

## **The Killings at Coolacree**

### **\*\*\*Comments by P. Muldowney on the Adjudication of the Broadcasting Complaints Commission**

*\*\*\*By and large the adjudication of the Broadcasting Complaints Commission simply regurgitated some of the empty evasions and bland generalities in the responses of RTÉ and the independent producer Niamh Sammon to the complaints. But unlike them, the Commission did not even attempt to address the details of the complaints against the broadcast.*

*The gist of the Commission's adjudication is that the producer had full editorial autonomy over all aspects of the production, and that this did not conflict in any way with objectivity and fairness, but rather confirmed and guaranteed it. (Which is a curious argument. If this is a general truth, then it is hard to see how there can be any such thing as a biased production.) And that, having watched the programme, the Commission noted that there were two points of view, both of which fairly presented. Accordingly, it ruled against all the complaints about the programme.*

*That's it, essentially. The Commission did not bother to address many of the specific and detailed demonstrations of bias and partiality which were presented in the complaints. It just blandly denied and rejected them, practically without explanation, saying that the programme as a whole presented both sides of the argument, and its adjudication was on the programme as a whole, not the details.*

*It is true that the programme presented two sides. But the charge of propaganda or spin rests on the differences in the ways in which it presented each side. Most damningly, the programme left out the most compelling evidence against the Pearsons - that is, the evidence which came, not from the opponents of the Pearsons, but from the Pearsons themselves, from their friends, and from their defenders on the British side.*

*To summarise some of the omitted evidence:*

- *the British Military Courts of Inquiry - not mentioned at all in the programme;*
- *William Pearson's written statement that he assisted the Crown Forces on every occasion;*
- *Alan Stanley/William Stanley's account of their involvement in loyalist paramilitarism and collusion with the Auxiliaries;*
- *concealment of the Pearsons' lies and fraud in their descriptions of the events.*

*The Broadcasting Commission refers in passing to these omissions, and justifies them by saying that the producer had editorial autonomy!*

*One interesting feature of the adjudication relates to the account given by the Commission of the complaints themselves and the responses by RTÉ and*

*the producer to the complaints. These will be posted on this site in due course. On the whole these accounts and summaries by the Commission were accurate. Except in one detail. To the charge that the programme did not have a Consultant Historian to guarantee historical accuracy and objectivity, RTÉ responded that the programme DID have a Consultant Historian. This was easily proven to be a lie. But the lie has quietly disappeared from the Complaints Commission summary. So it's easy to see who is pulling the strings in the Complaints Commission!*

*Here is the adjudication of the Commission, with commentary by me:*

The Commission has considered the broadcast, the submissions made by the complainant, the broadcaster and the independent producer. The broadcast in question is Hidden History: The Killings at Coolacree, which explored the murder of two brothers in Coolacree during the war of Independence in 1921.

*\*\*\*By declaring the execution of the Pearsons to be **murder** - as opposed to a legitimate war-time measure against individuals who took up arms against the elected government - the BCC is assuming the truth of the very point which is at issue. In the very first paragraph the Commission betrayed its bias.*

The Commission noted that the complainant submitted a number of reasons he believed that the broadcast was in breach of the relevant broadcasting legislation. The broadcaster/independent producer has editorial independence and decides what material to include in its programming. Therefore, the decision by the producer not to use recorded material of an interview with the complainant cannot determine the partiality of the broadcast.

*\*\*\*The independent producer Niamh Sammon was free to produce any kind of film she liked. She had the power and the right to suppress any material that undermined the theory she believed in. The broadcaster RTÉ, on the other hand, was not entitled to defy the Broadcasting Act by broadcasting a programme whose methods were propagandist. My complaint was against the RTÉ for broadcasting propaganda (in breach of the Broadcasting Act), and not against the independent producer Niamh Sammon who is entitled to produce all the propaganda she likes. The main part of my July 28 interview was about the evidence of the British Military Courts of Inquiry, which I was aware was not available to the Offaly historians when they were interviewed a few months earlier. The fact that the programme never mentioned these British Inquiries has been the main point of criticism of the programme after broadcast, and the reason why the programme quickly lost credibility.*

Also, the decision of the broadcaster/independent producer not to refer to the 1918 election was an editorial decision and cannot determine the bias of the broadcast.

