

Comments by P. Muldowney, in bold-face and numbered.

Pat Muldowney alleges that 'The Killings at Coolacrease infringes clause 24(2)(a) (Fairness, Objectivity and Impartiality in current affairs).

I wish to submit that the entire basis of Pat Muldowney's complaint is not applicable in this instance. 'The Killings at Coolacrease' deals with an event that took place 86 years ago, and was not the subject of current political debate until after the broadcast.

1.

The first published account was in Paddy Heaney's 2002 book. The political debate and controversy began in 2005 with the publication of Alan Stanley's booklet and Eoghan Harris's newspaper commentary on it in October 2005, continuing in my publication of March 2007, in the October 2007 RTÉ documentary, in the January 2008 issue of the journal History Ireland, and through to the present in the newspapers and elsewhere.

If the BCC does decide to adjudicate on Dr Muldowney's complaints, the programme makers wish to submit that the claims he makes about the programme are without foundation.

For the purposes of clarity I will deal with Dr Muldowney's complaints under the subject headings he has listed in his original complaint, namely: land hunger, sectarianism, fraternizing with Crown Forces, suspected spies, alleged shooting by Pearsons, ethnic cleansing, and sadistic purposes.

'LAND GRAB'

Every possible motive for the Pearson brothers were presented by the programme makers. The phrase 'land grab', however, never appears in the programme.

2.

In the documentary, the following opens the discussion of the reasons for the trouble in Coolacrease:

Dr. Terence Dooley:

Land hunger was endemic in Irish rural society at this time. There were often Protestant farmers who owned substantially larger farms than their surrounding Catholic nationalist neighbours. The Revolutionary period was used essentially as a pretext to run many of these Protestant farmers and landlords out of the local community, for locals to take up their land.

The documentary has numerous such statements, such as:

Alan Stanley:

Its very hard not to wonder if somebody who knew that truce was imminent did not decide, "Well look lads, there's some nice pickings here, lets go for it." I know it's very dangerous to say that... but the land... of course... the land... of Ireland for the people of Ireland.

Pr. Rich. English:

It's quite comforting if you do target people, afterwards, to build up as much justifications as possible. I think the real justification lay in the fact that the IRA and their authority in the area had been challenged in an unacceptable way and in order to show who is boss in the area they had to teach the Pearsons a lesson. You can exert your authority and in the long run you can also maximise access to land.

Dr. Dooley:

Wm. Pearson purchased the farm at Coolacree in 1911. So, he moves into an area, he takes up a 340 acre farm that is surrounded by a multitude of small uneconomic holdings, where the local people - and they tend to be Catholic and Nationalist farmers - are looking for access to this land themselves. There is the added tinge of sectarianism in the sense that Protestant land remains in Protestant hands.

Here is the list of farms surrounding Pearsons: JJ Horan, 105 acres; Din Deegan 80 acres; Brian Donnelly 330 acres; Tom Donnelly 80 acres; John and Mick McRedmond 140 acres; Joe Carroll 80 acres; Albert Jackson 900 acres. So the Pearsons' farm was surrounded by large farms, not "small, uneconomic holdings". (This sweeping and unfounded speculation of Dooley is typical of the programme. In the Tubridy Show, Ms Sammon made the same false statement.) Tom Horan farmed 27 acres in Deerpark and in addition had 4 acres which adjoined Pearsons – the ONLY adjoining small farm.

Whilst Dr Muldowney does not agree that land played a part in this story, this is not an argument for ignoring the weight of documentary and oral evidence positing such a theory. **[The declared purpose of the documentary was to evaluate such evidence. Far from ignoring the evidence, in public discussion I published and evaluated much of it before the documentary was even shown. My publications are still the only place where this evidence can be seen in full. - P.M.]** Owing to the repetitious nature of Dr Muldowney's complaints I have attempted to encapsulate his complaints (in bold) and my responses below.

- 'the programme gives only one piece of evidence of any land-related conflict'
This is untrue. As well as William Pearson's statement to the Irish Grants Committee on his crops being trampled by Sinn Feiners, the documentary includes a primary historical source in the form of a letter from William Percy, who tried to buy the Pearsons' farm, but was stopped from doing so by the local IRA.

3.

So that makes TWO pieces of evidence. Not much of a foundation for the litany of sweeping statements in the programme such as the sample above, the preliminary RTÉ publicity about the programme, and the newspaper and radio publicity

around the time the documentary was broadcast, which relentlessly hammered home the land grab message of the documentary.

Both pieces of evidence mentioned by Ms Sammon are from the self-contradictory William Pearson Grants Committee papers, in which about half of Pearson's claims are rejected by the Committee as bogus, and many more of them are contradicted by other evidence accepted as valid in the documentary. The documentary itself rubbished one of the statements in these papers: "*Pearson describes himself as an ardent loyalist, but he does so in the context of applying for compensation from the British Government for his sufferings. Therefore, at that time, it is going to be in his interest to describe himself as an ardent loyalist*" (Dr. W. Murphy).

