

US Helsinki Commission

Northern Ireland: Why Justice in Individual Cases Matters

Written testimony by Ciarán MacAirt on behalf of our loved ones who were
killed or injured in the McGurk's Bar Massacre of 4th December 1971

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Our families are grateful to this honourable Commission for allowing us to submit written evidence to its hearing on "Northern Ireland: Why Justice in Individual Cases Matters". We humbly request that this longer testimony be written into the record.

My name is Ciarán MacAirt and I am the grandson of John and Kathleen Irvine.

On the 4th December 1971, my grandparents were enjoying a quiet drink with old friends, Edward and Sarah Keenan, in a snug of a family-run bar in north Belfast. The chat was lively as Edward had just received his retirement money after lifelong work in the docks. Christmas was just three weeks away and the old couple had big surprises planned for their family.

McGurk's Bar was a cosy establishment, passed from father to son, which was frequented by those members of the north Belfast community who were more interested in a punt or a pint rather than the sectarian politics of the day. Indeed, Patrick and Philomena McGurk, the owners of the pub, were renowned for their intolerance of bigotry and prejudice. The clientele naturally reflected this. As the family home was in the rooms upstairs, Mr. And Mrs. McGurk had created an environment that was not only fitting for a well-run pub, but also one that was appropriate for the raising of their children.

Looking across the bar and into the main lounge, Kathleen, or Kitty as her family and friends called her, recognised every single one of the customers who sat around talking or reading a paper. She smiled and nodded acknowledgement to anyone whose eyes she happened to meet. Thomas Kane, Robert Spotswood and James Smyth had taken up their usual seats along the bar. Further along, Thomas McLaughlin, his uncle and two of their friends were too busy chatting and laughing to notice. Behind them, Philip Garry, who even at 73 still kept himself busy as a school-crossing patrolman, was having a quiet pint. Near to him Francis Bradley and David Milligan relaxed after labouring week-long in the docks. In the corner she could not see, Edward Kane was entertaining his friend, Roderick McCorley, and 80 year-old Mr. Griffin with lively chat over a quick drink before heading home to his young family.

Upstairs, at that time, the McGurk boys and their friends, including 13 year-old James Cromie, were having a raucous game of table football as their uncle, John Colton, got ready to help his brother-in-law in the bar below.

Time was rushing headlong towards the single moment that each one of those who were left behind would play over and over when they locked themselves away in their minds. Upstairs Mr. McGurk's wife, Philomena, and only daughter, Maria, unbeknownst to everybody below, were just coming home from confession at St. Patrick's church. Mr. McGurk was pouring a pint of Guinness for another customer. In the snug, Johnny took a sup of his stout as he listened with glee to the animated chat just as Kitty, his wife, the mother of his children, happened to catch his eye and smile...

The Bomb Attack

An eight year old boy, Joseph McClory, had been walking up Great George's Street towards North Queen Street on his way home from a paper round. He noticed a car, within which three men skulked, parked nearby McGurk's Bar. Suspicious, he glanced over and recorded that the vehicle had a "wee Union Jack stuck in the back window"¹, so observant was he. As he was crossing at the junction with North Queen Street, towards the pub, a man had gotten out of the car carrying a box². This was the shadowy figure, clad in a dark overcoat and wearing a mask, whom Joseph saw leave down a "parcel" and light a fuse before running back to the waiting car. The young lad even saved the life of a passerby who was about to walk past the bar. He shouted to him that there was a bomb and the man ran away with only seconds to spare. The bombers bore as little concern for this young child they passed on the pavement as they would have a dog on the street.

The 30-50 lbs of gelignite ripped through the small pub and family home, bringing its walls and roof down upon everyone. Those who were not crushed or slowly asphyxiated by masonry were horrifically burned when shattered gas mains burst into flames beneath the rubble. In the immediate aftermath of the explosion, disregarding their own safety, the families in the area emptied onto the road and began clawing at the debris with their bare hands, desperately struggling to save some of their neighbours. Only for their feverish toil that night and the labours of the emergency services another dozen at least would have perished. Eventually, though, the lifeless bodies of fifteen innocent men, women and children were dragged from the ruins.

Such was the carnage of the McGurk's Bar Massacre.

¹ From the witness statement of Joseph McClory.

² We know from the witness statement of the one jailed bomber that they had noticed this young paper boy crossing the road near to them.

