

Collins as head of the Free State government, continued with the legal action in America.

To complicate matters further, in 1925, while the case was ongoing, John J. Hearn set up a separate committee to claim the funds for the original subscribers on the basis that the money had been collected for an 'Irish Republic' that had not yet been established. Frank P. Walsh, McGarrity and John T. Ryan, an Irish-American activist, were prominent members of the Hearn Committee.³⁰

The case went to trial in March 1927, with three able lawyers representing the interests of de Valera and the Republican side: Frank Walsh (who had headed up the bond-cert drive), John Finerty and Martin Conboy. All three were members of the AARIR. Smiddy and the US-based lawyers, Polk, Wardell, Gardiner & Reed, represented the interests of the Free State.

De Valera travelled to America after his release from prison in 1927 to attend the hearing of the case. He wanted to persuade the original subscribers to donate their returned bond certificates to him. His ambition was to establish a daily newspaper in Dublin that would promote his political viewpoint and that of his party.³¹

In June 1927 Judge Curtis Peters decided that all funds collected in the bond-cert drive and retained in the deposit accounts in America must be repaid to the original subscribers.³² As one of the original subscribers, the FOIF applied for a refund of the \$100,000 which it had loaned in 1919 to kick-start the bond-cert drive. The Hearn Committee immediately chal-

lenged this in the courts. When Judge Thomas Mahon dismissed the claims of the FOIF in February 1930, the organisation immediately lodged an appeal, which resulted in a retrial. The decision of Judge Townley in June 1931 was in favour of the FOIF, and it was challenged by the Hearn Committee at the Court of Appeals, but their effort to have the decision of Judge Townley reversed was unsuccessful.

Lynch hammered home the victory of the FOIF: "The *five* sitting judges of the Appellate Division of the Supreme Court unanimously upheld the decision. Said "Hearn Committee" then took the case to the Court of Appeals and the *seven* judges thereof at Albany unanimously affirmed the decision of the Appellate Division."³³ The FOIF was eventually repaid \$73,000, having paid its own legal costs.³⁴

In February 1928 de Valera was back in New York to raise funds. On 3 February, he was a guest at the Waldorf Astoria Hotel while the president of the Free State government, William Cosgrave, happened to attend the Emerald Ball in the grand ballroom below – but the two men did not meet. Earlier that day, President Cosgrave had dined with Cohalan, Lynch and other FOIF officers at the Lawyers' Club at the Realty Building on Broadway.

In 1929, McGarrity, Frank P. Walsh and John Ryan of the Hearn Committee started another legal action against the FOIF, claiming that the organisation had misappropriated the Victory Fund. Lynch recorded:

the handling of Devoy's financial affairs, securing a reduction of some of his debts, and he solicited funds annually from the selected donors until Devoy's death in 1928.²⁵ Devoy died unaware that his expenses were now met from the secret fund set up by Lynch in 1925.

Lynch had worked with Devoy on his memoirs in his final years, and after Devoy's death he completed the manuscript, which was published in 1929 under the title *Recollections of an Irish Rebel*. Lynch was unanimously elected to represent the FOIF at Devoy's funeral in Glasnevin Cemetery in June 1929. All in all, a fifty-strong contingent accompanied the body to Ireland, including Dalton, Cunningham, Sarah McKelvey and Laurence Rice, all members of the John Devoy Funeral Committee. After the state funeral in Dublin, the American committee arranged for the permanent care of Devoy's grave.²⁶

Lynch was one of the executors of Devoy's will, and there was correspondence between him and Devoy's nephew, Peter, during 1928 and 1929.²⁷ Lynch informed Peter that some of the subscribers to the secret fund were now subsidising the publication of the forthcoming book and that John had died with just \$400 to his name. With the consensus of the FOIF members, Lynch organised the purchase and distribution of 500 copies of *Recollections of an Irish Rebel* for colleges, schools and libraries in Ireland.²⁸

Lynch's main concern for the 1920s, as National Secretary of the FOIF, was the management of the affairs of that organisation. In his role as National Secretary he was the per-

son responsible for representing the FOIF in court. Yet the most prolonged of the court cases he was involved in did not initially concern the FOIF. The case was brought by the Free State government of Ireland against the nominated trustees of bank accounts set up by de Valera before he left America in December 1920 and concerned the proceeds of the bond-cert fund-raising drive in those bank accounts. John J. Hearn of Westfield, Connecticut, who had left the FOIF to become Treasurer of the AARIR, was one of the trustees, as were Boland, Nunan and McGarrity. The Free State government regarded itself as the lawful inheritor of the bond-cert funds collected in America for the Republic of Ireland and was determined to gain possession of them.