*\*\*\*Read that one again, along with the Commission's earlier remark about producer autonomy/selectivity! The BCC reasoning seems to be that an editorial decision about the content of the programme has no bearing on whether or not the programme is biased. This is simply ludicrous. On the substantive issue: the 1918 elections gave Dáil Éireann and its defence forces a democratic mandate, making them the official and legitimate authority. As far as the BCC is concerned, it is a matter of no consequence that the broadcaster/independent*

*producer made no reference to the actual, functioning system of law and justice operating under the jurisdiction of the elected government - the system which condemned the Pearsons. The Pearsons were condemned in consequence of an official investigation by that authority. Yet the programme declared that "There was no official investigation" of the Pearsons activities.*

The Commission also noted that the complainant made his argument under a number of main themes, in which he gave his opinion and interpretation of each.

*\*\*\*What I mainly did was point out how the programme used devious methods to persuade viewers towards a particular point of view - in other words, its propagandist partiality.*

In assessing this complaint, the Commission had to consider the broadcast as a whole. A particular scene and/or opinion cannot be considered in isolation. It must be considered in the context of the entire programme.

*\*\*\*In addition to examining particular scenes, I showed how these particulars determined the whole. The whole programme was the sum of its details, and this whole is what produced an effect on viewers. That effect can be assessed by public reaction to the programme. Those people who sided with the Eoghan Harris view of the Pearsons thought the programme was very good. Those who disagreed with Senator Harris thought the programme was propagandist and biased. This indicates that the programme aimed to produce this effect.*

*The initial reaction to the programme "as a whole" was broadly positive, in the sense that it appeared to expose a shocking crime which had been concealed for nearly a century. But when it was publicly revealed that the programme had covered up the existence of a major source of hard evidence (the British Military Courts of Inquiry), public doubt set in. From that point onwards, the protagonists of the programme have been preoccupied with explaining away this British evidence which was glossed over in the broadcast, but which subsequently took centre stage in public discussion. They have found it impossible to explain away, no matter how hard they try.*

*This means that the programme did NOT espouse "two truths" etc., which it presented impartially. It pulled out all the stops to persuade the viewers by devious means that, while there were two opinions, only one of them was correct. It sought to persuade viewers that there was in fact one truth, not two.*

What is important to the Commission, is that the material is fair, impartial and objective.

The Commission members noted that the programme explored the shooting from two aspects: 1. The motive for the killings was sectarian and ultimately for land; and 2. The Pearsons were supporters of, and informers for, the Crown and therefore the shootings were inevitable in the context of the War of Independence. On viewing the broadcast, the Commission was of the opinion that both motives were explored, with each given a fair and equal hearing. Experts and locals with varying opinions were interviewed and offered the opportunity to outline what they believed had happened.

*\*\*\*In my complaint I showed how various editorial devices were used to rubbish one side and bolster the other. The programme did NOT present both*

*opinions impartially.*

The programme also had a very human aspect to it, clearly indicating that what happened was tragic and had a huge impact on both the Pearson family and the local community. It included members of the Pearson family and their recollections of what they had heard about the shootings and the effect it had on the family. The viewer was also informed of the life the family had after emigrating to Australia.

It is evident from the broadcast that there are two sides to the story and each side provides polar views on why the Pearsons were killed. The Commission noted that the complainant had based his complaint on his perspective and opinions of what happened.

*\*\*\*No. I based my complaint on the editorial trickery used to persuade the viewers onto one side. Such as the showing of the actual shootings of the two Pearsons over and over again, clasping their bleeding groins in terrible agony, in full view of their screaming mother and sisters. What viewer with any sense of humanity could fail to be swayed by this? But any person, on any side, innocent or guilty, suffering the effects of violent acts of war, could be portrayed like this. The programme used emotional shock tactics, rather than fact and reason, to win its argument. (Pointing out such trickery is not equivalent to basing my complaint on my opinion of what happened.) But, in one of the many obvious pieces of trickery in the programme, that scene was replayed again and again, even though the hard evidence of the British Courts puts a very different aspect on what actually happened.*

He takes issue with various points that were made that he believes were inaccurate or spurious and/or not based on fact. It is not within the remit of the Commission to assess the veracity, or otherwise, of the claims being made in this broadcast. Nor could one expect the Commission to do so.

