

RTÉ References: BCC 2007/987, 988, 989, 990, 992, 995, 1000

BCC References: 307/07, 311/07, 312/07, 313/07, 313/07, 316/07, 319/07, 320/07

Anne O'Brien
Broadcasting Complaints Commission
2-5 Warrington Place
Dublin 2

27 November 2007

Re: Complaints concerning the programme *Hidden History: The Killings at Coolacree* broadcast on RTÉ One Television on 23 October 2007.

Dear Ms O'Brien

This submission refers to 7 complaints forwarded by the BCC to RTÉ regarding the programme *Hidden History: The Killings at Coolacree*. As there appears to be a high degree of coordination between most of the complainants and most of the complaints are very similar please regard this response as RTÉ's submission to all the complaints.

COMMENT A:

I do not accept RTÉ's view, and I do not think it is appropriate for it to give a blanket response to several separate complaints, which, as far as I know, are about different subjects in the broadcast. Since it is impossible to separate the different parts of RTÉ's reply, I am obliged now to respond to every part.

The programme looked at a historic event that took place in County Offaly in 1921. Two Protestant brothers, the Pearsons, were killed by the IRA shortly before the cease fire which ended the war of Independence. Essentially the programme examined two theses. The first of these was that the killings were justified as the brothers had been assisting the Crown forces in their war with the IRA. The second thesis was that the motivation behind the killings was sectarian and that there was a desire to obtain the land the Pearson family owned. The complainants raise certain issues, for example, did the female members of the Pearson family witness the killings and were the Pearson brothers deliberately shot in their groin areas possibly as a symbolic act. But the central complaint about the programme revolves around the claim that the programme "sided" with the thesis that the killings were sectarian and/or motivated by land hunger and not a legitimate part of the War of Independence. It is RTÉ's view that the programme did not take sides with either thesis, that it presented both sides and allowed viewers to make up their own minds.

COMMENT B:

RTÉ's commitment to one side of the argument was publicly on display since May 30 (RTÉ's "Ethnic Cleansing" slide in Clontarf Castle); all of the pre-publicity (the announcement on <http://tvsales.rte.ie/autumn/content/factual/hidden-history.html>

is typical); the Irish Times article on October 20 by the Director Niamh Sammon; the declarations of ethnic cleansing, land grabbing, atrocity and sectarian murder on the Tubridy programme (RTÉ Radio One , October 22). The programme itself was more subtle than the Tubridy programme, but, because of that, all the more potent in its support of one side of this argument, because of its artful and contrived, but superficial and bogus, appearance of balance.

It is fair to say that the programme also reflected and acknowledged the human tragedy and loss inherent in the incident, whatever factors may have contributed to it.

COMMENT C:

The programme acknowledged the human tragedy on one side. If the Pearsons were guilty as charged, they not only brought the tragedy on themselves, but they also brought tragedy and misfortune on many other people. The fact that the programme did not reflect or acknowledge this other tragedy is another indicator of the bias, unfairness and lack of objectivity in the programme.

If the Commission decides, which RTÉ does not believe it will, that the programme “favoured” one thesis over the other, this is not a reason to uphold the complaints. Programme-makers are perfectly entitled to come to their own reasonable conclusions.

COMMENT D:

The programme is not entitled to ignore, suppress or censor important evidence, nor to misrepresent contributors.

The complainants have submitted lengthy arguments in favour of their “preferred” understanding, that the killings were legitimate.

COMMENT E:

I cannot speak for other complainants. But my complaint refers only to how the programme presented, and misrepresented, evidence. Likewise this response, except insofar as I respond to NEW ARGUMENTS ON THE 1921 ISSUE which have been brought up in the RTÉ letter.

In effect the complainants are asking the Commission to adjudicate on what happened 86 years ago.

COMMENT F:

I cannot speak for other complainants. But my request is for the Commission to adjudicate only on what RTÉ broadcast between 10.25 and 11.25 on October 23 2007.

