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## **Bloody Sunday: Error or Design?**

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### **Introduction**

When British Paratroopers shot dead 13 people at a civil rights march in Derry on January 30, 1972 it dealt a hammer blow to British government claims of neutrality and moral authority in dealing with the escalating violence in Northern Ireland. Critics of the army argued that the killings were a deliberate massacre planned at the highest levels of government. Defenders of the army argued that the killings of civilians were an understandable if regrettable consequence of the confused situation on the ground as the soldiers responded to attacks by the IRA. The latter view was supported by the Widgery Inquiry appointed by the British Government in 1972 to inquire into the events, with the cautionary admonition from British Prime Minister Edward Heath to remember that they were fighting a “propaganda war” as well as a military war in Northern Ireland.<sup>i</sup> The Widgery report focused on the actions of soldiers on the ground rather than on the political and military decision-makers. It generally accepted the soldiers’ accounts that they had behaved reasonably in the circumstances and went no further in its criticism than to note that the firing of several soldiers ‘bordered on the reckless’.<sup>ii</sup>

Academic and public debate on Bloody Sunday was revived by the establishment of the Saville Inquiry in 1998, established in the context of the Northern Ireland Peace Process to address long-standing demands by campaigners for a new inquiry. One consequence of the Inquiry is that historians now have access to the kind of material rarely available for the study of a single historical event, including huge volumes of material on the historical context and on the political and military decision-making processes. This article draws on the mass of new material generated by the inquiry, including the monumental synthesis of the evidence provided in the closing statement of counsel to the Inquiry, Christopher Clarke. It provides an alternative interpretation of the political and military decision-making process, challenging key elements in the analysis in the existing literature.<sup>iii</sup>

By contrast with existing accounts, it argues that the Bloody Sunday operation was a calculated plan devised at a very high level to stage a massive and unprecedented confrontation that would disrupt and shatter an established policy of security force restraint in the city of Derry. It argues further that the operation that day emerged from an intense internal struggle to shape security policy that reflected deep divisions within the security forces, analysing the statements and evidence of key participants much more critically than existing accounts do. It argues that high-level decision-making is central to the explanation of the outcome that day.

## **Context**

When violence erupted around the civil rights campaign in Northern Ireland in late 1968 the British Labour government under Prime Minister Harold Wilson responded by applying significant pressure for major reform to the Unionist Government of Northern Ireland. When a new Conservative Government came to power under Edward Heath in June 1970 at a time when there was a small but escalating IRA campaign of bombing, there was a distinct shift in emphasis. The new Government shifted from pressurising the Unionist Government to bolstering it and steadily increased the level of repression in order to protect the Unionist regime at Stormont and stave off the necessity to take direct control.<sup>iv</sup> In August 1971 the British Government agreed to the introduction of Internment without trial in Northern Ireland, despite the fact that the most senior military commanders did not support its introduction. When internment generated an abrupt escalation of violence the British Government made a decisive shift to a policy of intensified repression, prioritising the goal of militarily defeating the IRA. This formal shift in approach at the highest level provides the political context for the decision-making process surrounding Bloody Sunday.

## **Debating Bloody Sunday**

Those critical of the military operation on Bloody Sunday have long argued that Bloody Sunday was a calculated massacre. Gerry Adams, President of Sinn Féin, for example, has argued that Bloody Sunday was “...a controlled deliberate exercise, decided and planned in advance at the highest political and military level....”<sup>v</sup>

But if we characterise Bloody Sunday as a calculated government initiative that proceeded according to plan, it is difficult to explain the abrupt and dramatic reduction in army activity in its wake, the abolition of the Unionist government at Stormont weeks later, and the secret talks between the British government and the IRA a few months afterwards. It stretches credulity to argue that Bloody Sunday was a deliberate repressive prelude to a dramatic softening of the British government's approach.

And it is not entirely convincing to argue that the British government had to adjust its policy after Bloody Sunday only because it miscalculated the strength of public reaction to a planned massacre of civilians. It is clear that some senior British government officials at least were well aware of the negative consequences of such a massacre and immediately regarded it as a 'disaster'.<sup>vi</sup> This is not to say that the killings were regarded in this way by all sections of the state. Nonetheless, the disastrous political consequences of Bloody Sunday forced the British government to adopt a significantly more conciliatory approach in its wake in an attempt to ensure that such an event was not repeated.

In particular, any attempt to argue that these events emerged from a deliberate cabinet policy has to contend with the curious paradox that the British Government made a formal decision to severely constrain army action in Derry only weeks before Bloody Sunday.<sup>vii</sup> Bew comments on Edward Heath's remarks at a January 11th cabinet meeting that this was not the time to provoke a major confrontation in Derry that "This is not the tone of voice of a prime minister contemplating a Bloody Sunday massacre within three weeks"<sup>viii</sup> but it doesn't necessarily follow that the Bloody Sunday killings did not originate with high-level decisions. The paradox that a British Government that had recently decided on a policy of restraint in Derry could then preside over a massacre of civilians is not the end of the mystery but the beginning.