Therefore NEITHER of the two pieces of evidence in the documentary is reliable.

-Opinions presented by Dr Terence Dooley, Prof Richard English and Dr Will Murphy All three are eminent historians whose reputations and professional standing are unimpeachable. The programme team was anxious to seek contributions from them because of their vast specialist knowledge of this period of Irish history.

-Professor Richard English is professor of politics at Queens University. He is author of 'Irish Freedom: the History of Nationalism in Ireland', which won the Christopher Ewart-Biggs Memorial Prize in 2007. The Times Literary Supplement described his work 'Armed Struggle: the History of the IRA' as: "A work which eclipses all other studies of the IRA".

Dr Terence Dooley is a senior lecturer in history at NUI Maynooth. He is acknowledged as one of the country's foremost academics in the area of land redistribution and agrarian agitation during the 19th and 20th centuries. His major works include: 'The Decline of the Big House in Ireland' and 'The Land for the People: the Land Question in Independent Ireland'.

Dr Will Murphy is regarded by his peers as a rising star in Irish academia. Please see letter attached detailing his academic credentials.

All three based their analysis on their own expert understanding of this area of Irish history, and on their examinations of the original source material for the Pearsons' story, contained in the Irish National Archives, the Richard Mulcahy papers, and the British National Archives.

4.

Why did none of these academics perform the role of Consultant Historian? Why was none of them given the opportunity to bring his expertise to bear on the programme as a whole? The shallow and unreliable nature of the opinions expressed by these academics is demonstrated in my point 2 above. What we got from them was sweeping generalizations which were in blatant contradiction to the facts on the ground in the Coolacrease area.

- 'The land records are a further instance of suppression of evidence by the programme'

Dr Muldowney has questioned the veracity of a statement made in RTE's response to the BCC – that former IRA men received parcels of land when the farm was first divided up. Dr Muldowney has reached this conclusion based on his reading of incomplete records contained in the Land Registry, not the files of the Land Commission which actually divided up the land. The production team was given access to these original files, which clearly show that in the division of the Pearson farm in late 1923, 15 people were granted land. At least two were former IRA men. The section of the programme dealing with land division is based on this documentary evidence.

5.

So why did the documentary not use these files (which, inexplicably, Ms Sammon declares I have never seen!) to make her case, instead of editing Paddy Heaney's contribution in way which contradicted his meaning? The Land Commission files are the Dog Which Didn't Bark. The reason this particular dog was silent was because the files do NOT prove the case Ms Sammon was trying to make.

- 'misrepresented the views of contributors, when these contradicted the documentary's main themes'

Dr Muldowney is not correct in stating that the programme misrepresented the views of Paddy Heaney. In the course of his interview, Mr Heaney made a factually incorrect statement about the distribution of the Pearson's land. We did not use this part of his interview for the simple reason that it was wrong, and clearly we did not want to confuse or mislead the audience with information that was factually incorrect. For this reason, we chose to use the only part of his contribution in this section which was factually correct. I will deal with this matter at greater length in my response to Paddy Heaney's complaint.

6.

In other words, Ms Sammon concedes my complaint that the documentary misrepresented Paddy Heaney's views.

- 'No objective evidence was presented by the programme that the land did in fact quintuple in value'

The programme makers did present objective evidence that the land had multiplied in value from the original £2000 purchase price paid by William Pearson, in the form of a letter from William Percy stating he had offered Pearson £10,000 for the land. The Grants Committee file also contains a letter of valuation from local auctioneers valuing the Pearson land at £17,000. This later piece of information was not included in the final programme owing to pressure of space.

7.

So which is the actual value - £10,000 or £17,000? Each of these valuations contradicts the other, and the massive difference between them indicates that neither figure can be trusted. Comment no. 3 above shows that most of the papers in Wm Pearson's grant application are fraudulent. And a simple check will demonstrate that the market value of good quality land at that time was about £10 per acre. Poor quality land such as that in Coolacree was worth about half that. In

other words, the best price that could have been expected for Coolacrease was about £6 per acre, or the £2000 that the Pearsons paid for it ten years earlier when the situation in Ireland looked rosy, with a consensual Home Rule settlement on the cards, before the armed revolt of the Ulster Unionists destabilized it. In the middle of civil war in 1922, the 1912 price would have been an over-estimate of the market value.

Why did the Land Commission pay nearly £5000 for Coolacrease? It seems to have been extorted. Wm Pearson had secured Free State compensation to add to inflated war-time profits unburdened by costs of labour – he did not employ any. BEFORE the generous Grants Committee compensation of 1927 he declared £6000 in the bank AFTER he had bought a 200 acre farm in Suffolk. So Pearson could hold out for nearly two years, and by allowing his farm in Coolacrease to go to rack and ruin, he could force the hand of the Land Commission which had ultimate responsibility for economic use of the land.