With respect this is not the function of the BCC. The Commission’s function is to read the complaints, read the broadcaster’s submission and view the programmes. Commission members must decide if the programme fulfilled statutory obligations. It is not within the remit, or indeed the competence of BCC members, to decide on the

motivation behind the killings. What Commission members must do is decide if the programme as broadcast was impartial and objective.

Some of the complainants also raise matters concerning negotiations that took place during the production of the programme and include in their submission copies of correspondence with the producer.

It is RTÉ's view that this material cannot form part of the complaint's process. The task of the Commission members is straightforward, did the programme fulfil its statutory obligations? This adjudication must be based on what was broadcast on the night of 23 October, not on anything that happened prior to the transmission in regard to the research, planning and production of the programme.

COMMENT G:

The BCC Guidelines say that all correspondence regarding the programme content is considered, and they say that all required documentation must be submitted:

“It is important that you submit all the information required. Otherwise, the Commission may not be in a position to consider your complaint. ... The tape together with all the correspondence is circulated to the Members of the Commission for consideration and decision. ... All written correspondence together with the relevant recording of the broadcast will be considered by the Commission.”

That is why I submitted all my correspondence regarding this programme.

All the complaints made against this programme claim that the programme breached the requirement to be objective and impartial. This requirement is found in section 3 of the 1976 Broadcasting Act. This states:

3. (1)(b) the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial matter and without any expression of (RTÉ's) own views.

The killing of the Pearson brothers took place in 1921. It is simply not plausible to describe events around these deaths as *a matter of public controversy or the subject of current public debate*. There was no debate about these killings until after the programme was broadcast. The current debate which has taken place on the airwaves, in newspapers and on blog sites was generated by a number of complainants who did not like the programme.

COMMENT H:

No. The debate was initiated in 2005 by Alan Stanley and Eoghan Harris, and up to a few weeks ago, most of the publicity (in terms of quantity of words and any other measure of public activity) was generated by that side of the argument.

The public are not exercised by either the events of 1921 or the reaction to the programme, any debate that there is has been generated by a small number of

complainants who all take the view that the killings were a legitimate part of the War of Independence. RTÉ questions therefore if section 3(1)(b) is even applicable in this instance.

COMMENT I:

This is not correct. If the public were not interested in what happened in 1921, why did RTÉ make the programme? In fact there was extensive public debate of this issue prior to the broadcast, most of it initiated by RTÉ itself in its pre-broadcast publicity, and by those people in the programme who argued that there was an atrocity against the Pearsons: *Sunday Independent articles (2005) by Alan Stanley and Eoghan Harris, Indymedia debate through 2006 (3 threads, with total number of words approximately the same as in Alan Stanley's book plus the Sunday Independent articles of Alan Stanley and Eoghan Harris), Aubane publication 2007, Oct-Nov 2007: Phoenix item, Offaly Independent article, Irish Times article by Niamh Sammon, Tubridy Programme the day before HH broadcast.*

The events described in the *Hidden History* programme happened during the War of Independence over 85 years ago. Therefore any analysis of those events has to be regarded as part of an understanding of historical events. Historiography tells us that each generation rewrites its history in the light of contemporary experience.

COMMENT J:

In the light of evidence, surely?

The relevance of this in regard to the *Hidden History* complaint is that the notion of impartiality and objectivity cannot be understood as an immutable understanding of events, but rather as an interpretation over 85 years later and that this interpretation changes over time. It is RTÉ's view that the Commission must bring a different understanding of what constitutes objectivity and impartiality to a programme on a historical topic to the understanding the Commission would bring to a programme on current issues. Indeed there is an argument to be considered that the obligation to be impartial and objective does not apply in the same way to programming on historical topics as it does to programmes on current issues. An example would be if there was a programme on Eamon De Valera's role in the Civil War. Two interpretations could be put forward, that he contributed directly to the outbreak of the civil War or that his actions played no part in the outbreak. Both these interpretations of events are possible to argue and both have some validity. Either interpretation could be judged to be impartial and objective, yet the two interpretations are contradictory.