The argument that unexpected events on the day provide the principal explanation for this disjuncture is not adequate. Both Hennessey and Bew's accounts discuss the sense of threat felt by the soldiers on entering the no-go area, and the significance of IRA shooting and alleged shooting on the day.<sup>ix</sup> In his extensive and detailed

discussion of evidence and allegations of IRA shooting, Hennessey stresses the fact that a shot was fired at Paratroopers before they entered the Bogside and that a few shots were fired by a scattered handful of IRA members as the Paratroopers advanced.<sup>x</sup> In his opening paragraph Bew writes “It has not yet been definitely established who fired the first shot” as though the answer to this question is the key to understanding the killings.<sup>xi</sup> The implicit suggestion is that the killings by the Paras can be explained to a great degree as a response to IRA shooting and the sense of threat.

The emphasis on the significance of IRA shooting fits with popular analyses that argue that it is impossible for those who were not there to understand how the soldiers felt, and why they must have felt it necessary to react in the way they did. Dudley-Edwards, for example, argues that soldiers “in fear of their lives” in “the frightening atmosphere” that day “panicked”.<sup>xii</sup>

Accounts such as these imply that it is unrealistic to judge soldiers by an ideal standard of behaviour that is impossible to maintain in such difficult situations. But it is not necessary to set an ideal standard of behaviour against which to judge the behaviour of the Paratroopers. We can assess their behaviour instead by the working standards established by other soldiers, operating in similar circumstances in the same city over the previous months. In the autumn of 1971 British troops launched repeated night-time raids into the no-go areas in Derry, deep inside the barricades. In the middle of the night they faced large crowds of rioters several hundred strong, were attacked with petrol bombs and blast bombs and came under fire as they carried out search operations. Huge quantities of CS gas were used and hundreds upon hundreds of rubber bullets were fired during these operations. Soldiers also fired live rounds but despite the intense violence and the unpredictable conditions just a few civilians were killed in the course of these raids.<sup>xiii</sup> The Paratroopers’ behaviour on Bloody Sunday didn’t just breach an abstract standard set by faraway officials and armchair critics, it marked an abrupt and brutal deviation from the standards established in practice by other British army units in the same city. Given that the Paratroopers were facing circumstances not very different, and in some senses less challenging, than those faced on many occasions by other British soldiers, the level of threat on the day cannot provide the primary explanation as to why so many civilians were killed.

To understand those killings it is necessary to place them in the wider context of an intense and ongoing struggle to shape security policy. Central to understanding the events of the day is the decision-making process by which the Paras came to be deployed in the Bogside that day, and the preferences and intent behind those decisions.

### **Internal opposition to Operation Forecast**

In the years between the Widgery Inquiry of 1972 and the Saville Inquiry which began work in 2000, interviews with key military personnel made clear just how significant internal divisions in the security forces were to the events of Bloody Sunday.<sup>xiv</sup> As General Robert Ford, architect of the Bloody Sunday operation, stated in interview at a time when these events seemed safely in the past “There were differences of opinion on Londonderry all the way down the line.”<sup>xv</sup>

The inquiry has seen an attempt by some military witnesses to roll back this acknowledgement and to minimise policy differences, to reduce them as far as possible to technical disagreements and disputes over detail. The initial planning of the operation is explained as a response to an increasing threat by rioters to Derry city centre and to pressure from local traders.<sup>xvi</sup> The decision to use the Paras is explained by their availability rather than by any desire for a ‘tougher’ approach<sup>xvii</sup> and the launching of the arrest operation is presented as a more-or-less inevitable response to attacks by rioters. The decision-making process is stripped of agency and intent, presented as fundamentally responsive. If there was no choice then there can be no real responsibility, let alone culpability, and the central explanation of the killings is the simple unfolding of events, shifting the focus of debate to the immediate circumstances facing the Paras on the day. Hennessey in particular goes a long way towards accepting the thrust of this argument. General Ford’s explanation of his selection of 1 Para for the arrest operation in Derry stresses the lack of choice he had and Hennessey presents Ford’s explanation as an unalloyed statement of fact (“He selected 1 PARA for this part of the operation for the following reasons”) rather than the evidence of a key witness with an urgent and immediate interest in minimising the degree of choice involved in this decision.<sup>xviii</sup>

There is strong evidence of widespread unease with the proposed arrest operation among military commanders in Derry but the greatest challenge to attempts to present the decision-making process around Operation Forecast as more or less inevitable and technically driven, came from the testimony of Chief Superintendent Frank Lagan, the divisional commander of the RUC in Derry. Lagan made repeated attempts to minimise the danger of confrontation at the march, both by appealing to the march organisers to cancel or divert the march<sup>xix</sup> and by seeking to restrain security force action in relation to the march, culminating in his plea to ‘For Heaven’s sake hold them’ just moments before the Paras charged forward. His evidence and actions show that senior security force figures were involved in an intense struggle to shape military action with the aim of averting confrontation and that they were defeated in those internal struggles. Perhaps the starkest piece of evidence showing the active rejection of Lagan’s attempts to avert confrontation is the fact that he brought a message just hours before the march, telling the senior military commanders that the march organisers had agreed not to attempt to march to their city centre destination, but to turn away at the barriers. Given that the central priority of the British Government was to demonstrate to Unionists that the ban on marches had been upheld<sup>xx</sup> this was a major development. Essentially Lagan had achieved the central military and political objective that day through secret negotiation. When Lagan told them this news, General Ford, architect of the arrest operation that day, simply turned on his heel and walked away, followed by the local commander Brigadier MacLellan.<sup>xxi</sup>