SECTARIANISM

‘other Protestants with substantial land holdings were left completely unmolested’
This is untrue. It is a matter of historical record that many Protestants living in Offaly at the time were attacked and/or burned out of their homes. According to the RIC county inspector’s reports from 1921, one Protestant family was receiving constant police protection. As already detailed in the RTE submission, days after the Pearsons were shot a group of over 20 IRA men raided Derrylahan Park in Birr, the home of Colonel Charles Head, who was away at the time. They forced his wife and children from the house before burning it to the ground.

8.

Here is what my complaint actually says:

“But, apart from the Pearsons, no examples of [violent land grabbing directed against Protestants] were given in this part of Offaly. Other Protestants with substantial land holdings were left completely unmolested.”

The Protestant Albert Jackson farmed 900 acres in Kilnaparson, adjacent to Coolacrease, and continued there throughout his life, enjoying prosperity and good relations with the rest of the community. Likewise the Drouhts and Biddulphs came to no harm. That was the position in this part of Offaly. Ms Sammon takes her example from Birr, fifteen miles away, where Colonel Head, a notorious Unionist extremist, involved himself in the struggle on the side of the unelected military power, like the Pearsons.

However the subject matter of the programme was the Pearson family of Coolacrease, and their interaction with the local community and members of the IRA. At no time did the programme examine the possibility that the IRA in Offaly may have been a sectarian body. Furthermore, the programme never made any inference or came to any conclusion on this point.

9.

On the surface, the programme drew no definite or concrete conclusions at all, about this or any other point. It stopped just short in every case, and allowed the concluding inferences of violent sectarian atrocity, land grabbing and ethnic cleansing to be drawn in the accompanying RTÉ publicity, programme announcements, Tubridy Show, Liveline, and newspaper articles. An RTÉ slide shown in Clontarf Castle on May 31 2007 gave the theme of the documentary as “*Ethnic Cleansing in the Midlands*”. The Tubridy Show, RTÉ Radio One, October 22 2007 described the programme in terms of sectarian atrocity, land grabbing and ethnic cleansing. For example:

Tubridy: ... That’s known nowadays as ethnic cleansing isn’t it, I mean, it’s the language of the time.

Sammon: ... At a local level, these things were happening, ... this obviously was more than an agrarian outrage.

This is in effect a declaration by Ms Sammon (1) that the Pearsons were innocent and their execution was murder; (2) that the reason for their murder was agrarian or land grabbing; and (3) that it “obviously was more than agrarian outrage”, in agreement with Ryan Tubridy that it was in fact ethnic cleansing.

This highly organized and concerted media campaign meant that there was no doubt whatever about what the documentary was driving at. And when the documentary withheld the obvious inferences, this was just a means of giving the false and devious impression that it was bending over backwards to be objective, fair and impartial. By just stopping short, the documentary was all the more persuasive towards its purpose.

This feature of the programme adds to the force of my complaint of breach of the Broadcasting Act. If the documentary had been more honest and up-front about its real purpose and message it would have been less insidious and less persuasive. With their critical faculties aroused, many more viewers would have noticed the dishonest, propagandist methods and devices.

My complaint is about the Hidden History documentary only. But the other newspaper and radio publicity was contrived, in a concerted manner, to complete and drive home the logic and argument of the documentary (that the Pearsons were murdered, in a sectarian atrocity in furtherance of a land grab, as part of an ethnic cleansing drive), in what the editor of January’s History Ireland has described as “*a textbook example of media spin*”.

For example, a major promotional article, involving Niamh Sammon in the Irish Independent on October 21 2007, by Sarah Cadden, was headlined:

SPEAK IT IN A WHISPER: IRISH ETHNIC CLEANSING.

In his comment on the documentary in the January edition of History Ireland, the historian Brian Hanley wrote that the “*charges that the killings were carried out for sectarian and/or land grabbing motives... was inferred throughout the documentary.*”

The evidence suggests, however, that the Pearsons were killed because they had previously fired on IRA volunteers (seriously wounding one) who were cutting down trees on Pearson land for the purpose of mounting a road block”.

‘This implies that the War of Independence had a sectarian character’

This is Dr Muldowney’s interpretation of a script line which says ‘Like most Protestant families, the Pearsons were strongly loyal to the Crown Forces’. This is a matter of historical record, not opinion.

10.

It is highly debatable. Many Protestants, such as the Mitchells of Offaly, were independence activists and some actually fought to defend the democracy against imperial terror. In the area where the vast majority of people had voted for independence (that is, the territory which became first the Free State and then the Republic) most Protestants accepted the democratic decision of the electorate, even when their own first preference might have been for something other than independence. (Then, as now, the elected government had a right to such acceptance by all citizens.) In the Cadamstown area, these would have included the Jacksons, Drougths, Biddulphs and McAllisters. A minority passively supported the anti-democratic terror forces of the military power, but wisely kept out of any kind of active participation in the war to suppress the democracy. Except for a minority of this minority, such as the Pearsons and Colonel Head, who actively involved themselves in the terror.

‘As so often with this documentary the last word is given to somebody who supported a base motive for the killings. In this case Jenny Turnnidge.’