COMMENT K:

Two contradictory interpretations may exist as formulations. But two contradictory interpretations cannot both be correct. This is precisely the issue. But from the May 30 RTÉ "Ethnic Cleansing in the Midlands" slide, through the RTÉ pre-broadcast publicity, to the producer's (N.S.'s) ITimes article the Saturday (Oct. 20) before broadcast, to the Tubridy show the day before broadcast – RTÉ has been

unequivocally and publicly wedded to a single interpretation of the Coolacrease affair.

This is the nature of historical understanding. The Commission needs to take this consideration into account in their adjudication of these complaints about *Hidden History*.

Hidden History: The Killings at Coolacrease was the result of over a year's methodical research on the subject of the Pearson family and the Offaly IRA during the War of Independence.

There were two theses presented in the programme:

- 1) that the Pearson sons were spies who fired on members of the IRA, thereby ensuring that the local IRA had no choice but to execute them;
- 2) that the Pearsons were not guilty of spying and did not fire on the IRA, but instead were victims of a land grab and/or the sectarian agenda of the local IRA.

COMMENT L:

This confuses different issues, just as the programme sought to confuse them.

There are several possibilities:

- 1. The Pearsons were innocent.**
- 2. The Pearsons were spies/informers.**
- 3. The Pearsons were combatants.**
- 4. The Pearsons were spies/informers and combatants.**

(A spy/informer need not also be a combatant. A combatant need not be a spy/informer.)

If any one of 2, 3 or 4 is true then 1 is false.

It is practically certain that 3 is correct, so 1 is false.

SPYING CLAIMS

The documentary carefully presented both sides of this argument.

COMMENT M:

It took very great care not to present both sides impartially. See my critique of this in my Annotated Transcript of the programme (Document III, attached, pages 13-15, for example).

Local historians Paddy Heaney and Philip McConway (both complainants), as well as interviewees from the local Cadamstown area, were allowed to present their views that the Pearsons were spies.

COMMENT N:

See Comment L above. When I was interviewed on July 28

(ref.: <http://www.indymedia.ie/article/85285>)

I was aware of the issues in Comment L, and what they implied for being “allowed to present a view that the Pearsons were spies.” Because I would not play along with

this agenda my interview was not used, despite the fact that I presented important evidence that failed to appear in the broadcast.

However it was the duty of the documentary makers to examine these claims. All available documentation (including RIC papers, IRA witness statements, Richard Mulcahy Papers, Dublin Castle files) from the time was made available to two respected professional historians with differing perspectives on this period of history: Professor Richard English of Queen's University, and Dr Will Murphy of the Mater Dei Institute of Education. Neither could find any evidence that the Pearsons were spies. Furthermore, Professor English believed the claims lacked any credibility. In any case, in the programme Paddy Heaney and Philip McConway were allowed to answer Professor English with arguments countering his views.

COMMENT O:

See, for instance, Programme Transcript (Doc. III): page 16-18, Comments 23-28), which demonstrate how shallow and bogus is this RTÉ claim.

TREE FELLING INCIDENT

On the subject of the tree felling incident, and the allegation that the Pearsons fired on members of the IRA, again both sides of this argument were carefully presented. One complainant Dr Pat Muldowney accuses the programme of omitting an 'authoritative RIC statement'. In fact it was British army correspondence which collated all the rumours surrounding the deaths of the Pearson brothers (including rumours that it was a land grab). This correspondence was not presented to the Court of Inquiry into the deaths of the Pearsons, but was simply added to the file at a later date.