*\*\*\*I specifically said that the Commission could not be expected to do this. But the Commission could definitely be expected to take note of the numerous departures from objectivity and impartiality in the programme's methods.*

There are two conflicting viewpoints about what happened. Such is typical of historical events; there are various sides and viewpoints, and each contrary viewpoint can be argued to be as valid as the other.

*\*\*\*Some people might believe that the Titanic did not crash into an iceberg, but that it put into port in Newfoundland instead, where it has been berthed ever since. Other people might believe it is lying at the bottom of the North Atlantic. These two statements are contradictory and cannot both be equally valid. Likewise, the crucial question on which this whole episode hinges is whether the Pearsons fired into the air that June night in 1921, or whether they actually fired at and shot several people. Contradictory versions of a factual matter such as this CANNOT both be equally valid. Several people were shot at the road-block, a fact to which there is abundant eye-witness testimony. There is only ONE source for the contrary and contradictory version - the on-the-run loyalist gunman William Stanley, as reported by his son Alan Stanley in his book.*

When it came to the deliberate misrepresentation of the views of one of the contributors (Paddy Heaney, whose thesis - that the Land Commission did not

*favour Republicans in the division of the Pearsons' farm, but granted land in the first instance to ex-British soldiers - was deliberately and perversely turned on its head by the programme makers), this was justified by the producer, and by the BCC, by arguing that Paddy Heaney's thesis was factually incorrect. So when it suits them, the BCC/programme makers say that two conflicting views are all equally valid, there are "two truths". At other times their favoured view is the only one admitted for consideration, and they resort to ruthlessly unprofessional methods of promoting their favoured view and suppressing the opposing view. So much for "two truths", for contrary viewpoints being equally valid!*

Both theses on the Pearson story involve interpretation and conjecture. A number of the points raised by the complainant are based on his own interpretation. For example, he takes issue with how the 'loyalism' of the Pearsons was not depicted. There were several references in the programme including, 'I do believe the Pearsons were spies', 'there was information that the Pearsons were active', 'British Army soldiers worked undercover as farm labourers and during the night the Pearsons would help and pinpoint where the IRA volunteers lived'. The narrative also made several references to assertions of the Pearsons support of the Crown.

*\*\*\*The character and degree of Pearson loyalism is obviously crucial. Charges of this nature, made against the Pearsons by their opponents, are one thing; and that is what the programme focused on - a target that could be rubbished by ex cathedra pronouncements by the programme's academics. But evidence of violent, militant loyalism from the Pearson side is something else, and the programme studiously concealed this evidence.*

*The programme rationalized William Pearson's statement that he was a "staunch loyalist" - it was alleged he had to make this claim in order to get compensation. But the programme ignored his much stronger and more significant statement that he "assisted the Crown forces on every occasion". And the Pearsons' alliance with the on-the-run loyalist gunman William Stanley was sanitized - William Stanley was represented as some completely innocent person who had been victimized by the IRA because his mother befriended some British personnel of officer class at a church service! They were Auxiliaries, and, according to Alan Stanley, William Stanley was a member of an armed group of loyalists in collusion with these notorious Auxiliaries. This damning evidence against the Pearsons, coming from the Pearson side, was covered up by the programme.*

The complainant also asserts that those who believe the 'sectarian' motive are always given the last word. This cannot, whether accurate or otherwise, determine the bias of a programme.

*\*\*\*Well, it might be a teensy-weensy clue, mightn't it?*

The complainant submits that the programme only touched on the evidence for involvement with loyalist paramilitaries. The Commission noted that there were several references to the activities of the Pearson family in this context. There are quotes from the programme that evidence this (refer to the previous paragraph of this summary).

*\*\*\*(And refer to my comments on that paragraph.)*

Other references in the broadcast include; 'local people were aware at all times that the military were visiting the house and the local police from Birr used to come out there. The IRA had their own intelligence there and they had people watching the house'; 'the Pearsons, they weren't innocent and the research I carried out, speaking to a lot of those fellows who were involved in that period, they were spies and informers'; 'these Pearsons had always displayed open hostility towards the IRA and had been active in promoting the Ulster Volunteer movement in their district'; and 'ultimately it was the senior IRA leadership who took the decision to execute. In the context of the times, it was a necessary military re-action to protect and safeguard local republicans'.

