

Daniel O'Connell Summer School

Derrynane, Co. Kerry

Saturday 27th August 2016

Daniel O'Connell: Politics and the Press

Professor John Horgan, Dublin City University

Part of the difficulty of writing about Daniel O'Connell, of course, is that so many people have written about him already, and his own records, and those of his family, are so voluminous. But I have always been fascinated by politicians and the press, so last year I offered myself, in a sacrificial sort of way, to Maurice as a possible speaker on this topic for 2016.

My initial research disclosed a masterful and scholarly essay on O'Connell and the press by the distinguished *Irish Times* journalist, Brian Inglis, in 1952.¹ This not only saved me a great deal of further research but, of course, also posed the question: how and what could I do to add to it?

A useful development of Inglis's work, I thought, would be, first, to engage in a more detailed study of a smaller number of the incidents mentioned by him, and to do so, insofar as it might be possible, by utilising contemporary documentation, including some of O'Connell's own papers, which shortage of space had forced Inglis to omit. Secondly, I would hope, without being a-historical, to re-assess Inglis's own verdict on O'Connell's attitude to, and use of, the press. Thirdly, I felt that some reflection on the relevance of these events, such as it might be, for politicians and the press in our day, might be apposite.

The first thing that can be said, without fear of contradiction, was that O'Connell's relationship with the press was a complex one, as all relationships between politicians and journalists have been, before and since. It is a murky area, in which both press and politicians are not only observers, but actors. But O'Connell had his admirers, sometimes in unexpected places. Charles Dickens, who served for some time as a parliamentary reporter at Westminster, used to relate that while reporting a speech by O'Connell on the tithe riots "he was compelled to lay down his pen by the heart-rending pathos of the orator's description of a widow seeking her only son among the peasants who had been killed by the military."²

O'Connell was not always so fortunate in his audience.

The three incidents I have chosen to investigate are (a) the controversy about his defence of John Magee against a charge of libel in the *Dublin Evening Post* in 1813-1814, (b) the controversies involving Dublin journalists/reporters in 1826 and 1839,

¹ Inglis, Brian (1952) "O'Connell and the Irish Press 1800-1842", pp. 1-27 in *Irish Historical Studies*, Vol. 8, No. 29 (Mar. 1952)

² MacDonagh, Michael (1903), *Life of Daniel O'Connell*, Cassell, London, 275.

and (c) the contretemps involving O'Connell and the British press reporting of his speeches in the House of Commons in 1832 and 1833

The facts of the Magee case, and the political stance of the *Dublin Evening Post* – a liberal, anti-establishment paper owned and edited by Protestants and therefore of considerable significance to O'Connell and his causes – are well known. The burden of the state's complaint against Magee was that his paper had insulted the Lord Lieutenant, the duke of Richmond, by asserting that his administration was no better than that of the worst of its predecessors, who had “insulted...oppressed...murdered...and deceived.”³

The context of course, was that the Irish judiciary, or much of it, was as corrupt as the administration, and that the intertwining of politics and justice was a major feature of the administration of the law of libel, and of seditious libel, which politicized the judicial process. Everyone was aware of this. It was a mark of O'Connell's courage that he was one of the few people to draw such attention to it in public. He may have assumed that doing so in a court of law was a protection against the risk that he might find himself in the dock for uttering similar sentiments; but this assumption, as we will see, was not as well-founded as he hoped.

The Duke, he told the Court in one of the hearings associated with this case, “has interfered in Elections – he has violated the Liberties of the Subject – he has profaned the very temple of the Constitution, and he who has said that in so doing he was a Partisan, from your hands expects punishment.”⁴ “Really, gentlemen, the fastidiousness which would reject this expression, would be better employed in preventing or punishing crime, than in dragging to a dungeon the man who has the manliness to adhere to truth, and to use it.”⁵

Warming to his task, O'Connell transposed the current events to an extended, imaginary situation in Portugal in which – as he imagined it – Protestants were treated as Catholics were being treated by the Richmond administration. He went on to give instances of Protestant papers in Ireland which had libelled Catholics, calling them murderers, and had not only not been prosecuted, but had been the recipients of Dublin castle largesse.