COMMENT P:

My complaint does not make this accusation. Here is what my Complaint says:

"According to a report of an authoritative RIC statement in the British Military Enquiry papers, and according to an IRA report, the Pearsons shot two IRA men." The British Army report of the above RIC statement is in the file of Court of Enquiry papers in the British Public Records Office, just as my Complaint states. The RIC statement does not declare this to be a rumour, and the RIC had no need to rely on mere rumours, since they had the Pearsons themselves in their custody, and one of their own retired members, Bert Hogg, had been shot by the Pearsons at the roadblock.

Again the IRA report which Dr Muldowney accuses the documentary of ignoring was featured prominently in the programme at the beginning of Part Two. Most of the text of this brief statement by IRA commanding officer Tom Burke was read out on the programme. In this sequence, both interpretations were given as to why the IRA had decided to execute the Pearsons – on one hand by historians Paddy Heaney and Philip McConway, and on the other hand by Professor Richard English and Alan Stanley.

COMMENT Q:

Here is what my complaint actually says: "But there are two items of documentary evidence. One is the RIC report in the British Military Enquiry papers, an Enquiry which was never mentioned in the documentary. The other is an IRA report which was only mentioned in the context of the theory that

the motivation for the killings of the Pearsons was a land grab.” In this sequence, Alan Stanley graphically and forcefully reiterates the land grab theory; JJ Dillon makes a general remark about war, unconnected to the Irish Military Court of Enquiry Report; Richard English makes further unfounded speculation about a land grab; and Paddy Heaney and Philip McConway speak in a non-specific way about military necessity. There is no indication that they are talking about the specifics of the Burke Report – that it was an accurate and reliable adjudication on the activities of the Pearsons. It is just as likely that they were referring to the executions, and not the Burke Report. Thus, pointed attacks are made on the validity of the Burke Report, and non-specific statements are made which may or may not be about this Report. There is no indication that Heaney and McConway are being allowed to actually RESPOND to a point of any other contributor.

WILLIAM PEARSON AND LOYALIST CLAIMS

The programme did contain the information that William Pearson had claimed to be ‘an ardent loyalist’ in order to qualify for compensation, which is followed by an explanation by historian Will Murphy. The programme makers were satisfied that this was the correct explanation of William Pearson’s statement, having consulted widely on the subject of compensation claims in this period (the definitive text is ‘Crisis and Decline: the Fate of the Southern Unionists’, by the renowned Trinity College Dublin historian R B McDowell). The Irish Grants Committee paid compensation to applicants who had lost out during the revolutionary period because of their loyalty to the crown.

COMMENT R:

Nobody in their right mind – certainly not the Grants Committee – could challenge the loyalist credentials of the Pearsons, two of whom were shot by the IRA. It is ludicrous to suppose that loyalist sentiment was punishable by execution in 1921, no more than it is now. But taking up arms against the democratic mandate of the elected government would be a very serious matter today. The vast majority of loyalists in Southern Ireland in 1919-21 understood and accepted that. In the context of a war being waged against the democratically elected government, I suspect that even today this would be a capital offence for a civilian under the jurisdiction of an elected government.

Years earlier, William Pearson’s son Sidney was turned down for compensation because he failed to prove his loyalty. William Pearson’s own statement was examined in this light.

COMMENT S:

Sidney Pearson’s application is dated October 28 1926 (Doc. VI, attached). William Pearson’s application (Doc. VII) is dated April 14 1927, five and a half months later. It is perfectly obvious from Committee correspondence why Sidney Pearson’s compensation application was rejected. He was not eligible for compensation because he was not the owner of the property or interest which was damaged and/or lost (allegedly).

LAND GRAB THESIS

The theory that the Pearson killings were the result of a land grab was also examined by the programme makers.

Documentation from the Land Registry office and the Land Commission was made available to Dr Terence Dooley, a highly respected historian and author of 'The Land for the People'. Dr Dooley used the contents of these files as the basis for his comments.