Dr Muldowney is referring to a sequence in part one of the programme which deals with how the Pearson family integrated into the neighbourhood. Of the five contributors to this sequence – namely Paddy Heaney, Tom Donnelly, Philip McConway and John Joe Dillon – criticized the Pearson family and their attitude to the local community. A balancing statement from Ms Turnnidge was essential in order to satisfy our remit to provide fairness, objectivity and balance.

11.

It is one thing to have the partisans on each side state their positions. Or going further, to give each side, in turn, the opportunity to state why they think the arguments of the other side are wrong. But what we got in this instance, as in so many other parts of the programme, was one side stating their case while a Pearson partisan is allowed to say why this should not be believed, giving the advantage – not reciprocated – to the Pearson side.

FRATERNISING WITH THE CROWN FORCES

Once again, Dr Muldowney objects to the programme dealing in any way with a thesis with which he does not agree. It was the duty of the programme makers to place all

available evidence before the audience, and allow them to assess the veracity or otherwise of the claims being made by contributors.

12.

My complaint states something very different:

“The documentary spent an inordinate amount of time discussing either spurious or secondary motives for the killings. In my opinion the reason for this was to set up weak theories for the killings in order to knock them down and reinforce the idea that the real motives were to do with land hunger and religious sectarianism.”

This was the method of the programme, and Ms Sammon’s comments do not answer my complaint.

Tilly Pearson and RIC officer

Dr Muldowney says that allegations of a relationship between Tilly Pearson ‘was not given as a reason by any of the local historians for the execution of the Pearson brothers’. I am unclear about the point Dr Muldowney wishes to make, but can only quote from local historian Paddy Heaney, who says in this section: ‘local people were aware at all times that the military were visiting the house and the local police from Birr used come out there. The IRA had their own intelligence there and they had people watching the house.’

13.

What Paddy Heaney and Philip McConway were talking about was extensive contact between the British military and the Pearsons, not a romance between a policeman and Matilda Pearson. Yet again the Pearson side was allowed to rubbish the serious case that was put forward by Heaney and McConway.

‘other trivial examples of fraternizing with the enemy were put forward by the programme, such as stray cattle being reported to the British authorities’

This information was provided by 97-year-old Cecil Pearson, the sole surviving member of the Pearson family from this era, who recalled the incident clearly. The weight of his first hand account of this incident could not be dismissed by the programme makers as ‘trivial’, and thus was included in the programme. Cecil Pearson had emigrated to Perth in Western Australia. The day before the programme team was due to fly to Perth to interview him, he died. Cecil had related his story to his nephew Cyril, who agreed to relate his uncle’s story on camera.

14.

Here is what Cyril Pearson said:

“ ... at that time it was common for farmers, if cattle had strayed onto their land to report it to the police, who acted as a clearing house. On the day in question the Pearson family had found that some cattle had strayed onto the land and Dick Pearson went into the local town to report this fact. ...”

This is complete baloney. Think of it. A neighbour’s cattle break through a fence into pasture, meadow or crop. A routine occurrence in the countryside, especially

before wire fencing became common. The practical, obvious and realistic response is to call across the way to your neighbour, to sort out a commonplace emergency in rapid and friendly and co-operative fashion; to save the crop, repair the fence and prevent injury to the animals. But suppose instead that you are prepared to waste precious hours cycling the ten miles back and forth to Kinnitty to report it to the RIC! There was no telephone network at the time. Are we supposed to believe that the RIC, a military police force at war with the democracy, are going to cycle round the countryside in 1921 chasing cows? If it happened, this was an act of open antagonism to the whole neighbourhood. It was the action of a troublemaker seeking to provoke hostility – or worse, somebody who was in close cahoots with the RIC for some more serious purpose than straying cattle. Fences routinely weaken and break, and animals stray. But running to the RIC was not innocent routine. This story is damaging to the Pearsons, not helpful to them.

SUSPECTED SPIES

I am uncertain about the point Dr Muldowney wishes to make. He accepts that the programme makers were justified in investigating allegations of spying against the Pearsons. He acknowledges that there is only anecdotal evidence to support the spying claims.

However in the programme, local historians Paddy Heaney and Philip McConway both stated emphatically that the Pearsons were spies. Dr Muldowney objects to the contribution of Professor English who refutes these claims. It is the programme maker's view that Professor English's contribution was essential in order to provide balance in this section.

Dr Muldowney is wrong to say Professor English gets the final word on this subject. In fact, two contributions follow his clip – from Paddy Heaney, and from Philip McConway.

15.

What my complaint says is that Richard English got the final word on the question of whether the Pearsons were connected to a paramilitary or armed loyalist grouping (not spying). And my complaint is correct in this regard – he did get the last word on the paramilitary issue. And, if we are to believe Alan Stanley's book, it is the case that the Pearsons' involvement with William Stanley followed his expulsion from Laois for loyalist paramilitarism. So this is a serious and realistic charge against the Pearsons, and English's casual and unsubstantiated dismissal of it is not an answer.