The Victims

James Francis Cromie (13 years old) - INNOCENT

Maria McGurk (14 years old) - INNOCENT

Edward Laurence Kane (29 years old) - INNOCENT

Robert Charles Spotswood (38 years old) - INNOCENT

Elizabeth Philomena McGurk (46 years old) - INNOCENT

Thomas Kane (48 years old) - INNOCENT

John Colton (49 years old) - INNOCENT

David Milligan (53 years old) - INNOCENT

Kathleen Irvine (53 years old) - INNOCENT

Thomas McLaughlin (55 years old) - INNOCENT

Sarah Keenan (58 years old) - INNOCENT

James Patrick Smyth (58 years old) - INNOCENT

Francis Bradley (63 years old) - INNOCENT

Edward Keenan (69 years old) – INNOCENT

Phillip Garry (73 years old) - INNOCENT

All those who were injured –INNOCENT

The victims' only crime was their faith.

The Bombers

Loyalist terrorists, members of the Ulster Volunteer Force (U.V.F.), had planted the no-warning bomb on the doorstep of the family-run pub. Allowed to escape unmolested into the night and into the murky history of “the Troubles”, they left in their wake a massacre that was then the single greatest loss of civilian life since World War II. Nevertheless, those people who perished that night in McGurk's were to become the forgotten victims of a very dirty war.

The "Own-Goal", "Bomb-In-Transit" Disinformation

*Extemplo... magnas it Fama per urbes
Fama malum qua non aliud uelocius ullum*

Vergil's Aeneid, Liber IV, lines 173-4

Forthwith Rumour races through the great cities...

Rumour – nothing is swifter than this evil.

An "investigative bias"³, a Royal Ulster Constabulary (RUC, the police force at the time) predisposition to believe that the bomb was in-transit to another target, allowed the true perpetrators to go free until one confessed of his own volition many years later. Without substance or evidential substantiation, against witness testimony and an admission from the Loyalist terrorists themselves, this tenuous own-goal theory, in effect, criminalized the innocent victims of the massacre. It inferred that they were guilty by association, if not complicit in acts of terrorism.

From where, though, did such disinformation emanate?

We have proved that the first instance of the lie is found, without evidence, in an RUC Duty Officers' Brief written a few hours after the atrocity and before all of our loved ones had been identified. It was dated the following day, 5th December 1971, at 8 a.m., less than 12 hours after the atrocity and was able to name only eleven of the fifteen dead. Lodged in the Ministry of Home Affairs, the bomb-in-transit theory, the IRA own-goal, is recorded:

RUC Duty Officers' Report⁴: 8 a.m. 5th December 1971

“ At 8.45 p.m. on Saturday, 4th December, 1971, an explosion occurred at McGurk's Licensed Premises, 83 Great George's Street⁵. The charge was estimated at 50 lbs completely

³ Police Ombudsman of Northern Ireland in his report into the RUC's investigation, published 21st February 2011

⁴ Uncovered by the British Irish Rights Watch in 2009

⁵ Sic: the address was 81-83 North Queen Street

demolished the two storey building. Just before the explosion a man entered the licensed premises and left down a suitcase, presumably to be picked up by a known member of the Provisional I.R.A. The bomb was intended for use on other premises. Before the 'pick-up' was made the bomb exploded.

This is at odds with the expert testimony of a British Army Ammunition Technical Officer (ATO), who happened upon the scene a few minutes after the explosion, in a secret briefing to the General Officer Commanding, Lt. General Sir Harry Tuzo. It too was dated the following day, 5th December 1971.

British Army: Director of Operations Brief⁶: 5th December 1971

“ A bomb believed to have been planted outside the bar was estimated by the A.T.O. to be 30/50lb of HE

Nevertheless, the baseless lie was issued to the press. Amongst many heinous reports from the days following the attack, two are recorded below.

Media: The Times' John Chartres, 5th December 1971

“ Police and Army Intelligence Officers believe that... an explosion in a Belfast bar last night was caused by an IRA plan that went wrong...
[The] Army believe bomb was in transit...