The central military argument in response to Lagan’s clear attempts to prevent confrontation was to represent him as an unreliable, ineffectual and even untrustworthy figure. This view has been articulated most clearly by General Sir Robert Ford in his statement to the Bloody Sunday Inquiry:

Insofar as Chief Superintendent Lagan was concerned I was aware that the GOC [General Sir Harry Tuzo] did not have confidence in him. My own impression... was that the Chief Superintendent was depressed and pessimistic...there was a feeling that he was closely identified with the Bogside [working-class Catholic] community.



This portrayal is reinforced in a letter sent from the Brigade commander in Derry, Brigadier Pat MacLellan, to General Ford after Lagan had testified to the Widgery Tribunal in 1972:

His sympathies, not unnaturally, lie entirely with the Catholic Community and he makes no secret of his contempt for Stormont policies...His attitudes have hardened during the last six months with that of the Catholic Community and this has led him to allow his emotions to influence his professional conduct.<sup>xxii</sup>

McLellan, ironically, had been very closely associated with Lagan and was seeking here to distance himself from Lagan in the disputes surrounding Bloody Sunday. This view of Lagan bolstered the argument that there was no realistic alternative within the security forces, that the figure centrally associated with this alternative approach is most accurately seen as a marginal individual of questionable loyalties, not as the focus for a mainstream alternative to military plans for the day. To represent military decisions as inevitable and responsive, it is important that Lagan be pulled away from the other key decision-makers and isolated.

### **Repositioning Chief Superintendent Lagan**

In the light of the representation of Frank Lagan as a marginal and even unprofessional figure it is important to emphasise the extent to which he was a key driver of security policy in Derry up to and including Bloody Sunday.

After troops were deployed in Northern Ireland in August 1969 Frank Lagan, a District Inspector at the time, was involved in sensitive negotiations to remove barricades around west Belfast and led the first symbolic patrol of the reformed RUC into the area in October 1969. This process involved Lagan in contact with at least one senior IRA commander.<sup>xxiii</sup> In Belfast Lagan was associated with the reformist edge of British intervention and the approach he was involved in faced strong opposition from within the RUC and the Unionist government. Crucially however, Lagan's actions and approach were completely in tune with British government policy

at the time, and this conciliatory approach to the barricades issue was sanctioned at the highest levels of the British government.<sup>xxiv</sup>

In June 1970 Frank Lagan was appointed to head the RUC in Derry where opposition to the RUC was widespread. This appears to have been a calculated political decision, a step that fell short of setting up a separate policing force for the city,<sup>xxv</sup> but that achieved some of the same objectives by putting a key conciliatory figure in charge of policing. The British government became directly involved in the advancement of individual RUC officers from August 1969 onwards and it seems clear that Frank Lagan was one of those officers.<sup>xxvi</sup> It was also one of the last opportunities for the Labour government to influence policing in Northern Ireland. On 19 June the Conservatives came to power, much less inclined to force reform on Stormont, and much more responsive to Unionist demands for increased repression in the face of increasing violence on the streets.

In Derry Lagan immediately began to build extensive networks within the Catholic community. His deputy, Superintendent Patrick McCullagh, testified at the Bloody Sunday Inquiry that Lagan ‘... was trying to start a new sort of policing...He was trying to bring in an inclusiveness in policing which other people clearly resented.’<sup>xxvii</sup> One of his first steps was to broker a deal between the army and local activists in response to large-scale rioting in June 1970. The army and RUC agreed to stay out of the Catholic working-class Bogside and Creggan areas for a two-week period while policing of the area was carried out by a coalition of local moderates and conservatives.<sup>xxviii</sup>

On August 20<sup>th</sup> 1971, as violence escalated in the wake of internment, Lagan was at the centre of another local agreement. Howard Smith, The UK Representative in Northern Ireland, came to Derry with the GOC (General Officer Commanding), General Harry Tuzo, head of the British army in Northern Ireland. Frank Lagan organised for them to meet local Catholic moderates in the city. At this meeting General Tuzo agreed to end routine military patrolling in the city and to avoid taking any new military initiatives in order to give moderates a chance to use their influence to prevent violence.<sup>xxix</sup> According to General Sir Robert Ford it was Frank Lagan who personally convinced General Tuzo to make this agreement.<sup>xxx</sup> Once again, Lagan

was a key figure in a conciliatory initiative sanctioned at the highest levels of British military and civilian control in Northern Ireland, but vehemently opposed by the Unionist government at Stormont.