COMMENT T:

When Dooley is speaking his initial three comments (Transcript – Doc. III, page 36) in the documentary about the 1911 purchase of Coolacrease by the Pearsons, a Land Commission document is shown as backdrop, in which the purchase price is given as £2000. (This information is also given in various newspaper reports and in the William Pearson Grants Committee papers – Doc. VII, attached.) Yet, as I point out in my complaint: “Later on in the documentary the impression given is that after the killings of their two sons the Pearsons had to flee their land and sell it at below its real value. Dr Dooley says: “What he [William Pearson] intended to do was cut his losses by selling the land to the Land Commission for around 5,000 pounds.” But the Pearsons bought the land for 2,000 pounds in 1911. Dooley implies, on the basis of evidence given by William Pearson to the Irish Grants Committee, that the value of the land was 10,000 pounds. But elsewhere the programme suggests that the Pearsons’ evidence to this Committee was unreliable. No objective evidence is produced by the programme that the land did in fact quintuple in value in a space of ten years: an important omission in view of the weight put on the “land grab” thesis it puts forward.” If this is an example of Dooley’s expertise, what reliance can we place on anything else he stated in the documentary?

Some years later, William Pearson made a statement that his troubles began over land – that Sinn Fein members had trampled crops on his land, planted under the compulsory tillage order. This evidence was also presented in the programme.

COMMENT U:

Alan Stanley has acknowledged in his book that a statement (“500 raiders descended on Coolacrease”) identical to one made by William Pearson in this grant application (Doc. VII) is false. William Murphy in the documentary argues (Transcript, Doc. III, page 37) that a true statement (“I was always known as a staunch Loyalist and upholder of the Crown.”) of William Pearson in this application is a lie. The Grants Committee judged that about half of the individual claims in William Pearson application were over-valued, false or invalid. William Pearson in his application claimed he could not sell his farm on the open market because of Republican boycott. The local papers (Midland Tribune 27 August 1921, King’s County Chronicle same week, report that an auction of the farm was held, that offers were made (“Mr Fynamore of Kilcormac being the highest bidder”) but Pearson would not sell. The Grants Committee papers (Doc VII, page 12, line1) record that the farm equipment was sold at auction and fair prices were received. So nothing that William Pearson states can be taken at face value. As to trampling of crops – corn grown in wet, heavy, poorly drained, flood-prone land of that part of Offaly (see Grants Committee papers) is prone to “lodging”; that is, being flattened by wind and rain.

Dr Pat Muldowney is incorrect in stating that ‘it was only after these people (British army officers) had given up that ex IRA men received parcels of the Pearsons’ land’. In fact, according to the Land Commission ex IRA men received parcels of land in the FIRST division of the Pearsons’ land in 1923. Paddy Heaney’s comment was a true representation of the evidence contained in these files, and therefore not a ‘misrepresentation of the true situation’.

COMMENT V:

Here is what I actually wrote in my complaint: “Paddy Heaney said they he had told her [programme director] in his interview with her that no ex IRA men had received any part of the land when it was divided following the Pearsons’ departure. The land was initially obtained by people who had served in the British Army, and others who had no involvement in the IRA. It was only after these people had given up that the ex IRA men obtained parcels of the Pearson land. On the Live Line programme Sammon did not contradict Heaney on this point. In other words, by her silence she conceded that Heaney’s comment was taken out of context to misrepresent the true situation.” **I was quoting what Paddy Heaney said. Paddy Heaney’s account has proved, from the Land Records, to be verifiable and reliable, unlike the documentary’s version. Since Paddy Heaney’s on-camera interview implied the direct opposite of his intended meaning, why was it necessary to misrepresent his statement if these Land Records proved what RTÉ claims? I do not believe that RTÉ is telling the truth. I too have the Land Records, and they confirm to the letter Paddy Heaney’s account.**

SECTARIANISM

It is not true to say, as Dr Muldowney claims, that ‘other Protestants with land holdings were left completely unmolested’. There is extensive evidence that other Protestants in Offaly did suffer at the hands of the IRA during this period. One Protestant family was receiving RIC protection, and house burnings were common. Just days after the Pearson brothers were shot a group of twenty to thirty IRA men raided Derrylahan Park in Birr, County Offaly, the home of Colonel Charles Head, who was away at the time. The(y) forced his wife and children from the house before burning it to the ground (King’s County Chronicle, July 7th 1921).

