significant in its own right, but for my father and his fellow Irishmen, this victory was to be a game changer five, six and seven years later. A key person in that party was Peter Fraser, a dour Scot, an exceptional minister of education and in my view arguably the greatest Prime Minister ever of our country.

In May 1935, Peter Fraser (before the Labour Party was elected as the Government later that year) went to England to represent New Zealand at the Empire Parliamentary Association in London. After the conference he travelled to Dublin where he met future-Irish President Eamon de Valera and had discussions with him on social and economic issues. In his book, *Peter Fraser*, James Thorn recounts that Fraser found that de Valera ***“..was not the harum-scarum, impulsive person he had been painted. On the contrary, de Valera was a soft voiced and quiet gentleman who went calmly about his actions and always seemed to have the responsibility of his position in the forefront of his mind.”*** A sharp contrast to how Churchill and other Dominion leaders portrayed Dev.

As the war clouds darkened over Europe and the world, my father and his fellow Irishmen could see the inevitability of war and with it the likelihood of conscription being introduced. By 1939 they were getting organised and when war was finally declared they formed an organisation called the Eire National Association.

The purpose of the ENA was to represent Irishmen living in NZ at the time who did not want to be conscripted into the NZ armed forces and effectively having to wear ‘ a British uniform’.

The ENA president was Paddy Feeney – a man who fought with Liam Mellows in East Galway during the 1916 Rising and later with the IRA. My father was a member of the executive of the ENA. Another member of that executive was Maurice Leo Aylward from Kilkenny who was the secretary and emissary and the person who effectively led the organisation. He was a great friend of dad's and his nephew Fr Eamon is here with us today. Thank you Fr Eamon for the help you have me over the last couple of years.

The ENA then hired a very smart, pro-Irish and anti-establishment lawyer, Fred Ongley to represent them. He was well known to many Irishmen in Wellington and was famous for saying ***“No Irishman could be conscripted to fight an Englishman's war”***. Ongley's role was to prepare to act when the marbles for the ballot were drawn out.

During WWI, the New Zealand Labour party were strongly opposed to conscription and one of their kind, Bob Semple, was jailed for speaking out against conscription. Unlike a leopard, Bob

Semple changed his spots in WWII and became an outspoken supporter of conscription as Minister for National Service.

What I regard as the *Battle with Britain* in NZ began when marble number 376301, Burke Matthias, Lorry Driver, 12 Ngaio Gorge Rd, Kaiwharawhara, Wellington was drawn out and published in the NZ Gazette on the 2nd of October 1940 to be conscripted into the territorial service. Also drawn in that ballot was Maurice Leo Aylward, and Patrick Sullivan from Moycullen.

In NZ, the government had set up what were called Armed Forces Appeal Boards based in the major cities. Their role was to hear the cases of conscientious objectors. The members of these Boards were what could best be described as hard-line, establishment conservative men, some of whom were actively involved in the NZ Returned Services Association which at every opportunity condemned CO's or anyone who refused to fight for the empire. But despite this anti CO chorus, Peter Fraser, who became Prime Minister in April 1940, while pragmatically supporting conscription, never took a hard line and in fact openly scorned some of the RSA's wild rhetoric.

Peter Fraser, as well as being Prime Minister was also the member of parliament for Wellington Central where most of the Irishmen and Ongley lived and they took advantage of this by making personal representations to him about their 'special case'. While the men were lumped into the conscientious objector category because of their refusal to fight for Britain, they didn't fit with most CO's whose refusal to fight was based on long standing pacifist and religious beliefs and others who simply did not want to go to war. The Irishmen's position was their refusal to fight Britain's war and wear the uniform of the crown. It should also be made clear they in no way supported the Axis forces.

Given their special position the ENA somehow persuaded the authorities that they would put up a test case to the Number Four Armed Forces Appeal Board. Six volunteers were chosen for this. They were Jeremiah Allan, Brian Kennedy, Patrick Sullivan, James Moriarty, Fr Eamon's uncle, Maurice Leo Aylward, and my father Matthias Burke.

Their cases were carefully prepared with their lawyer Fred Ongley and the men were briefed on what to say. Their grounds for refusing to fight for Britain were two fold – Ireland was neutral so why should they fight and secondly their personal experiences at the hands of the Crown forces in the 'troubles'. All these six men had a signed affidavit – I have a copy of my father's. On the 31st July 1941 they met in Fred Ongley's Legal offices for a final briefing then walked just a mere hundred yards to the AMP Building in Wellington where the Armed Forces Appeal Board met. (*Remarkably these two old buildings are still standing having withstood the recent earthquake which damaged more modern buildings*).