The local pro-Unionist paper, the *Londonderry Sentinel* described how an ‘almost eerie’ calm descended on the city after the agreement went into place and the relentless rioting of the previous seven weeks petered out.<sup>xxxii</sup> The agreement was followed by a dramatic reduction in levels of violence in the city, but violence began to escalate again within a few weeks. This policy of restraint has been portrayed as a failure, with the implication that it discredited the conciliatory approach associated with Frank Lagan.<sup>xxxiii</sup> But although the original agreement on August 20<sup>th</sup> stipulated that the arrangements would last for a month, the practice of not carrying out routine patrols in Creggan and the Bogside and not taking major military initiatives actually persisted for the following three months.<sup>xxxiiii</sup> When the army finally made a break with that policy in late November the new aggressive approach lasted for little over a week before the army effectively reverted to the policy of restraint. Thus, a policy of relative restraint strongly associated with Frank Lagan was still in place in January 1972 with the assent of senior military and political commanders, and the British government.

In light of General Ford’s recorded distrust of Frank Lagan it is important to emphasize Lagan’s close relationships with the army leadership in Derry. Lagan himself said that Bloody Sunday was the first time he found himself in conflict with the army in the city. Hennessey reports this as a simple assertion by Lagan; “It was, according to Lagan, the first occasion he was at variance with the military in Derry over such matters”<sup>xxxiv</sup> but there is extremely strong support for Lagan’s evidence on this point.

When asked at the Saville Inquiry about his relationship with Lagan before Bloody Sunday Brigadier Pat MacLellan, commander of British troops in the city stated:

My relationships with Mr. Lagan at this stage were good, I think. I trusted him and I understood he was in an extremely difficult position, but his advice he gave me was balanced and good, I thought.<sup>xxxv</sup>

MacLellan went on to say that it was only after Bloody Sunday when their respective versions of events differed that his view changed. He described how he met with Lagan virtually every day in the months leading up to Bloody Sunday and virtually all of his statements about army policy in 1971 and 1972 place him far closer to Lagan than to General Ford, repeatedly emphasising the need for restraint. MacLellan's remark that "the brigadier before me had been considered soft"<sup>xxxvi</sup> also implicitly aligns Lagan with Brigadier Cowen, MacLellan's predecessor in Derry. Brigade Major Michael Steele, who had served in Derry since July 1970 and who drafted the operational plan for Bloody Sunday, "knew Superintendent Lagan well. I liked him; I thought he was a very good superintendent, but he was...committed to the ...'softly, softly approach"<sup>xxxvii</sup> while Colonel Roy Jackson, chair of the Londonderry Security Committee until late 1971 commended Lagan's "unstinting support...His was an unenviable task, but his advice always demanded respect".<sup>xxxviii</sup>

Lagan aroused anger and concern in some quarters not because he was a marginal figure but because he was a key driver of a policy in Derry which placed a heavy emphasis on the need to avoid deepening Catholic alienation. It is only when we re-align Lagan with senior military commanders in Derry and with British government policy in Derry that we can fully appreciate the significance of the efforts he made to avert confrontation on Bloody Sunday, and the significance of the rejection of these efforts by some senior military figures.

## **Repression and restraint**

Existing historical accounts by and large accept the accounts of key military witnesses that present the operation on Bloody Sunday in the context of a more or less unified military anxiety over increasing disorder in Derry.<sup>xxxix</sup> This discussion provides an alternative analysis of shifts in security policy, locating Operation Forecast firmly within the context of an intense internal struggle to shape policy. In the face of the escalating violence sparked by Internment in August 1971 there was a significant shift in British government policy on Northern Ireland on 6 October 1971 when British Prime Minister Edward Heath told a meeting of GEN 47, the cabinet committee on Northern Ireland, that the priority now was the 'defeat of the gunmen using military

means, and in achieving this we should have to accept whatever political penalties were inevitable.’<sup>xli</sup>

In the wake of this decision the Commander Land Forces (henceforth CLF), Major-General Robert Ford issued a new operational directive on 26th October 1971. As CLF Ford was in charge of day-to-day operations in Northern Ireland but had no remit to deal with policy issues which were the preserve of General Tuzo, the GOC. Ford instructed local commanders in Derry to ‘progressively impose the rule of law’ in Free Derry, and to resume patrols in the area, that is, to end the policy of restraint in place since August 1971. These measures were not actually implemented until December 3<sup>rd</sup> when the army launched a series of major operations in Free Derry after additional troops had been made available. A week later they stopped the raids and reverted to a policy of relative restraint.<sup>xli</sup> Brigadier MacLellan explained why in his evidence to the Bloody Sunday Inquiry:

They were not a success because they created a more intense situation at a time when we were trying to not stir up matters or to harass people.<sup>xlii</sup>