Media: Newsletter 6th December 1971

“ The RUC is of the opinion that the bomb was brought into the bar earlier in the night and that a Provisional IRA man was to have set it off somewhere in the city later...
The RUC last night rejected reports put about by Republican sources that the bomb was left outside the bar by the “UVF”

The Northern Ireland Prime Minister, Brian Faulkner, flew to London to meet with the British Home Secretary, Reginald Maudling on 6th December 1971, in what would have been crunch talks on the security situation. Not only do these secret minutes⁷ show that the RUC had briefed government directly, they also depict how the disinformation wound its way to Whitehall. Indeed, with blatant disregard for political intervention in a police investigation, Mr. Faulkner admits he had asked the RUC to dig-the-dirt on those who were killed or injured.

⁶ Uncovered by the author in 2009

⁷ Uncovered by the Pat Finucane Centre in 2010

“ Mr Faulkner said that Mr. McGurk, the proprietor of the pub which was blown up at the weekend, had been interviewed by police in hospital and had said that there were no strangers in the bar on the night of the explosion. The army also discovered that the bomb went off on the ground floor. Both point strongly to the likelihood that the bomb was carried by the IRA rather than Protestant extremists. Mr. Faulkner had asked the RUC to find out whether anything was known about the associations of the people who were killed or injured.

Proof again that the RUC had briefed government can be found in the text of a speech made by John Taylor, Minister of State for Home Affairs, in Stormont on the 7th December 1971.

“ The premises are at 83 Great George's Street⁸... The plain fact is that the evidence of the forensic experts supports the theory that the explosion took place within the confines of the walls of the building

Mr. Taylor, now Lord Kilclooney, did not, nevertheless, make himself amenable to questioning by the Office of the Police Ombudsman nor the Historical Enquiries Team in their latter day investigations, even though he is supposed to be a public servant. In fact, he has never even apologized to the families for making such hurtful comments whilst in Government.

Even though the evidence pointed directly to a Loyalist attack on innocent civilians, the own-goal disinformation then found its way into the British Intelligence stream. A Headquarters Northern Ireland Intelligence Summary (HQNI INTSUM) was disseminated throughout the British Army and RUC in Northern Ireland. A Director of Intelligence and his team managed this information stream before directing it towards Whitehall within its wider distribution list. By his own admission⁹ to Lord Saville's Inquiry into Bloody Sunday, the Director of Intelligence was an MI5 operative who led a department of other Security Service agents and Military Intelligence Officers.

British Army/MI5: Headquarters Northern Ireland Intelligence Summary (HQNI INTSUM) ¹⁰: 9th December 1971

“ Forensic and EOD¹¹ reports tend to indicate that the explosion was caused accidentally inside the public house by premature detonation amongst a group which contained an identified IRA victim

⁸ Sic – the same address as in RUC Duty Officers' Report above

⁹ The witness statement of the Director of Intelligence (“David”) to the Saville Inquiry, dated 17th February 2000

¹⁰ Uncovered by the author in 2010

¹¹ Explosive Ordnance Disposal

The British Ministry of Defence (MoD) then encouraged the Minister of State for Defence to publicize this lie in the British Parliament:

British MoD: Current Situation Report¹², 14th December 1971

“ The forensic evidence now available shows quite clearly that five of the victims were killed by blast – indicating that the explosion must have been inside the bar and raising the very strong presumption that it was caused by the accidental detonation of a bomb being carried by one of the customers – as has seemed likely all along. The Minister of State for Defence is being invited to consider whether to make this point public in a written answer... In the view of Headquarters Northern Ireland it is important to put this point on record, in order to discourage continuing speculation about who was responsible for the explosion.

Once more, this disinformation was drip-fed through the Intelligence system, this time within Brigade Intelligence Summaries. “Confirmation” was given that it was indeed a bomb-in-transit. Again, the innocent victims were criminalized without any evidentiary fact whatsoever. Who were the authorities trying to blame? Young Maria McGurk (14 years of age) who had just returned home from confession? Old Philip Garry (73 years of age) who was enjoying a quiet drink? My grandmother, Kitty? The lies were insidious and smeared all of the victims:

British Army (with RUC supplementary Intelligence redacted): Brigade Intelligence Summaries¹³: 8th – 15th December 1971

“ Following the McGurk's Bar incident, it has been confirmed that it was a bomb that was destined for another target, but exploded prematurely

The intransigence of the authorities is best exemplified in their withholding of archive evidence which has recently proved critical to our campaign. Research in the Public Records Office Northern Ireland (PRONI) allowed the author to target documents recording the minutes of a Joint security Committee meeting held on the 16th December 1971. The archives had never been accessed before and had to be collated and numbered before being made public. Nevertheless, before I was allowed access to them, a National Security bar (Section 24) under the Freedom of Information Act was placed on them. Thankfully, due to the humanity and industry of the staff, I was alerted to the fact that a particular document included information that was vital to our research. As I was disallowed from accessing the information, I had to direct the Police Ombudsman to the archive which he