His speech in defence of Magee lasted four hours; a printed version sold 10,000 copies in Ireland, and was translated into French for equally widespread circulation abroad.⁶

The effect of this and other assaults on the integrity of the Attorney-General, Mr Saurin - French by blood, an Irish Presbyterian by birth, and originally an opponent of the Union, as O'Connell noted - was described vividly by Magee himself:

“We pitied the writhings of the Attorney-General's frame, the contortions of his countenance, and the green and livid hue that alternately succeeded the faint flushing

³ Magee, John (1814) *The Trial of John Magee*, Dublin, p. 63.

⁴ *Ibid.*, 134.

⁵ *Ibid.*, 136.

⁶ MacDonagh, 61.

of his quivering cheek, while lying on the Procrustean bed of Mr. O'Connell's eloquence. The sweat trickled down his forehead, his lips were white as ashes, his jaws elongated, and his mouth unconsciously open, while the lava of the indignant orator poured around him with no unsparing tide, and seemed to absolutely dry up and burn the source of respiration."⁷

In the O'Connell correspondence, similar sentiments appear. One of his correspondents, identified only as "E.B.", wrote to him on 28 July: "I beheld with ecstasy the fire of your soul darting through your eyes while addressing the suppressors of vice, the bible distributors".⁸ This is what members of the acting profession would describe as "constructive criticism".

If I may be allowed a somewhat irrelevant, and self-indulgent, parenthesis, the solicitor-general in this case was Charles Kendal Bushe, a lawyer from Kilkenny, who had also voted against the Act of Union, an act for which he was described by Jonah Barrington as "The Incorruptible". Bushe from whom I am directly descended through my paternal grandmother, generally escaped O'Connell's strictures, and indeed the *Liberator* had warm words for him some years later after his appointment as Chief Justice. "He is a delightful man", O'Connell wrote to his wife, "and it is impossible to have any man fill his station better than he does."⁹

In the interests of impartiality, it is also worth pointing out that the two volumes of O'Connell's correspondence edited by Maurice R. O'Connell also contain many missives addressed to a gentleman of this parish by the name of Bric.

The fire in O'Connell's soul, however, sometimes burned, rather than warmed, those for whose benefit it was being stoked. The biting combination of law and politics in his defense speeches not only failed to secure Magee's acquittal, but provoked the court - the jury was rigged, of course - into fining the hapless proprietor £500.00 - a sum equivalent to over €100,000 today. The incendiary utterances - which were not protected by the fact that they had been uttered in a courtroom - would have caused considerable trouble for O'Connell had he not been protected by the unwillingness of the Irish newspapers to testify that he had been their author.

The 1820s saw an increasing incidence of controversies pitting O'Connell, not only against the administration, but in some cases against the press itself. This biting of the several hands that loyally fed him has occasioned no small amount of unfavourable comment and, while it is always possible to explain it, it is not always possible to justify it.

1826, for example, saw the first of two epic conflicts between O'Connell and journalists, the first of which is detailed in the photocopies that I have distributed. The second was the reaction of reporters to criticism by O'Connell in 1839 that they had

⁷ *Ibid.*, xxiv.

⁸ E.B. to Daniel O'Connell, 28 July 1813, in Maurice R. O'Connell (ed.) (1972) *Correspondence of Daniel O'Connell* (1), Irish Manuscripts Commission, Dublin, Irish University Press, p. 360 item 940.

⁹ O'Connell, Maurice R. (ed.) (1972) (i), *The Correspondence of Daniel O'Connell*, O'Connell to his wife, 17 March 1822, 360.

paid insufficient attention to his attempts to re-start the campaign for repeal of the Act of Union.

These incidents had one thing in common. They were the first evidence of the emergence of a spirit of professionalism among journalists, who decided that their professional status would not allow them to take unjustified criticism lying down. In 1826 they held a meeting and published their protest against his criticisms: in 1839 they responded to O'Connell's criticism by initially "blacking", or refusing to publish, a speech by him.

The outcomes, however were different in each case. In 1826 the Catholic Association, which was effectively O'Connell's main political vehicle, brokered a compromise at one of its meetings which successfully fudged the issues that had been raised. The need for a compromise is evident from the report of the proceedings of the Catholic Association published simultaneously with the reporters' riposte. This also, and interestingly, makes it clear that O'Connell's position was by no means unanimously supported by members of the Association.¹⁰

O'Connell opened his speech at this meeting with a broadside: there was not, he said, no report of any speech of his in the past thirteen days in any paper in Dublin which was not "grossly incorrect". Rubbing salt in the wound, he suggested that this was due to incompetence rather than to malice. O'Connell was immediately challenged: a Mr Plunkett complained that O'Connell had "thrown a great slight" on the Press; and a Mr. O'Gorman refused to join in O'Connell's criticism because, he said, "he was more amazed at the capacity which enabled the gentlemen to get through their long and varied debates than at the inaccuracy displayed in occasional errors"; a Mr Dillon said that he had no reason to feel obliged to the Press, as they seldom published his speeches, "but he had not the vanity to complain hurt at their not being given at full length (hear, hear)".