The decision to stop the raids was later endorsed at higher levels but originated with MacLellan. According to MacLellan, when General Ford visited Derry in the days after the last of these raids “the problems” were “...pointed out to him... and he agreed that his directive, which he issued to me when he arrived, should be modified, pro tem [for the time being]”.<sup>xliii</sup> It is reasonable to assume that advice from Frank Lagan was decisive in MacLellan’s decision to suspend the raids. After this visit Ford decided to write a ‘Military Appreciation of the Situation for future Military Policy for Londonderry’ for General Tuzo. Ford apparently wrote the ‘appreciation’ on his own initiative, not in response to a request, and after MacLellan had brought an end to the raids.<sup>xliv</sup> In General Ford’s statement to the Saville Inquiry he presents the return to a policy of relative restraint as the product of this ‘appreciation’, a characterisation accepted by Hennessey.<sup>xlv</sup> But is not at all clear that this is the case. The return to restraint originates with MacLellan’s assessment of the situation locally. The ‘appreciation’ was Ford’s contribution to the ensuing discussion but decisions made as a result of MacLellan’s recommendations did not fully reflect the preferences expressed by Ford in his appreciation. Rather than a policy shift proposed by General

Ford, it was a shift to renewed restraint originating with MacLellan, and Lagan, a shift that Ford sought to modify by recommending continued high levels of pressure.

A few days later, on December 14<sup>th</sup>, the Home Secretary, Reginald Maudling met with General Tuzo and other senior officers at HQNI in Lisburn, including General Ford. Notes of the meeting recorded that Tuzo said that:

The position in Londonderry had reached a point where a choice had to be made between accepting that Creggan and Bogside were areas where the Army were not able to go, except on specific information or to mount a major operation which would take 10 days and require seven battalions and which would involve at some stage shooting at unarmed civilians. It became clear that the Army preferred the first course but wanted to make it clear it entailed accepting criticism of allowing no-go areas. The Home Secretary said that he had no doubt that the military judgment was right and that it would be wrong to provoke a major confrontation at this stage.<sup>xlvi</sup>

That is, Tuzo requested that the British government accept “that Creggan and Bogside were areas where the Army were not able to go, except on specific information” and that the politicians steel themselves to resist the inevitable Unionist pressure that would result. It was effectively a reversion to the policy of relative restraint initiated in August. General Ford’s ‘appreciation’ is dated the same day and it appears to have informed Tuzo’s comments but Tuzo emphasizes the choice between restraint and a major operation, without any reference to the argument in Ford’s ‘appreciation’ that there should still be ‘a much more offensive attitude than in recent months’.<sup>xlvii</sup> In his ‘appreciation’ Ford outlined in detail the kind of measures he had in mind, “sniping with every available aid from our present position on the periphery, recce and fighting patrols, ambush arrest and search operations, whenever intelligence justified them... There would be constant patrolling in the Bogside and to a lesser extent in the Creggan, where larger forces would have to be deployed”. He referred to this approach as “course one’ (the least aggressive of three courses he considered). These notes do not indicate that Tuzo placed any great emphasis on the proposal by Ford to maintain intense activity in the no-go areas.

Tuzo’s recommendation of December 14<sup>th</sup> and Maudling’s assent to it represent an endorsement of the decision made on the ground in Derry to end operations on

December 10<sup>th</sup>, a policy shift originating with MacLellan rather than Ford.

A few days later, on December 17<sup>th</sup> the Chief of the General Staff (henceforth CGS), Lord Carver visited Derry and was advised by MacLellan that the raids had alienated the Catholic population locally. As CGS, Carver was the crucial link between the army in Northern Ireland and the British Government, as the military representative in cabinet discussions on Northern Ireland. MacLellan did refer to the courses of action outlined in Ford's 'appreciation' and mentioned ways they might maintain pressure that drew on Ford's appreciation, discussing 'quick lifts, searches in Bogside, possibly Creggan if hard intelligence, recce platoons, small fighting later? [sic], ambushes etc, shoot gunmen and follow up'. These measures overlap with but don't coincide with the measures suggested by Ford and can be seen as a response to Ford's suggestion that pressure be maintained. They don't alter the fact that the thrust of MacLellan's advice was to return to restraint.<sup>xlviii</sup> On December 20<sup>th</sup> Carver told the Secretary of State for Defence, Lord Carrington: "I recommend, as does the GOC and the Brigade Commander, that we adopt a policy of rather less provocative activity than of recent weeks, although higher than the "low profile" attitude adopted in September and October."<sup>xlix</sup> The proposal is presented as a recommendation of MacLellan, Tuzo and Carver without any mention of Ford, a peculiar omission if indeed he was the author of this policy shift. Once again there is no mention of 'course one' or of Ford's 'appreciation' as the formal basis for government policy. The reference here to a 'higher' profile than that adopted previously is best interpreted as support for MacLellan's advice to return to restraint, modified slightly to accommodate Ford's urging that they maintain a "much more aggressive policy". The dominant thrust of the policy change was in the direction of restraint and the reference to 'higher' activity did not constitute strong pressure on the local commander to be more aggressive. Ford's appreciation was a contribution to the discussion. It did not have the status of an operational order and therefore did not constitute a set of directions to MacLellan. This policy shift clearly mandated renewed restraint and left detailed decisions in the hand of the local commander on whose initiative this shift had been made.