COMMENT W:

Here is what my complaint states: “But, apart from the Pearsons, no examples of this were given in this part of Offaly. Other Protestants with substantial land holdings were left completely unmolested.” **In other words, my complaint refers to this part of Offaly, where (from my complaint again):** “In this part of Offaly the wealthy and respected local Protestant Biddulph and Drought families armed the Cadamstown IRA unit, and the local Protestant Mitchell family provided military training and a safe house to them. A member of another branch of this Protestant Mitchell family was a prominent and well-known Offaly IRA man. So in this part of Offaly the narrator’s comment seems to be unfounded.” **The documentary was about this part of Offaly. It seems to me that if issues are now being raised about other parts of Offaly, it is because my statement about this part of Offaly is true, and RTÉ cannot disprove it. It remains to be seen what are the actual significance and truth of these cases around Birr which are being brought up by RTÉ after the documentary has been broadcast.**

Dr Muldowney argues that the documentary failed to provide any political context. Again, this is not the case. The Pearsons' story is set against rising political and social tensions in the country.

COMMENT X:

Here is what my complaint actually says:

“Overall, one of the most serious shortcomings of the documentary was that it failed to explain the political context in which the executions took place. The documentary did not once refer to the 1918 election, which gave the Sinn Fein government an overwhelming democratic mandate to run the country. The government of the 1919 Dáil is considered by this State to be our first democratic government. As such the current Dáil is officially designated the 30th Dáil. This Irish government had 900 local courts during the War of Independence, which were accepted by both Catholics and Protestants.”

The present Irish government has an electoral mandate, and its institutions are defended in the last resort by its armed forces. If an occupying power was attempting to suppress this government by military force and terror, and if individuals under the legitimate jurisdiction of the elected government were to engage in arms on behalf of the occupying power, then we would have a context comparable to that of 1921. The programme referred to “official investigation” as being the province of the occupying power. So the programme not only failed to acknowledge the democratic mandate of the elected government and its citizen volunteer defence forces, it yielded to the unelected, occupying, military power the moral authority of being the “official” power, of being the government “in office”. This is my complaint against the programme.

If RTÉ does not accept that legitimate or “official” authority comes from the ballot box, where does it suppose it comes from?

Both views – as to whether or not sectarianism played a part in the Pearson killings – were presented in the programme.

COMMENT Y:

The programme presented no evidence of sectarian sentiment or actions against the Pearsons. It falsely deemed the executions to be sectarian, when the documented evidence showed them to be political/military.

SADISTIC KILLING

The medical evidence to the Court of Inquiry states that the fatal shot to Richard Pearson was to the groin.

COMMENT Za:

Here is the medical evidence (Doc. V, page 1) on Richard Pearson’s wound to the right groin (the only such wound out of about twenty wounds mentioned in the medical reports):

“Cross-examining by the Court

Q No. 1 Do you not consider a groin wound to be a serious one?

A 1 I do if such a wound implicates the blood vessels.

Q2 Did the groin wound of the deceased implicate the principal blood vessels?

A2 It did not.”

Furthermore, the medical evidence is that many of the shots to both Pearson brothers were to the groin/abdomen/buttock areas.

COMMENT Zb:

The medical evidence (Doc. V, page 1) mentions twelve or more separate wounds received by Richard Pearson, of which one was to the right groin, and one to the right buttock, none to the genitals or abdomen. About half of the wounds were glancing wounds to the back; others to the shoulder and lower leg. The medical evidence for Abraham Pearson (Doc. V, page 3) describes gunshot wounds to five parts of the body, the majority to the upper body and legs, none to the genitals, groins or buttocks, one to the abdomen.