Prof English makes fifteen separate appearances in the documentary. In each case he expresses either speculation, opinion or vague and unsubstantiated generalisation. There is no evidence in any of his statements in the documentary that he seriously investigated and analysed the specifics of the Coolacree incident. I suspect that if he had seriously investigated he would not have appeared in Ms Sammon's documentary. It is significant that absolutely nothing has been heard

from English or Dooley since the broadcast. This deafening silence tells its own story. Regarding the less serious charge of spying, he says: *“I’ve seen no evidence that would persuade me that the Pearsons were ... passing on information about the local IRA.”* I have found no evidence that the sun was shining on June 30 1921. Well, to be honest, I haven’t tried very hard to find out whether it was or not.

In a formal investigation of the matter with his officers at Battalion Council level, the official representative of the Minister for Defence in the elected Irish Government of the time reported evidence: *“There is good ground for suspecting [the Pearsons] of transmitting information.”*

Unfortunately Thomas Burke did not record and archive this evidence for posterity. He was not a history professor, he was a military commander in the middle of a war. But that is officially where things stand. This is not anecdotal. It is the official position on the spying activities of the Pearsons. The official position, established officially by the legitimate authority, is that they had definitely engaged in an armed attack (for which they were sentenced to be shot), and were probably also spies – a lesser offence.

ALLEGED SHOOTINGS OF THE PEARSONS

There are two conflicting viewpoints about what happened that night in June 1921, when the IRA felled a tree on the Pearsons land. Some argue that the Pearsons fired upon the IRA men, wounding two of them. Others argue that the Pearsons merely fired warning shots in the air. The programme makers were scrupulously careful in presenting both points of view on this, as the tree felling incident forms a critical part of the narrative.

Both interpretations were given equal weight. It is untrue that one point of view was given more prominence than the other.

16.

My complaint does not say *“that one point of view was given more prominence than the other”*. But Ms Sammon’s remarks here say a lot about her documentary, which claimed that *“there was no official investigation into what actually happened that night”*. The official investigation of the representatives of the legitimate government established that the Pearsons were guilty. Alan Stanley reports that his father told him that the Pearsons opened fire at the roadblock, but *“into the air”*. Alan Stanley’s report demonstrates that his father concealed from him the truth of his involvement in loyalist violence in Luggacurran, Co. Laois, which is a clear indication that he sought to gloss over the anti-democratic violence he was associated with at that time. Niamh Sammon says that in her documentary *“Both interpretations were given equal weight”*. In other words, the dubious story of the mendacious William Stanley is given weight and credibility equal to that given to the formal, official investigation of the legitimate authority.

Paddy Heaney reports that his relative Mick Heaney was shot in the stomach by the Pearsons, left damaged and partially disabled, so that he eventually died as a result. This is a public fact, a phenomenon visible to a whole community over an extended period. Not a brief incident observed by a few people. Yet it is Paddy Heaney's report that is challenged in the documentary: "When Paddy Heaney tells me things like that I want documentary corroboration in evidence" (Eoghan Harris). And Alan Stanley's report of his father's highly dubious and uncorroborated story receives no challenge!

Dr Muldowney's key claim is that there is definitive documentary evidence in an RIC report contained in the British Military Enquiry papers that the Pearsons shot at and wounded two IRA men.

17.

A key claim that I make is that Ms Sammon's documentary was slippery and evasive about the main sources of contemporary hard evidence – the Irish military evidence, and the British military evidence. It is implied that the Irish evidence is not "official" or legitimate. And the existence of the British Military Courts of Inquiry is not even mentioned.

This is not true. There was no RIC report. The document Dr Muldowney cites as evidence of an RIC investigation is actually British army correspondence (5th Division Curragh Camp) that speculates on the reasons for the Pearson killings. It was filed after the Court of Enquiry had deliberated on 2 July in Birr. Titled 'The Coolacree Murders 30.6.21 – Possible Motives', the first part of the document speculates that the Pearsons were targeted for their land. Part two then states: 'It is said by the CI (County Inspector) Queen's County that the two Pearson boys a few days previously had seen two men felling a tree on their land adjoining the road. Had told the men concerned to go away and when they refused had fetched two guns and fired and wounded two Sinn Feiners, one of whom it is believed died.' Crucially the very next sentence reads: 'It is further rumoured when the farm house was burning two guns fell out of the roof.' In other words, the army was simply collating the rumours surrounding the deaths of the Pearsons (in fact nobody died that night). Not only were these rumours never investigated, the 'Possible Motives' document did not even form part of the Court of Inquiry., but was added to the file after the case was closed.

Contrary to Dr Muldowney's claim, this information was contained in the documentary. **[No. My complaint claims, correctly, that the documentary never mentioned the existence of the British Military Courts of Inquiry: "... an Enquiry which was never mentioned in the documentary". – P.M.]**

18.