*\*\*\*These charges are, in effect, corroborated from the Pearson side, by William Pearson and by Alan Stanley, as I explained above. The programme studiously evaded this corroboration.*

The complainant takes issue with the description of Cooneyites and the comparison to the Amish religion. The Pearsons were members of the religion and the programme informed the viewer about the religion. The details included, 'they have no formal churches. They had meetings in houses, for example, Bible studies'; 'there are some similarities to the Amish. There are some ideas which underlie both groups, mainly concern for simplicity. They tried to live out the word of the Bible as they read it'; 'the women don't wear make-up. They don't cut their hair'. Given that the Pearsons were members of the religion, a viewer could expect to learn about the religion in a programme about the family. On viewing the broadcast, the Commission was of the opinion that the report on the religion was factual and the programme-makers were perfectly entitled to include it in the broadcast. They did so in a fair manner.

*\*\*\*Rather peculiar logic. It is implied, falsely, that I objected to the programme providing information about Cooneyism in general, when my objection was to false, irrelevant and prejudicial deductions, from their formal religious affiliation, to the consequences of that affiliation in the Pearsons' conduct—which is not the same thing at all. IF Cooneyism was pacifist, then the Pearsons were in breach of it in engaging in gunfire against people in the neighbourhood, whether they aimed their fire directly at them or not. So, in effect, their formal religious affiliation becomes irrelevant to the issue at stake in the documentary.*

*But the argument presented by the Commission above is irrelevant in other senses. Lots of different religious groupings are alike in various ways. Many of them are similar in certain respects to - for instance - the Amish. The charismatic Catholics liked to meet in houses rather than churches. The Jansenist and the Vatican 2 movements in Roman Catholicism aimed at simplification of belief and practice. Sikh men do not cut their hair. A great many forms of religious belief place restrictions on female adornment and display. Almost all forms of Christianity urge conformity to the Bible.*

*What was significant about Cooneyite religious practice and conduct in the early twentieth century was its radical zeal, militancy and tendency to aggressive confrontation often leading to physical violence. If the programme makers felt that the Pearsons religious affiliation was relevant, then it is hard to justify their failure to address the one particular feature for which Cooneyism was famous at*

*the time, and which may indeed have had some bearing on the Pearsons' decision to engage in armed confrontation with the legitimate agents of the democratically elected government.*

*It is hard to understand - that is, unless we accept that the programme was mere propaganda. Realising that the Pearsons belonged to an unfamiliar religious group, the programme makers felt they could get away with a fairytale about meditative, flower-pressing, other-worldly pacifists to whom viewers would feel sympathy.*

*But there is a connection between Cooneyites and Amish which was not mentioned in the programme. Both faiths are forms of Anabaptism, a religious tendency, strong in the 16th century, which developed out of Protestantism, but in reaction against it; just as Protestantism had developed as a rejection of Roman Catholicism.*

*The trouble is, this comparison does not help the thesis of the programme and the BCC, because initially the Anabaptists engaged in arms against their Protestant and Catholic opponents, and they created a city-state, in the German city of Muenster, which was violently overthrown by the Protestant and Catholic powers. Amish pacifism was a reaction to this bloody episode in Anabaptist history.*

*Fortunately, Cooneyism never developed in the direction of, for instance, Jonesville, or the Branch Davidians of Waco. But their conduct in the early twentieth century suggests that there were elements among them who may at that time have had the potential for a development in such a direction, just like their 16th century predecessors who subsequently evolved into the Amish.*

*The Christian Conventions/Cooneyite movement subsequently experienced bitter and painful sectarian splits, and these seem to have induced in the faithful a genuine spirit of quietism. Nowadays they exhibit few manifestations of extremism.*

*It is hard to resist the temptation to ascribe the silliness of this part of the propaganda to Eoghan Harris, who picked up on, and amplified beyond all recognition, a few suggestions in this direction in Alan Stanley's book. Stanley himself appears to have a healthy scepticism about such things. But Harris is a kind of sect-tourist, who likes to gratify a kinky fixation with a succession of what he calls "low-church Protestant" denominations, without making any personal, long-term commitment to any of them.*

The complainant also takes issue with the recounting of the tree felling and the actual shootings. Again, on viewing the programme, the Commission was of the opinion that both perspectives were given a fair and balanced hearing. The viewer was presented with opposing views and left to determine what they believed happened.