¹² Uncovered by the Pat Finucane Centre

¹³ Uncovered by the author in 2010

himself admitted was “critical”¹⁴ evidence for his investigation. It proved beyond doubt that the RUC had briefed the Northern Ireland Government that the McGurk's Bar Massacre was the result of an IRA own-goal. Indeed, as is recorded in the Police Ombudsman's report, a Chief Constable, the commander of the whole RUC police force, and his head of Special Branch told the Northern Ireland Prime Minister, Brian Faulkner, the Minister of State for Home Affairs, John Taylor, and the General Officer Commanding of the British Army in the North, Lt. General Sir Harry Tuzo, that two of the dead were terrorists:

RUC Special Branch Report to Cabinet and British Army: Joint Security Committee Minutes, 16th December 1971

“ Circumstantial evidence indicates that this was a premature detonation and two of those killed were known IRA members, at least one of whom had been associated with bombing activities. Intelligence indicates that the bomb was destined for use elsewhere in the city

Below is how the disinformation was managed by the local British Army regiment in the run-up to Christmas. Foot patrols posted a propaganda leaflet in through the letterboxes of houses in the vicinity of the atrocity, including the homes of many of the victims.

British Army Propaganda Leaflet¹⁵ Drop from the Commanding Officer of 2nd Battalion Royal Regiment Fusiliers, Lt. Col. Jeremy Reilly, 23rd December 1971

“ We can look forward... To a period in which you will not lose your friends in a repetition of the 'Provos' accident in the McGurk's Bar

Again, the lie found its way into the national press:

Media: The Guardian, 24th December 1971

“ The security men are now convinced that the bar was a transfer point in the IRA chain between the makers and the planters of the bomb

By the time that MO4, the department of the MoD responsible for military operations in Northern Ireland, had written its report for the month of December 1971, the branch was “fairly certain” that the atrocity was the result of an IRA own-goal:

British Army: MO4 Monthly Report¹⁶ for December 1971, dated 10th January 1972

¹⁴ Interview with the Police Ombudsman, BBC Spotlight, aired on 8th March 2011

¹⁵ Made available to the author by local historian, Joe Baker, and accessible on our campaign website

¹⁶ Uncovered by the author in 2011

“ On 4 December McGurk's Bar in the Glenravel area was destroyed by an explosion in which 15 people died and 13 were injured... IRA propaganda tried to blame the SAS and Empire Loyalists. It is fairly certain that the bomb was being handed over by the "makers" to the "planters".

This is how an unsubstantiated RUC Duty Officers' Report was fed into the intelligence stream, the media and the public consciousness at a time when we were burying and mourning the loss of our loved ones. This is how their good name and their innocence were despoiled.

Against such a backdrop, including the conclusive briefing of the Chief Constable and the head of Special Branch to Government and the General Officer Commanding, can we imagine there was no "investigative bias"? The present Chief Constable of the reformed Police Service of Northern Ireland (PSNI) believes there was no such police predisposition to believe the falsehood that the bomb was an own-goal even though the full weight of evidence indicated that it was a Loyalist terrorist attack on innocent civilians. After campaigning constitutionally and with great dignity for nearly four decades, we should have celebrated the vindication of our loved ones with the publication of the Police Ombudsman's report. Nevertheless, with its release, Chief Constable Matt Baggott disputed the central finding of the statutory body set up to investigate police complaints. Yet again, the massacre of our loved ones was politicized by a Chief Constable at a time when our communities should have faith in a reformed police force's ability to recognize and learn from the failings of the past.

This is why in Northern Ireland justice in individual cases matters. It is not simply about closure for fellow human beings. This is about historical and moral rectitude. History informs the present and from it we learn our mores as a society. That is why I ask you to use whatever influence you may have to ensure that Britain, your NATO partner, releases all the information it has kept from us regarding the massacre of our loved ones in McGurk's Bar on 4th December 1971. Otherwise, the present authorities may prove that they are condemned to repeat the mistakes of the past.

Ciarán MacAirt, grandson of John and Kitty Irvine

Le Grá Go Deo

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