But in 1839 the newspapers effectively capitulated to O'Connell. The reason they did so was not far to seek: O'Connell had threatened to cut off the revenue stream generated by the advertisements for his Precursor Society placed by the Catholic Association in the newspapers that supported him politically.

This action may well seem, to twenty-first century minds, as an altogether unjustified interference with the freedom of the press. In extenuation, however – if not exactly in justification – it is only fair to point out that in the nineteenth century Irish newspapers were the shock troops on both sides in the political struggles between Irish nationalism and British administration. If O'Connell put a financial bridle on newspapers who were in his view less than whole-hearted in their support for his causes, this was a mirror image of the tactic employed by the British administration, which had the resources of an entire Treasury to devote to bribing or intimidating newspapers as part of their abuse of power.

It would also be unwise to assume that his tactics, as episodic illustrations of the always problematic relationship between politicians and the press, were merely a nineteenth century oddity. In 1924 Sean Lester, a former news editor of the Freeman's

¹⁰ *Dublin Evening Post*, 7 February 1826.

Journal and later father-in-law to Douglas Gageby and a distinguished international diplomat, was a civil servant advising the Free State government on censorship. In this capacity he circulated a memorandum to all government departments forbidding them from placing advertisements in what he described as “irregular” papers. After his 1932 election victory, Mr. de Valera ensured that a substantial amount of government advertising went to support northern papers of a Nationalist persuasion. Fianna Fáil and Coalition governments both imposed a customs duty – the twentieth century equivalent of the stamp tax – on all imported British newspapers between 1933 and 1971, although this was in an attempt to prevent the Irish public from reading detailed reports of British divorce cases rather than for political reasons.

In 1965, the touchiness of politicians about the press was amply demonstrated in the report of the 1965 All-Party Committee on the Constitution.¹¹ In that report, discreetly tucked away in an Annex, were a couple of pages devoted to a discussion of how the Houses of the Oireachtas had the power to protect themselves from “improper comment in the press.”¹² Although no specific constitutional or political changes were recommended, the mind-set of the authors was clearly indicated by a 20-page “appendix” to the “annex” which listed no fewer than 13 different jurisdictions, in the majority of which the legislatures were empowered to bring offending journalists to heel, however rarely that power might have been exercised!

In 1966, when the Fianna Fáil Minister for Agriculture, C.J. Haughey, was engaged in a massive confrontation with the Irish Farmers’ Association, all government advertising was withdrawn from the *Farmers’ Journal*. In the eighties and into the nineties, Fianna Fáil governments reacted with Pavlovian intensity to the use by RTE of its editorial freedom by refusing the station a licence fee increase for a decade. During this period, also, both Fianna Fáil and coalition governments policed, or attempted to police, RTE’s exercise of the freedom of the press with intermittent vigour. And as recently as 2002, the then Minister for Justice, Michael McDowell of the Progressive Democrats, and his Fianna Fáil government partners, were initially tempted to promote legislation which would have introduced statutory controls on the press.

In this context, the actions of the Liberator in the same field, while not unproblematic, could, I think, be regarded as being at the liberal end of the scale, and indeed a fair reflection of the balance of power in an era when the whole concept of the freedom of the press, if not in its infancy, was barely out of its adolescence.

In my view, therefore, the best way of interpreting O’Connell’s actions in these cases is in the light of the volatile politics of the period leading up to Emancipation in 1829, which undoubtedly heightened O’Connell’s sensitivity about the role of the press, and made him more susceptible to the idea that – to put it bluntly – those who were not unambiguously for him could be castigated for being against him.

This certainly opened him to the charge of inconsistency, as he assailed former supporters and ignored present enemies. But it also suggests a more nuanced judgment than that of Inglis, who argues that it was evidence of “how little O’Connell

¹¹ Government Publications, PR 9817.