*\*\*\*Talk about lazy! Has the Commission lost the will to live? Numerous elements of prejudice and propaganda were carefully dissected, analysed and demonstrated in these central and crucial parts of the broadcast - the Pearson attack on the roadblock and the execution of the Pearsons. But the Commission couldn't be bothered even to go through the motions of answering these criticisms. Its response amounts to "Nyah nyah na nyah nyah!"*

*That's all right then. The Commission does not even pretend to take itself seriously. It does not even try to disguise its role as a mouthpiece, fig-leaf and front for RTÉ. So why should anyone pay any attention to it at all?*

The complainant further takes issue with the fact that there was no consultant historian assigned to the programme. It is not within the remit of the Commission to comment on who participated in the making of the programme.

*\*\*\*Well, at least this is consistent. The Commission said earlier that the producer has full editorial independence to decide what to include and exclude. And rather than observing and acknowledging the biased selectivity that followed on from that, the Commission mindlessly takes this selectivity and bias to signify objectivity and impartiality! The mind boggles.*

*But it is consistent with what the Commission has to say about the use of a consultant historian with editorial powers of historical quality control. The Commission says that it is up to the programme producers whether or not they employ a standard means of ensuring historical objectivity, accuracy and impartiality. And it is not the business of the Commission to comment on such things!*

*In fact, one of the most interesting features of the Commission's report is that it covers up an embarrassing RTÉ lie. Namely, RTÉ's false claim that the programme had a Consultant Historian - the UCD academic Dr. Paul Rouse.*

*On the whole, the Commission's report of my complaint, and of RTÉ's and Niamh Sammon's response to it, are fairly accurate. Except in one respect. RTÉ's lie, that the programme had a Consultant Historian, is OMITTED from the Commission's report. (If the Complaints Commission takes anything seriously, it must be its role as RTÉ's lap-dog!)*

*When I saw this claim in RTÉ's response to my complaint, I telephoned Paul Rouse and asked him if he was the Consultant Historian. Dr. Rouse said that his correct designation was as given in the programme credits - that is, researcher. In other words, he had no editorial power, as a professional historian, to determine the historical content of the programme.*

*In my reply to RTÉ's statement, I reported to the Complaints Commission what Dr. Rouse had told me. Then a strange thing happened. I received a letter from the Commission saying that their adjudication was postponed because the independent producer (Niamh Sammon) was exercising her right under the Broadcasting Act to comment on my complaint, and on my reply to RTÉ. This seems to be an unusual development, in that there is no mention of this provision of the Act in the Complaints Guidelines in [www.bcc.ie](http://www.bcc.ie).*

*Since Niamh Sammon's eventual response added very little to what had already been said by RTÉ, it seems to me that the revelation of RTÉ's lie may be what prompted her to read the Broadcasting Act and use its independent producer provision in order to paper over the embarrassing Consultant Historian debacle.*

*And sure enough, the Complaints Commission stepped in to fill the gap, parroting Niamh Sammon's excuses for failure to provide professional historical quality control.*

This broadcast dealt with its subject matter in a fair and balanced manner.

Both 'truths' of why the brothers were shot were explored and the voices from both sides equally heard. On viewing the broadcast, the Commission was of the view that the programme raised the question, which motive was more likely? Both opinions were represented with equal weight, with no assertion made in the programme of which opinion had more validity, if any. The opening part of the programme included the narrator saying: 'At 4 pm on 30th June 1921 the episode unfolded at Coolacree House, Co. Offaly. Few dispute the central facts of this event. But nearly a century on, this story continues to divide itself into two. Two sides, two sympathies, two truths.' In the opinion of the Commission the subsequent material presented the 'two sides, two sympathies, two truths' in a fair and balanced manner with no evidence of editorial bias. The complaint was rejected with regard to Section 24(2)(a)(fairness, objectivity and impartiality).