The programme presented two views on this. Senator Eoghan Harris expressed the opinion that the shooting of the Pearsons in the genitals was a symbolic act.

COMMENT Zc:

This RTÉ statement implies there actually were wounds to the genitals. This is a false implication, so this RTÉ statement is a false one.

John Joe Dillon expressed the contrary view that the shootings were botched because the local IRA members were poor marksmen, simply too inexperienced to conduct the executions in a humane manner.

WITNESSING THE KILLINGS

The contemporaneous evidence overwhelmingly points to the view that the Pearson women did witness the executions. The programme makers gave more weight to the contemporaneous evidence contained in the Court of Inquiry files – taken two days after the killings at Coolacree – than to the witness statement of IRA member Michael Cordial, which was made 36 years after the incident.

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.’

COMMENT Zd:

She also said in her sworn statement (Doc. V, page 2): “My mother who was in a fainting condition was carried by my two brothers into a little wood we call the Grove and we all went with her by the order of the raiders.” From Ordnance Survey maps it is quite clear that the women could not have seen the executions from that location. From subsequent Pearson statements, it is clear that at least some of the Pearsons were given to lying about the executions in order to secure advantage. Here is what William Pearson stated in his application to the Grants Committee (Doc. VII, page 4):

“In the end of June 1921 after constant threatening, I had a private warning that a band of murderers was going to attack my house: This was on June 30, 1921. I accordingly set out with one of my boys on bicycles to get assistance from the British

Forces, but I failed to get immediate help but was promised some protection. We returned home to find the house completely burnt out, two of my sons lying dead in the yard having been murdered in the presence of my wife and other children. These sons were grown up and worked on my land. There were about 500 men engaged in the outrage and the boys were put up against a wall, compelled to watch their home being burnt, and were then riddled with bullets by a squad of 10 men. One of their sisters tried to save them and a volley was fired at her and the hair was cut away from her scalp by bullets: My wife nearly died of fright and has never been and never will be normal.” The first sentence of this is unverifiable. The second sentence is the date. Otherwise, apart from the shooting of his two sons, everything else in this statement is false. His wife Susan outlived William Pearson by nearly ten years (see Alan Stanley’s book “I met Murder on the way”).

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.’ Furthermore, in interviews the daughters of Ethel Pearson and Kitty Pratt (a cousin who was there that day), both said their mothers were present at the executions.

COMMENT Ze:

Matilda Pearson did not say (Doc. V, page 2) that she saw the shootings. If they were found near the barn wall, that is where they were shot. The men lived for a considerable time, bleeding and in shock, but only superficially wounded, according to the medical evidence. So they were probably conscious and able to speak, and say what had happened. So Tilly Pearson did not have to witness the executions in order to know some of the details (if, in fact, the details she mentioned are true or correct).

CONTRIBUTOR’S HONOUR OR REPUTATION

One complainant (Mr Philip McConway) claims that the broadcast breached Section 24(2)(f) of the Broadcasting Act 2001. This section states that the BCC may investigate a complaint

By a person that in a broadcast by a broadcaster which is specified in the complaint an assertion was made of inaccurate facts or information in relation to that person which constituted an attack on that person’s honour or reputation.

Mr McConway was a contributor to the programme. Part of an interview he recorded for the programme was broadcast. Mr McConway subsequently to the recording of the interview has revised his views on whether or not the female members of the Pearson family witnessed the shooting of the two boys.