The post of CLF had been newly created in 1970 to remove the burden of direct operational decision-making from the GOC but it was an awkward division of labour.

The CGS, Lord Carver commented that:

It is always difficult to find a role for a deputy [the CLF] ... You either give commands directly to the brigadiers or to the chief of staff and this created difficulty for the brigadiers, Tuzo himself and also for General Ford. If the brigadiers wanted to clarify orders, there could be indecisions as to whether they should contact the chief of staff or General Ford. I was never particularly happy with the post of deputy because of the doubt it could create.<sup>1</sup>

Given that the CLF did not have any policy remit it was entirely appropriate that MacLellan should provide advice directly to the GOC and the CGS, to the policy-making layer, rather than to his direct operational superior. But it does raise the possibility that the CLF might consider that his operational orders had been effectively reversed by a subordinate officer who had gone over his head.

Both Maudling and Carrington accepted the advice of Tuzo and Carver. Government endorsement of the new policy was expressed in the minutes of the cabinet committee on Northern Ireland meeting on 5 January, 1972.

The Defence Secretary had agreed that the Bogside and Creggan areas should only be entered by troops on specific information and for a minimum of routine patrolling.<sup>ii</sup>

In this formulation little trace remains of the need for a 'higher' profile, reflecting the fact that the general thrust of this decision was to restrain security force action significantly in Derry. It doesn't fit well with Ford's 'Course one' recommendation for 'constant patrolling in the Bogside and...Creggan'. By halting major operations and advising a reversion to a more conciliatory approach, local security force commanders in Derry had pushed the issue all the way back up the chain of command to cabinet level, to secure a reversal of Government policy in Derry just weeks before Bloody Sunday.

On 7 January 1972 General Ford made another trip to Derry. In a 'personal and confidential' memo to General Tuzo Ford wrote: 'I was disturbed by the attitude of both the Brigade Commander [Brigadier Pat MacLellan] and the Battalion



Commander, and also, of course, by Chief Superintendent Lagan'. Less than 48 hours before this, the cabinet committee on Northern Ireland had formally endorsed a renewed policy of restraint in Derry clearly associated with MacLellan and Lagan.

If we take Ford as the author of the late December 1971 policy shift to renewed restraint, his anger at restraint in Derry on January 7 is bewildering. Colonel Ferguson, a senior officer present at the meeting, later told a fellow officer that he made precisely this point when Ford asked why they were not pursuing rioters and bombers into the Bogside. He said that he told Ford that they were not permitted to enter the no-go areas "because of orders issued under his (Ford's) authority".<sup>lii</sup> If however, we interpret the return to restraint as originating with MacLellan, informed by Lagan, and to a certain degree bypassing Ford, General Ford's dissatisfaction with that policy only a few weeks later becomes much more comprehensible. Rather than a unified military increasingly anxious at the disorder in the city<sup>liii</sup> we have a local leadership, deliberately restraining action with cabinet endorsement, pitted against an increasingly dissatisfied CLF who in turn is surrounded by other military voices similarly discontented with the restraint in Derry. On MacLellan's part, it must have been a shock to discover that even endorsement at cabinet level was not sufficient to insulate him against demands for more aggressive action from the CLF.

In the same memo General Ford wrote 'I am coming to the conclusion that the minimum force necessary to achieve a restoration of law and order is to shoot selected ring leaders amongst the DYH [Derry Young Hooligans]'. These comments present a picture of a General not only dissatisfied with local commanders, but also well to the right of his direct military superiors, Generals Tuzo and Carver, out of sympathy with the recent Government decision to restrain action in the city, and seriously considering action that was illegal. Hennessey minimizes the significance of this note, characterizing it as a proposal to 'stimulate some debate'.<sup>liv</sup> By contrast, a former senior Foreign and Commonwealth Office official testifying at the Saville Inquiry opined that if UK Representative Howard Smith had been presented with the suggestion to shoot rioters "his first move would be to take Tuzo outside and say, "Have you gone mad?"<sup>lv</sup>

Although Bew notes a tone of “increasing strain or internal tension in military comment” on Derry he doesn’t develop the latter point. He relies primarily on Ford’s assessment of Jan 7, and on a military document written after Bloody Sunday to argue that by early January the army felt “that that they were losing control over public order in Derry” and “viewed the situation as increasingly intolerable and one which demanded rectification”.<sup>lvi</sup>

But two weeks after Ford’s visit, on January 20<sup>th</sup>, Lord Carver reported to the cabinet committee on Northern Ireland that “the number of shooting incidents and explosions in Belfast and Londonderry was down and that there had been an encouraging number of arrests of IRA officers.”<sup>lvii</sup> At the Joint Security Committee meeting on the same day<sup>lviii</sup> the minutes record that “Hooligan activity in Londonderry was a continuing worry. The GOC [Tuzo] said the Army were dealing with the problem as best they could... Their operations in the City against the IRA have been very successful of late- 50 gunmen killed or injured during the last 2 months - and they would aim to maintain this rate of attrition”.<sup>lix</sup>

Neither of the two most senior military figures was arguing that the situation in Derry was “increasingly intolerable”. It was represented as either stable or improving (“number of shooting incidents and explosions... down” “operations... very successful of late”). Both documents suggest continuing military support for the policy of relative restraint in Derry. The JSC minutes suggest that Tuzo was responding to the observation that “Hooligan activity in Londonderry was a continuing worry” by emphasizing that they were doing as much as they could and would maintain their current approach (“maintain this rate of attrition”). They present a picture of Tuzo staving off Unionist pressure for tougher action in Derry as he had been doing for months past.