What we have is a British Army report of an RIC statement: "It is said by the CI (County Inspector) Queen's County ...". In other words, a report of an RIC report. So, contrary to what Ms Sammon says, there was an RIC statement, or RIC report.

The first part reads like a statement of fact. The second part reads like a description of a rumour. But could the first part also be mere rumour, as Ms Sammon claims?

This is unlikely, since the RIC were not depending on rumours about the roadblock attack. We know from Alan Stanley's book, corroborated by other accounts, that on the evening of the executions, William and Sidney Pearson were picked up by the Mountmellick RIC (which is probably why we have a "*CI Queen's County*" RIC report), and remained in the custody of Crown Forces and under their control until the Truce. It is inconceivable that the RIC did not question the Pearsons to find out what was going on, out at Coolacree. The roadblock incident had to have been investigated by them; especially as one of their own colleagues – retired RIC sergeant, Bert Hogg – was shot and seriously injured at the roadblock. (Hogg lost a lung as a result, a very public and obvious effect of what happened at the roadblock.) Their other source of information (not rumour) was their own colleague Bert Hogg who was himself an eyewitness.

The RIC were not depending on rumours about the roadblock. So why would they report a rumour about it, when they must have had the information from the horse's mouth – from the Pearsons themselves and their colleague Bert Hogg? And the wording of the RIC statement ("*...fetched two guns and fired and wounded two Sinn Feiners, one of whom it is believed died*") is indicative of information that the shooters might have given them: "*We saw the rebels cutting down a tree last week, we got guns and had a blatter at them, we reckon we did for one of them right enough*".

This RIC report – along with the William Stanley's admission that they fired at the roadblock ("*in the air*"!!!), combined with the various gunshot wounds reported – simply adds to the credibility and authority of the official Irish report.

'the programme failed to acknowledge the standing of the evidence in the Report of the Irish Military Court of Enquiry (Thomas Burke report)'

The documentary presented a long excerpt from the above document, which Dr Muldowney calls an Irish Military Court of Inquiry (these words appear nowhere on this document). The document is in fact a three paragraph report made by local IRA commander Tom Burke to IRA GHQ in Dublin on the reasons for and method of the Pearson killings.

19.

The programme made no reference to the fact that there was an elected government and that Thomas Burke was its official representative; so that his report has authoritative, official standing. Amazingly, the programme declared that "*there was no official investigation*".

The document referred to is in Béaslaí Papers, NLI Ms. 33, 913 (4) '*Reports re. execution of spies*'. The first part describes the reports of the Brigade Adjutant at a '*Court of Enquiry*' (that is the terminology used by Burke); while the second part, dealing with the Pearson attack on the roadblock, describes the investigation by

Officers' Battalion Council. There is no a priori reason to suppose there is any difference in the status of these proceedings reported together by Thomas Burke.

'Whatever the merits of the Cooneyite religion it is not a pacifist religion'
I find Dr Muldowney's statements on the Cooneyite religion puzzling. There is a wealth of documentary evidence on the Cooneyite religion, which the programme makers drew upon in researching this story. Members of the Cooneyite religion were also consulted about their beliefs and way of life. They are, without question, pacifists. This is borne out by the fact that during World War I Cooneyite preachers in England were granted conscientious objector status.

20.

There is a wealth of newspaper reports of the aggressive, sectarian character of early twentieth century Cooneyism, resulting in some cases in rioting and street fighting at that time. The movement's official doctrine rejected any form of hierarchy or clergy. In practice, their preachers were, in effect, a clergy. No clergy of any denomination were required to perform military service. That is why Cooneyite preachers (apostles or bishops) were exempt from military service. But whatever about Cooneyism generally, by all accounts (including Alan Stanley's) the Pearsons opened fire, on a public road, at a distance of about half a mile away from their house – not the kind of conduct one would expect of pacifists. The Pearsons were not pacifist in their actual conduct – quite the reverse.

'Evidence that the Pearsons were actively engaged in loyalist politics is either suppressed altogether or dismissed in the documentary'

At no point did the programme say that the pearsons were NOT loyalists. One should be clear however that there is simply no evidence that the Pearsons were actively engaged in loyalist politics. Members of the Cooneyite religion did not even vote. Dr Muldowney's claims have no basis in fact.

21.

What I claim is that, politically, the Pearsons were not simply passive loyalists who did nothing about it. They went much further than that in their political orientation and stance. They were active, not passive, in their loyalism. In addition to their numerous reported manifestations of active, militant loyalism, we have William Pearson's declaration to the Grants Committee that he helped the Crown Forces: "*I was always known as a staunch Loyalist and upholder of the Crown. I assisted the Crown Forces on every occasion, and I helped those who were persecuted around me at all times.*"

Dr Muldowney's interview:

Dr Muldowney lays emphasis on his frustrated wish to appear on screen. [Ms Sammon is deluded if she supposes that, having seen the outcome, many of the contributors now feel anything other than embarrassment and regret for taking part! – P.M.]