*\*\*\*On the historical issue, there are two contradictory positions.*

1. *On the one hand, the Pearsons were guilty of attacking the roadblock and were justly executed.*
2. *Alternatively, they fired over the heads of men at the roadblock, mistakenly thinking they were thieves or vandals, and their subsequent execution was either*
  - (a) *a further mistake (in that the Irish officials thought the Pearson attack on the roadblock was a deliberate assault on the legitimate authorities when it was really only a misunderstanding), or*
  - (b) *a sectarian murder in furtherance of land grabbing and ethnic cleansing.*

*These alternatives contradict each other and therefore cannot be two truths. Only one of the positions can be true. The Commission, RTÉ, and the programme itself made the claim that these two contradictory positions are two valid truths. But this claim is merely an incantation, intended to induce a passive and uncritical state of mind. The Commission finds the incantation so mesmerizing that it repeats it in full. But it is merely a piece of hypocrisy, and is self-evidently false.*

*Was it the programme makers' purpose to get the viewers to accept that there were two truths, not one? Of course not. The actual effect of the programme on most viewers was to persuade them that the Pearsons were innocent victims of sectarian murder. The "two truths" incantation is a patronizing way of saying that there are still some misguided yokels, God love them, who can't bring themselves to believe that their fathers and uncles were vicious sectarian murderers.*

*As to the issue which the Complaints Commission was required to adjudicate, there are also two positions.*

1. *First, the programme was fair, balanced, impartial and objective; and any unbiased person who watched it would almost certainly conclude that the Pearsons were murdered by a sectarian terror-gang who wanted to grab their land.*
  
2. *The second position is that the programme used various propagandist devices to unfairly induce the viewer to falsely draw that conclusion.*

*What about these two positions? Are they also “two truths which are equally valid”?*

*What happened after the broadcast is very interesting. It is one thing to induce a momentary state of belief in passive TV viewers between 10 and 11 p.m. on a Tuesday evening. To have a more lasting effect on public opinion, the state of belief has to be constantly reinforced by repeating the message in various ways for an indefinite, unlimited period. This process of reinforcement had commenced well, with newspaper articles, radio programmes, expressions of outrage about the alleged atrocity in the Seanad, and all the rest. But the process soon ground to a halt.*

*Unfortunately for the programme, almost immediately after broadcast it was met by a wave of public criticism. The criticism was substantial enough to make most people think twice about whether the programme, which seemed so clear, positive and forceful at first sight, was really all that it seemed, or whether it employed some deception or evasion.*

*The cause of this doubt was the revelation that a major source of hard evidence (the British Military Courts of Inquiry) had not received a single mention in the programme, or in the accompanying newspaper articles and radio programmes.*

*(Of course, there was the official Irish military investigation. But (a) this was deemed “unofficial” or lacking authority. Anyway the purpose of the programme was to bring charges against the Irish side, not to acknowledge it as a reference from which the facts could be ascertained. And (b), the meagre notes of this investigation, produced under the British terror, did not contain details such as the medical reports on the Pearsons.)*

*For several weeks a public discussion took place about the programme. And what did this discussion focus on? Why, the very thing that the programme conveniently failed to mention - the British Military Courts of Inquiry. Having failed to address this subject in the programme, the programme makers and their protagonists were obliged to defend themselves on the very ground they had sought to avoid - because the British evidence, coming from the side of the Pearsons and not from their opponents, complicated the issue significantly.*

*It seems to me that that this establishes that the producer’s editorial selectivity and power to exclude evidence, as approved by the Complaints Commission, were used in a propagandist way.*

*The documentary seemed to have everything going for it. It was heavily promoted by RTÉ as a story of ethnic cleansing, murder, sectarian atrocity, and*

*land grabbing. It received a wave of plaudits from the main newspapers. It was praised in the Seanad. It has received a clean bill of health from the Broadcasting Complaints Commission.*

*But if this programme is ever viewed again by the public, it will be recognized, not as “the acclaimed documentary”, but as “the controversial documentary”. Which just goes to show that the whole thing was conceived, gestated, born, lived and died as a “text book example of media spin”.*