Much evidence has emerged in recent years of the dissatisfaction felt by some senior military commanders in Northern Ireland with the policy of restraint that obtained in Derry in late 1971 and early 1972. This evidence associates commanders including Brigadier Kitson in Belfast,<sup>lx</sup> Colonel Wilford of the Paras<sup>lxi</sup> and General Robert Ford with a generalised dissatisfaction in the military with the level of restraint. This tendency within the military was closely attuned with Unionist outrage at the

continued existence of no-go areas. Unlike Tuzo and Carver, Ford had backed the introduction of Internment and had ‘never really agreed’ with the policy of restraint that Tuzo and Howard Smith had agreed to in Derry in August 1971. Interviewed in 1984, General Ford remarked of late 1971 that ‘There was a lot of pressure from Stormont to take tough action and I agreed with that.’<sup>lxii</sup> This despite the fact that other senior military figures were determinedly resisting such pressure at the same time. In the same interview Ford mentioned that he ‘hated every minute’ of the Low Profile policy subsequently adopted by the British government in the wake of Direct Rule in March 1972 in order to regain Catholic support.<sup>lxiii</sup> These comments align Ford with a broader dissatisfaction in some sections of the military not only with the approach of local commanders in Derry but with the level of restraint imposed by the British Government.

### **Planning Operation Forecast**

In the context of this dissatisfaction with the policy of restraint in Derry the sequence of events around the subsequent planning for the march is suggestive. Frank Lagan met Brigadier MacLellan on the Monday before the civil rights march and proposed that the march be allowed to proceed to its destination in the city centre in order to reduce the risks of violent confrontation. In a message to General Ford that evening MacLellan described Lagan’s view that confrontation around the march would ‘...shatter such peace as is left in the city; create intense violence and remove last vestiges of moderate goodwill’ and stated that ‘I agree that consequences of stopping march will be very serious and reckon that my present permanent force levels almost certainly inadequate if we are to face situation Lagan envisages.’<sup>lxiv</sup>

Given that General Ford had recently stated that he was ‘disturbed’ at the approach of MacLellan and Lagan it seems reasonable to assume that this message added to his sense of disturbance. MacLellan was conveying Lagan’s proposal without adding any hint of disagreement.

Hennessey argues that Lagan was isolated in his proposal to allow the march to proceed to its destination. He argues that of the four key figures involved in this decision (including RUC Chief Constable Graham Shillington), Lagan was the only

one in favour of permitting the march to proceed.<sup>lxv</sup> There is little question that the bulk of senior security and political figures agreed that the march should be stopped, but General Ford directed MacLellan to draw up a plan to stop the march without even informing Shillington, never mind consulting with him. And aligning MacLellan with Ford as an advocate of stopping the march is not sustainable. At the very least, he was positioned uncomfortably between Lagan and Ford on this issue. The evidence we have provides strong support for the view that he aligned himself as closely as reasonably possible with Lagan, given his awareness of Ford's discontent with the strategy of restraint in Derry. While Hennessey positions Lagan as the only dissenter of four, we might more convincingly position Lagan alongside a tentatively supportive MacLellan in direct opposition to General Ford, with Shillington having no influence on Ford's instruction to MacLellan to stop the march.

There has been an unwarranted emphasis on the conflicting opinions over blocking the march, as though this were the only alternative to sending the Paras into the Bogside. The debate on whether or not to allow the march to proceed to its final destination at Guildhall Square has no necessary relationship with the arrest operation by the Paras. Blocking the march did not necessitate an operation by the Paras, while allowing it through did not preclude such an operation. It is also wrong to define Lagan's approach to Bloody Sunday by this single suggestion. Given that Lagan subsequently urged the march organisers to cancel the march or at least comply with their exclusion from the city centre one might just as easily represent Lagan as a central and crucial figure working to enforce the ban. What unites Lagan's suggestion that the march be allowed through, and his subsequent efforts to ensure that the marchers not attempt to make it through, was his persistent focus on averting confrontation. And in this emphasis on averting confrontation Lagan was clearly aligned with MacLellan and with other senior military commanders in Derry, and clearly separated from General Ford and other senior commanders based in Belfast. Senior figures in the security forces who were neither isolated nor peripheral were seeking to minimise confrontation in relation to the march.