¹² Op. cit., 64.

understood the press”, and that “O’Connell was attached to the freedom of the press only for so long as that freedom served his ends.”¹³

It is also worth noting that when Inglis penned these criticisms, he was in the employment of the *Irish Times*, a newspaper which has from time to time succumbed to the temptation to congratulate itself on its self-proclaimed independence from grubby political strife. In this context, Inglis’s criticism was perhaps overly influenced by arguments about the freedom of the press from a later period in which that freedom was more generally accepted, and more institutionally protected, than in O’Connell’s day.

Another relevant political factor was the extent of the divisions in the Repeal movement after 1829, a period during which O’Connell’s focus was less on the Irish courts than on the House of Commons, and on his public visibility in the Mother of Parliaments. He was of course here a smaller fish in a bigger pool, and recognized this by ensuring that when he spoke on Irish topics he generally hired a reporter of his own who would transmit accounts of his speeches directly to the Dublin papers.

In spite of the fact that he was, according to one biographer, among the dozen best reported parliamentarians in the English press,¹⁴ controversy was never very far away. He had an initial confrontation, about what he claimed was an erroneous account of one of his speeches, with a reporter from the *Times* who was not only an Irishman but a Catholic.¹⁵ This was smoothed over by a meeting between O’Connell and the reporter concerned, who explained that not only had it been difficult to hear the debate from the reporters’ gallery, but that on his way back to the *Times* his notes had been partly obliterated by a shower of rain. O’Connell was gracious enough in accepting the apology but also commented, with the magnanimity of the victor: “that was the most extraordinary shower of rain I ever heard of, for it not only washed out the speech I made from your notebook, but washed in another and entirely different one.”¹⁶

His greatest confrontation with the press in London, however, was not on the subject of Ireland, but on the subject of slavery, and with the London *Times*, which he complained mightily of having unfairly truncated his speech on 25 July 1833.¹⁷ The main burden of his objection was that the reporters had decided not to report his speech because it had included material which they found offensive to themselves.

Initially, he used a parliamentary stratagem to “spy strangers” (i.e. the newspaper reporters) in the gallery of the House of Commons, and therefore had them excluded. “If *The Times* does not report me”, he said trenchantly, it shall not report anyone else.”¹⁸ “I have conquered the tyranny of the Press”, he exulted to a friend.¹⁹ And the *Times* did indeed realize that its protest was futile. Its reporters, the paper grudgingly

¹³ Inglis, p. 26

¹⁴ MacDonagh, Michael, *The Reporter’s Gallery*, 276.

¹⁵ *The Times*, 20 June 1832.

¹⁶ MacDonagh, 278.

¹⁷ MacDonagh, 367.

¹⁸ MacDonagh, 374.

¹⁹ MacDonagh, 376.

accepted, “will for the future deal with Mr. O’Connell as with other members of the House, no better and no worse, though they cannot help feeling the bitterest scorn and contempt by the malicious falsehood by which they were provoked.”²⁰

Again, his attitude to the press after Emancipation was clearly conditioned in large part by his many attempts to play the whigs and the Tories off against each other, tactics which now sometimes led him into alliances which cast doubt on the small print of his Repeal convictions, or on the depth of his beliefs about the importance of the freedom of the press.

And there is, perhaps, a moral for our own time. This can be deduced from the fact that, although O’Connell did ensure the prosecution – for assault - of one newspaper owner who attacked him with an umbrella, he pointedly refrained from taking libel proceedings against any of the numerous Dublin Castle-linked papers which were as free with their abuse of him as he was with his savage attacks against the individuals responsible for the British administration of his own beloved country. In this he set a standard of behavior which his successors in the Irish parliament he fought to establish might be encouraged to emulate.

I will leave the last word, however, to O’Connell’s uncle, Maurice “Hunting Cap” O’Connell, who was moved to write to his famous nephew, in the aftermath of the Magee trial, in words which were undoubtedly relevant to the journalists and politicians of his day and perhaps, even, to our own.

Hunting Cap correctly characterized the Attorney General’s court attacks on Magee as “sharp and indecorous”; but he warned his nephew:

“Yet I must say that I do not think they merited or justified the intemperate reply you set out with and continued to pursue till prevented by the interposition of the court . . . the flattering power of public applause has often subdued reason and lead people to acts for which they severely suffered, but believe me, dear friend, it has ever proved a very perishable commodity.”²¹

As the man said: “If you had a tune to that, you could sing it.”

²⁰ MacDonagh, 375.

²¹ Maurice (Hunting Cap) O’Connell to Daniel O’Connell, 4 December 1813, in Maurice R. O’Connell, *ibid.* (**check exact ref in Vol 1**)