The Appeal Board hearings, as I said earlier, were often openly hostile to appellants and in this cauldron of antipathy my father Matthias Burke began his statement thus.

“I do not base my claim of conscious on anything that has arisen since war broke out in September 1939, but on what I saw, felt and experienced in Eire between 1919 and 1921.

It is only those who have been through that experience can realise how the memories of those frightful days have left something in one’s mind that can never be blotted out”

He then went on to recount the two major atrocities that he witnessed in Moycullen during the Troubles – the murder of Fr. Michael Griffin whose bullet riddled body was dumped in a bog hole on the road that links Moycullen with the small settlement of Barna and Galway Bay. The murder of Fr. Griffin was carried out in reprisal for the killing of a British spy, Patrick Joyce, by the IRA in Galway. Fr Griffin was murdered because it was known that a priest had given the last rites to Joyce before he was shot. But that priest wasn’t Fr. Griffin, not that this mattered to the ‘Tans’.

The other major killing my father speaks of in his submission to the appeals board is that of John Geoghegan who lived just a few hundred yards from where my cousins now live. John Geoghegan was a commandant of the IRA and his killing is commemorated by a memorial on the roadside where he was murdered and in the stained glass windows of the Moycullen church. This is how dad saw that incident:

I can even see the mortal remains of John Geoghegan who had been tortured and shot by the Black and Tans. I also viewed the bog hole where the Reverend Father Griffin’s body was disposed of after he was tortured and shot.

And he went on to say:

“There is one memory I hate to recall and that is the thought of the brutal and inhuman torturing of Margaret Burke my cousin. Her hair was shorn with a sharp knife, her body bruised from kicks and rough handling and added to that, she was imprisoned for nine months with hard labour because she would not tell the whereabouts of her brother and his companions.

I saw eight Irishmen, including three of my relations stripped to the waist and publicly flogged by Black and Tan Soldiers.

My home was actually broken up by the Black and Tan soldiers in the name of British law and order.

The very thought of association with war work revives in my mind the most unhappy memories of my whole life and I cannot in conscience take any such part.

I have actually witnessed the funerals of victims of the Black and Tan devilry in Eire

Now could any sane man ask me to put on the British uniform and go fight for that same country which has been quietly persecuting, shooting, publicly flogging and hanging without trial hundreds of our people down the ages. I will not put on a British uniform, nor will I fight for Britain, even to the point of revolver or the machine gun and I am prepared to stand by those sentiments until death.”

These were and are compelling statements. As a journalist I have been careful to have this evidence corroborated and it is in the witness statement of Michael O Droighnain a much revered Galway IRA man and incidentally related to me by marriage.

Earlier at the same hearing Maurice Leo Aylward from Kilkenny had this to say:

“To ask me to wear the uniform of a British soldier is not only cruelty, but it is something against which my conscience rebels.... I saw young men taken to their graves in the prime of their lives. I saw my home broken up, my mother suffering and my eldest brother hunted in the hills of Ireland”.

Their appeals were reported in Wellington newspaper, The Evening Post, and the six were dubbed ‘the Sons of Eire’. The Armed Forces Appeal Board reserved its decision.

The answer for the ‘Sons of Eire’ came nine weeks later, on the 9th October 1941, when the No 4 Armed Forces Appeal Board sent lawyer Fred Ongley a copy of their reserved decision. It rejected the claim of status as ‘Citizens of neutral Eire’ and reaffirmed that they were ‘British Subjects’ and therefore required them to serve in the Armed Forces. It also rejected their claims that they were not conscientious objectors as defined by New Zealand law.

New battle lines and actions were now the order of the day.

The ENA, through Fred Ongley, protested to the Government at the decision of the Appeal Board. They reiterated their offer to support New Zealand in any ways other than overseas military service. At the same time officials issued the Irishmen in New Zealand with an ultimatum to either serve in the Armed Forces or be deported back to Ireland.

Not surprisingly there were some problems for the New Zealand authorities with the deportation plans - among them shipping space. 155 dissident Irishmen were not seen as a shipping priority – mutton and butter were of more value to the U.K. As the situation became tense and deportation looked like a reality, Maurice Aylward, the secretary of the ENA, issued a statement to all ENA members urging them to:

“Stand together – accept that sacrifices will have to be made but not sacrifices of principle”.

I personally never met Maurice Aylward, but recall his name and that of other Irishmen, being mentioned during my childhood and was privileged to meet his nephew Fr Eamon last year. Aylward played a pivotal role in this case. He was a smart negotiator who got the ear of PM Peter Fraser and knew Eamon de Valera personally through his Fianna Fail connections. In September last year I also met de Valera’s, grandson Eamon O’Cuiv who is the TD for West Galway, the constituency in which my family has lived for centuries.