The production team concentrated on seeking information from the following clusters of contributors: (i) Professional historians or active local/regional historians with a knowledge of the events of the time; (ii) local people with a strong oral chain of anecdotal account of the events; (iii) other relatives or descendants of those involved in the events.

22.

The predominant voice in the documentary was that of Eoghan Harris, who does not belong to any of these categories. In the ensuing controversy one might have expected at least one member of one the groups named above by Ms Sammon to demonstrate some stake in the programme by publicly defending it. This did not happen. Technical points of history and source documents were publicly debated. But no professional historian came forward to explain and justify the documentary, to clear the air by a declaration in some official and authoritative capacity – as Consultant Historian, perhaps. Instead, the most prominent defender of the programme, its methods and its treatment of historical sources, was Eoghan Harris, who, by using the rhetoric of “holocaust denial”, made explicit the underlying and intended message of the programme. Next to Senator Harris in prominence was Ms Sammon, who is not herself a member of one of the groups she lists, and who did not dissociate herself from the rhetoric and message of Senator Harris.

Dr Muldowney made contact with this production at an early stage asserting his personal view of the events and expressing a wish that he personally should appear in the programme.

23.

This is false. Throughout year 2006 I engaged in public debate about the Coolacrease incident and in early 2007, I published that debate in full. I was overseas for much of the first half of 2007. In June 2007 I was in social contact with Paddy Heaney who told me that some documentary had been filmed, and that he had some concerns about its objectivity. It appeared from newspaper reports that the filming of interviews and “dramatic re-construction” were complete at this stage, and all that remained was editing. I made contact with Ms Sammon and declared that, if she so wished, I would, for the sake of balance and objectivity, make myself available for interview in order to put a case that the Pearsons had engaged in arms against the legitimate, elected authority. At that point the May 31 RTÉ slide describing the documentary’s subject as “*Ethnic cleansing in the midlands*” came into my possession. This prejudicial title appeared to cause some embarrassment to Ms Sammon. She asked me to make a case why I should be interviewed. I replied that I was prepared to be interviewed on condition that I would present, on-screen, the case that the Pearsons had become armed militants and their war-time execution was thereby justified. Though Ms Sammon gave me no such guarantee, I went ahead anyway with the interview arrangement that Ms Sammon then made. The above events are fully documented in the form of letters, as communication was almost exclusively in letter form.

Dr Muldowney is an academic, but a mathematician and not a historian. He has written on these events from personal interest. However in the view of the production team, his knowledge of the events appeared to be very largely derived from the work of two more experienced historians, in particular, Philip McConway, a junior academic who has made a study of the Offaly IRA, and Paddy Heaney, a local historian who spoke to many of the IRA men involved in the incident. By his own admission, Dr Muldowney's knowledge of the story is gleaned from these two sources.

24.

I was aware of the existence of Pearson documents in the British Public Records Office, and during July, while corresponding with Ms Sammon, I made the acquaintance of Philip McConway who was also aware of these documents. In fact, it appears Mr McConway, as researcher to the documentary, had advised the programme makers on their acquisition, expecting that he would be given full access to them so that he could make a professional historical assessment of them in advance of his own interview. This did not happen.

I was in contact with a friend in London who was studying the papers of the Irish Grants Committee, including the Pearson papers, in the British Public Records Office. I asked him to send me copies, including those papers referenced by Philip McConway. These arrived in July 2007, before my July 28 interview in Kinnitty Castle. They confirmed the arguments I had been making publicly in 2006 on the basis of Michael Cordial's and Thomas Burke's reports, and of Paddy Heaney's and Alan Stanley's accounts in their respective books. They also added considerable circumstantial detail supportive of those arguments – such as the medical evidence and the RIC report. I felt that it was important that this detail should be explicitly presented in the documentary. In the circumstances I had no confidence that the documentary would do it justice. My suspicions were confirmed when the documentary was eventually broadcast.

Although Dr Muldowney appeared to have no additional reliable information or insights that had not already been garnered by the programme, it was agreed to record an interview with him for possible inclusion. However over the course of the interview, the effort to secure a spread of contributions of sustained transmission quality was not successful.

Nonetheless it was attempted to include some portion of his interview in the programme, in particular in the tree felling sequence at the end of Part One. After repeated viewings, however, it was clear that his contribution in this portion of the programme was ultimately confusing and it was decided that it was in the best interests of the documentary to cut his contribution. Ultimately, his interview lost out to the superior strengths of other contributors, of whom there was a wealth to articulate many of Dr Muldowney's assertions and opinions.

It is common in all documentaries that more contributors are interviewed than may be used in the final cut. 'The Killings at Coolacree' is no different.

25.

My interview was more like a two hour contest against Ms Sammon's relentless attempts to make me say that I could produce no evidence to support the (irrelevant) accusation that the Pearsons were spies or informers – an issue which was not the reason for their execution. The fact that Ms Sammon could find no such broadcastable statement by me in a two hour interview signified to me that I won this contest.

ETHNIC CLEANSING

As Dr Muldowney says in his complaint, 'Nowhere do the words 'ethnic cleansing' appear in the documentary.'