In 1922, when Collins, as Minister of Finance, sought the release of the funds banked in America for use in Ireland, he was stonewalled by de Valera's nominated trustees. Collins sent Professor Timothy Smiddy of University College Cork (UCC) to America to assess the situation and to try to break the deadlock on the funds. Smiddy met with misinformation and resistance, so Collins instructed him to seek a court injunction 'on behalf of the Irish Free State to obtain custody of the funds and securities in the New York banks'.²⁹

Proceedings began on 11 August 1922 in the case titled *Irish Free State et al. v. Guaranty Safe Deposit Company, et al.* Harry Boland was assassinated just days before the proceedings began and while the case was under way, Collins was assassinated in his native county of Cork. William Cosgrave, who succeeded

cable; he was pleased to get it. Le stíl go bhfuileann sibh go h-ana-mhaith, le Grádh, ó Muirgheal.²⁹

When MacSwiney had been imprisoned and started his hunger strike in August 1920, Lynch had sent an urgent cable to Bainbridge Colby, US Secretary of State:

As Executive Secretary of the Friends of Irish Freedom, a nation-wide organisation of several hundred thousand American citizens, I respectfully enter a most emphatic protest against the treatment accorded by the British Government to Lord Mayor MacSwiney of Cork, removed from Ireland, on a British war-vessel and held by force of military power. We respectfully request you as Secretary of State to immediately make suitable representations to the British Government.³⁰

Following her husband's death on 25 October, Muriel was persuaded to travel to America to publicise the treatment he had received during his arrest, imprisonment and death. Lynch, as Secretary of the FOIF, organised her travel arrangements and ensured her welcome in various quarters, such as the Missouri State Council and the FOIF State Convention on 15 December 1920.³¹

That Michael Collins continued in friendship with the Lynch family, despite the public differences which had emerged from the American fiasco, is evidenced by his being photographed alongside his confidante, Gearóid Ó Súilleabháin, in attendance at the wedding of a close relative of Kit Lynch on

22 November 1920. Michael Lynch was the best man at the wedding, and both Denis and Alice were among the seventeen guests, as was Kit's sister Theresa.³²

During the first six months of 1921, the guerrilla war in Ireland reached a climax, with atrocities on both sides and victory on neither. A truce was signed on 9 July. Negotiations followed in London between Prime Minister David Lloyd George and de Valera about the possible terms of a permanent peace between the two countries and in August Lynch issued a statement from FOIF headquarters: 'The Friends of Irish Freedom are solidly and unalterably behind Dáil Éireann in its refusal to surrender the National Sovereignty of Ireland by entering a conference with the British Cabinet on the basis stipulated by Lloyd George.'³³ He then expressed a personal view:

Diarmuid Lynch's message reflects the attitude which he has consistently held towards President de Valera, and which has been known to a great many people, namely, that while realising and strongly condemning President de Valera's action in splitting the Friends of Ireland in America at a time when unity was essential to success, Lynch maintained that President de Valera had not parted and would not depart from the position of fighting for the recognition of the established Irish Republic.³⁴

Devoy criticised Lynch's confidence in de Valera, observing to Cohalan, 'Diarmuid can't see anything in this but his old friendship with de Valera blinds him.'³⁵ Lynch's disagreements

Diarmuid Lynch: A Forgotten Irish Patriot

[Bishop Gallagher] and many other prominent men will withdraw altogether. Dick [Dalton] says he's through, absolutely.⁶⁶ Lynch further expressed his exasperation that Cohalan and Devoy had neglected to discuss this urgent situation during Devoy's recent visit to the judge at his holiday residence in Westport.⁶⁷ He continued, 'Personally I desire our visiting friends to have every concession consistent with the safety of the cause from the American viewpoint, but there's the rub.'⁶⁸

Constitution
OF THE
Friends of Irish Freedom

ARTICLE I.
The name of this organization shall be FRIENDS OF IRISH FREEDOM.

ARTICLE II.
The objects of this organization are: Determination and Complete National Independence, and to inform American public opinion on the justice of Ireland's claims.

(a) To uphold Ireland's right to Self-Determination and Complete National Independence, and to inform American public opinion on the justice of Ireland's claims.

(b) To diffuse a more intimate knowledge of Irish History and the history of the Irish Race in America, and stimulate a just pride of Irish ideals and achievements, thus enabling our people to contribute in the highest degree to the enrichment of American culture.

(c) To develop the economic resources of Ireland.

(d) To promote the revival of the Language, Music and Customs of Ireland.

ARTICLE III.
Membership in the Friends of Irish

The changed emphasis, towards Americanism, in the stated objectives of the FOIF is apparent between the 1918 Constitution (on the left) and the revised and amended Constitution of 1920. *Courtesy of the Lynch Family Archives*

The Fall-out Continues

Turmoil was rife amongst the officers and in the branches of the FOIF in July and August of 1920. James K. McGuire resigned on 16 July, citing the 'inner strife' as a cause.¹ The following day, Devoy informed Cohalan that Fr Peter Magennis 'is out for good'.² Lynch wrote to Cohalan:

The Bishop [Gallagher] urges that everything possible be done to prevent the *Irish World* and *Irish Press* from continuing attacks on him this coming week. That if they do continue, he will 'have outlived his usefulness'. Dick argues that John Devoy does not reply to the *Irish World* attacks this coming week. It is very difficult for him [Devoy] to refrain from denying the statement, with 10,000 copies [of *The Gaelic American*] going to Ireland.³

Lynch was referring to Devoy's intention to refute Count Plunkett's condemnatory statement made to the Dáil in June.

As well as attacks on the FOIF organisation, personal attacks on Lynch continued. The Progressive League was an associate branch of the FOIF that supported de Valera and the