Finally as if almost worn down by the protests of the ENA and the whole process, on the 18th July 1942, Prime Minister Peter Fraser sent a cable to London, to the British Secretary of State for Dominion Affairs, Clement Attlee asking that the Sons of Eire be allowed to stay in New Zealand. Three weeks later Attlee came back and said yes.

This was effectively victory for the Eire National Association. They were happy to work for soldiers' rates of pay which was £4 a week – the same a soldier in the army and £2 less than what a civilian in NZ could earn at the time. But they felt that Fraser and his government had treated them fairly.

The deal drew protests from conservative politicians, but the Labour government ignored these and on the 28th August 1942, the New Zealand War Cabinet officially ratified the position of the so called “**Sons of Eire**” as per the agreement with the U.K. Government.

With a policy in place to deal with Irish Nationals in New Zealand, the ENA continued to work on behalf of other Irish individuals who were experiencing problems with the New Zealand authorities over their nationality status.

In September 1943, the ENA decided to send Maurice Aylward to visit Ireland to brief the Irish Government and in particular to personally meet with Eamon de Valera. This visit was sanctioned by the New Zealand Government and Aylward was regarded as an official emissary – perhaps the first Irish Ambassador to New Zealand.

Maurice Aylward arrived in Ireland in December 1943 and finally returned to New Zealand in February 1945. In a report to the ENA members Aylward confirmed he had met with de Valera, and other Irish Ministers and Officials. He noted in particular that the Irish Government recognised the ‘just and broadminded attitude of the New Zealand Government for its treatment of (ENA) members during the War’. Aylward’s visit to Ireland was reported in both the Irish and New Zealand press.

Looking back on how this outcome was achieved, it is clear that it was the luck of the Irish that Peter Fraser was the Prime Minister and the Member of Parliament for the Electorate of Wellington Central where many of the Irishmen in the ENA lived and worked. In their biography on Fraser Dr Michael Basset and Michael King noted that Fraser “**warmed to the Irish cause and liked his many catholic friends**”. These ‘Catholic friends’ included world renowned writer/poet Eileen Duggan. Peter Fraser was often to be seen at St. Patrick’s College which was in his electorate.

What is not widely publicised is that the two prime ministers, Peter Fraser and Eamon de Valera became close friends during the war years. The pair met on a number of occasions.

One notable one was in Ireland on the 24th August 1941 after Fraser had met with Churchill in London. Fraser was flying back to New Zealand after a long visit to the U.K. and visiting New Zealand troops in the Middle East. He decided to fly home via the USA and at that time all the transatlantic flying boats departed from the small village of Foynes on the river Shannon. Fraser flew from the U.K. to Ireland and with him was Sir Carl Berendsen, head of the Prime Minister’s department. In his papers Berendsen recalled... *On the way home (from the UK) we were entertained in Dublin by the remarkable Irish Leader, Eamon de Valera and then to Adare in the west before leaving from Foynes via Gandar for Chesapeake Bay and Baltimore.*

Fraser and de Valera were to meet many times again both in New Zealand and finally in Ireland in 1948 where Fraser received an honorary Doctor in law from National University of Ireland where de Valera was the Chancellor at that time.

On a personal note, my godfather, Fr Jim McGlynn a Columban Missionary, was a guest at the official reception for de Valera when he visited to New Zealand in May 1948.

In July 1945, the Eire National Association officially disbanded as the war in Europe was over and the conflict in the Pacific was in its final stages. From this time the members of the ENA dispersed around the country. Of the original six 'Sons of Eire' I have only been able to trace three.

My father worked as clerk in a government department and suffering from poor health. He died on the 21st October 1962.

Maurice Aylward worked as fencer and general hand on a farm in the province of Taranaki and died there in December 1969.

Paddy Sullivan moved to Otaki near where I now live and where he worked in the market garden industry until his death in September 1989.

I am indebted to the work of Geraldene O'Reilly who has trawled through countless archives and data bases and collected the Government documents that have made this story possible.

I'd also like to acknowledge Fr. Eamon Aylward of Dublin (a nephew of Maurice Leo) who has provided some very valuable documents that will help make this book reality soon.

As I reflect on this story and what these 'Sons of Eire' accomplished, I am tempted to conclude that in some way the 'Sons of Eire' were honouring the immortal words of Patrick Pearse as he stood in the dock during his so called trial in 1916 and said this to his accusers.

“You cannot conquer Ireland. You cannot extinguish the Irish passion for freedom. If our deed has not been sufficient to win freedom, then our children will win it by a better deed”

Thank you for listening to my story.