26.

This message of the documentary was explicit in RTÉ documentation about the programme such as the Clontarf Castle slide, and in other RTÉ broadcasts. It was implicit in the documentary itself: "60,000 Protestants were driven from the South of Ireland. They usually scattered in the night, grabbing what belongings they could. As time passed the usual mist and fog that descends over any incident....descended" (Eoghan Harris). This is the unchallenged message of violent, forcible expulsion (or ethnic cleansing) in the documentary.

SADISTIC KILLING

Eoghan Harris's statement on shootings

Dr Muldowney asserts that Eoghan Harris statement that the Pearsons were shot deliberately in the genitals went uncontested. This is untrue. John Joe Dillon's contribution, which follows the Harris contribution, says: 'A lot of those people, they weren't really trained to kill. They were overawed, frightened, they were victims as well in a different kind of way. Probably haunted by it for the rest of your lives.' Both statements balance each other.

27.

This does not contradict Eoghan Harris's false statement.

'This assertion was uncontested and made without the slightest shred of evidence' This is untrue. The evidence of Dr Frederick Woods was drawn on by the programme makers. Dr Woods says of Richard Pearson: 'In my opinion the cause of death was shock and sudden haemorrhage as a result of gunshot wounds. The fatal shot in my opinion was that in the groin.'

This was a valid area of exploration for the programme makers, and both viewpoints on this matter were clearly represented.

28.

Dr Frederick Woods evidence does not support Eoghan Harris's statement. It contradicts it. The groin and the genitals are different parts of the body.

Pearson women witnessing the executions

Dr Muldowney also argues that the Pearson women did not witness the executions of their brothers Richard and Abraham. He reached this conclusion, despite all the evidence to the contrary. Ethel Pearson, in a sworn statement to the Court of Inquiry, said 'I saw the raiders search my brothers, and place them against the wall of the barn and shoot them.' Tilly Pearson states: 'They placed my brothers shortly afterwards against the wall of the barn and shot them. When they fell they shot them again.'

Dr Muldowney contradicts the account of the Pearson sisters based on his visit to the scene of the killings 80 years later. From this visit he deduced that the women could not have witnessed the executions. I would respectfully categorise this as a point of view, without the same weight as the contemporaneous evidence of the Pearson sisters taken two days after the shootings.

29.

Ethel Pearson's sworn statement that she was taken with her fainted mother and the other women to the Grove contradicts her sworn statement that she observed the executions. She did NOT testify that she was FORCED to witness them. She contradicts the documentary's claim that all the women (including Mrs Pearson who had collapsed) were forced to witness the executions. (The dramatization shows five adult women in the yard. Was Mrs Pearson carried back from the Grove to the yard immediately after she was carried out there?) Ethel Pearson's testimony is contradictory, and the bogus Pearson atrocity stories changed and grew in enormity as time went on, until by 1927 William Pearson was claiming they were attacked by 500 raiders and his daughter was shot at.

Matilda Pearson's testimony, on the other hand, does not include either observing the executions; nor being forced to witness them – two quite different things. According to the medical evidence the two brothers were superficially injured (not in the genitals), so they probably remained conscious and able to speak and describe the shootings to their sisters.

Consultant historian

Dr Paul Rouse was the programme's researcher. Dr Rouse is a native of Tullamore and therefore he was extremely knowledgeable about the story of the Pearsons. Given his extensive knowledge of this period, and his academic credentials, Dr Rouse informally provided advice and relevant historical information to the programme team. Dr Muldowney is incorrect in stating that Dr Rouse is simply a sports historian. Please see letter from Dr Rouse, attached.

The documentary makers were under no obligation to have an official, designated consultant historian on the programme. Instead, the programme team drew on a wide

range of historical analysis provided by Dr Terence Dooley, Professor Richard English, Dr Will Murphy, and Dr Rouse.

30.

Here Ms Sammon confirms my complaint that her documentary had no Consultant Historian. The alternative she mentions is no substitute. In fact it confirms that no single professional historian exercised overall authority to ensure impartiality and objectivity. So no such control was in place. RTÉ declared otherwise in its submission to the Commission. The conflict between Ms Sammon and RTÉ on this point is significant.

NOTE:

In his submission Dr Muldowney has repeatedly referred to discussions about the programme on the Tubridy Show and Liveline and follow up articles in the national press. While I would dispute his factually incorrect statements about my own contributions, the complaint with which we are dealing refers only to 'The Killings at Coolacree', so I do not feel that this is the appropriate forum to begin addressing his exhaustive list of complaints about presenters Joe Duffy and Ryan Tubridy, and also myself.

31.

My complaint is about nothing other than Ms Sammon's Hidden History documentary. My references to other broadcasts are intended, like my reference to the RTÉ "Ethnic Cleansing" slide, to illustrate the methods, the implicit purpose, and the explicit effect of her documentary.

Attachments:

- Letter from Dr Paul Rouse

**P. Muldowney
January 30 2008**