From an early stage in the research process Philip McConway presented himself as a professional historian who had already conducted an exhaustive study of the Coolacrease incident. He provided the production with a copy of a chapter from his MPhil thesis, titled ‘Spies, Informers and Militant Loyalists: the Pearsons of Coolacrease’. Before handing over his research, and on the basis of his own claims to be an expert on the subject, this production agreed to pay him a fee of E1,000 for access to his writings and

research materials. He provided the production with part of the Court of Inquiry files, which included the witness statements of Ethel and Tilly Pearson and the key quote from Ethel ‘I saw the raiders search my brothers, and place them against the wall of the barn and shoot them.’ It was on this basis that an interview was conducted with Philip McConway on May 16th in Tullamore. It was clearly a judgement call by Mr McConway at the time that he was then in a position to give, in his own words, a full and ‘serious academic critique’ of the Pearson story.

Furthermore, prior to the interview Mr McConway knew of the Michael Cordial witness statement (which states the women were removed from the scene). It is worth noting that no credible evidence emerged subsequently to cast doubt on the statements of Ethel and Tilly Pearson.

COMMENT Zf:

But the programme never mentioned ANY of these statements of Ethel and Tilly Pearson! Their statements in fact are contradictory. If they were taken to the Grove they could not have witnessed the shootings. The programme should have considered this, and informed the viewers why it believed one part of their story but not the other. Instead it offers hearsay testimony by Olive Boothman (Doc. III, page 28) and Alan Stanley (III, Transcript, page 29), supported by the remarks of Philip McConway to which he no longer subscribed – as the programme was fully aware! Why did the programme not refer to the Pearson statements? Was it because they were made to the British Court of Enquiry (Doc. V), whose other evidence was being studiously concealed by the programme because it unequivocally contradicted the programme’s “deliberate shooting in the genitals” line?

On September 25th, over for months after the recording of the interview, Mr McConway wrote to this production. At no point in his covering letter, or in the attached 6 page document, did he ask for his contribution on the issue of the Pearson women witnessing the executions, to be removed or corrected.

An email from Mr McConway followed on October 9. Once again he accused the production team of giving too much credence to the land grab thesis (a claim he made without speaking to the producer/director of the programme, or having viewed an advance copy of the documentary). Once again, he did not request that the portion of his interview dealing with the witnessing of the executions be removed or edited.

Furthermore, there was no broadcast of any facts or information that related to Mr McConway in the programme. The contention is about facts or information about the witnessing of a killing 86 years ago, not anything about Mr McConway. There was nothing broadcast in the programme which attacked Mr McConway’s honour or reputation. In fact, on the advice of **Mr Paul Rouse, the programme’s researcher and historical consultant** (*emphasis added by me – P.M.*), an excerpt from Mr McConway’s interview (where he commented ‘Absolutely, they did deserve what they got’) was removed from the programme on the basis that it would harm his reputation.

CONCLUSION

It is RTÉ's view that the programme *Hidden History: The Killings at Coolacrease* fulfilled all statutory obligations and that these complaints should not be upheld. All complainants hold in common the view that the killings were legitimate and were not sectarian. Indeed the principle [sic] complainant, Dr Muldowney, has been given the opportunity to present his views on the RTÉ Radio programme *Liveline* since the broadcast of the documentary on RTÉ television.

COMMENT Zg:

This has nothing to do with what was broadcast by RTÉ between 10.25 and 11.25 p,m, on October 23 2007.

RTÉ is not going to be drawn on expressing a view on which thesis is correct. This is not our function, or indeed, with respect, the function of the Commission. We believe that both theses were presented in the programme in an impartial manner and that the complainants are incorrect when they complain that vital information or records were withheld. There is always a selection process in the editing of any programme. The producer is entitled to decide what is the most pertinent and relevant information to supply viewers. Some complainants believe the selection of what to include in the programme is evidence of bias by the production team. RTÉ believes on the contrary that the selection of material to include was at all times scrupulously fair and that the selection, ordering and presentation of evidence was at all times carried out in an objective and impartial manner.

COMMENT Zh:

The Annotated Programme Transcript (Doc. III) shows that this is false.

Concluding that one thesis has more weight than another is not evidence of bias. It simply reflects the reasonable judgement of the production team having assessed all the evidence available.

Yours sincerely

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