Within hours and perhaps even within minutes of receiving MacLellan's message, General Ford phoned Brigadier Kitson, commander of 39<sup>th</sup> Brigade in Belfast and told him he needed to use 1 Para in Derry on the day of the march. Colonel Wilford, the

commanding officer of I Para, was informed the same evening. Before even speaking to MacLellan, Ford had made arrangements for the Paras, a regiment renowned for their ‘toughness’, to go to Derry on the day of the civil rights march. It seems notable, at the least, that both Kitson and Wilford are recorded as expressing the same kind of opposition to restraint in Derry as General Ford. Ford phoned MacLellan on Tuesday evening<sup>lxvi</sup> and, as MacLellan put it in his statement to the Inquiry, ‘told me that he had decided to use the occasion to scoop up as many hooligans as possible and spoke of arresting 300-400’.<sup>lxvii</sup>

In direct response to a suggestion to do everything possible to avoid confrontation Ford had decided that the day would be used as an opportunity for an arrest operation on a scale the city had never seen before. It seems that the largest number ever arrested previously during a riot in the city was 23 or 27.<sup>lxviii</sup> The Internment operation in August 1971 had involved the detention of around 340 people across Northern Ireland and had provoked an immediate and spectacular intensification of violence across Northern Ireland. General Ford now proposed to arrest as many or more people in Derry than had been taken into custody on the night of Internment across the whole of Northern Ireland.

The initiative for the operation was apparently taken by General Ford without any policy decision or any attempt to secure political endorsement in advance. As a stand-alone initiative to send the Paras into Free Derry to arrest three to four hundred people it would have constituted a dramatic breach of the recent government policy decision and a major policy initiative. One local commander in Derry “...wondered who had thought out this deployment: it reflected a change of policy and emphasis on future operations in Londonderry.”<sup>lxix</sup> Bundling this arrest operation in with the operational plan for the day and representing it as an essentially ‘responsive’ measure served to move the decision-making processes around the Paras’ deployment in Derry away from the realm of the political, into the operational. The fact that the operation order did not specify a number to be arrested because local commanders believed the figure was impossibly ambitious does not in any way alter the intent to large-scale confrontation evident in General Ford’s initial directions.

MacLellan was told that he should produce a plan by 8.30 the next morning. After Ford had received the plan on Wednesday morning he phoned and ordered MacLellan and his Brigade Major Michael Steele to come to HQNI by helicopter that afternoon. MacLellan described this meeting in his statement to the Saville inquiry. 'I was given a direct order by General Ford to launch an arrest operation if the soldiers were attacked by the hooligans and he specifically allotted 1 PARA for the task. This was not a matter for debate and there was no discretion as far as I was concerned.'<sup>lxx</sup> When presented with MacLellan's description of the meeting at the Inquiry Ford said 'I would agree with every word'<sup>lxxi</sup>

MacLellan elaborated on his description of this meeting in evidence to the Inquiry. 'As far as I can recall...he was really—this was not a sort of debating association, it was what the army would call an orders group, he would say 'this is what you are going to do, boom, boom, boom.' I think he made about eight or ten points.'<sup>lxxii</sup> The sequence and speed of these events and the tone of the evidence strongly suggest that General Ford was applying major pressure on Brigadier MacLellan to fall in line with a tougher stance ordered by Ford but running counter to the recent policy decision on Derry which had originated in MacLellan's recommendations for restraint.

Some days before Bloody Sunday Lord Carver's military assistant, Lieutenant Colonel David Ramsbotham, told him about a phone call from Peter Welsh, a Derry-based senior officer, expressing disquiet at the deployment of the Paras to Derry for the day of the march. According to Ramsbotham, Carver's response 'was that the question of deployment in Northern Ireland was General Ford's responsibility'<sup>lxxiii</sup> That is, it was an operational decision, rather than a policy decision, and therefore within the remit of the CLF. Because the planned arrest operation had been successfully characterised as a responsive operational decision, measures within the security forces to reduce its impact or to prevent it going ahead were manifested in operational decisions justified on technical grounds or in informal pressure rather than in formal opposition to the initiative.

Thus, after the meeting with General Ford, Brigadier MacLellan and his Brigade Major agreed between themselves that the figure Ford had suggested was impossibly large and that they would not specify a figure in the Operation Order for the day.<sup>lxxiv</sup>

They never sought Ford's direct permission for a change which dramatically reduced the scale of the planned operation. In the operational plans for the day MacLellan and Steele set a tone of restraint for the operation, attempting to steer the operation in the opposite direction to General Ford's plan for a major confrontation.

The major policy divisions evident in the planning of Operation Forecast are also reflected in the detail of decision-making and communication on the day itself. At Brigade headquarters a few miles from the scene on the ground, where MacLellan was consulting with Lagan, the priority of preventing increased Catholic alienation dominated. At the barricades the Paras were in tune with the confrontational intent of the operation devised by General Ford and were 'raring to go'.<sup>lxxv</sup>

Ford himself was behind the barricades with the Paras and urged them on as they surged forward into the Bogside. The sequence of interchanges between the Paras and Brigade headquarters in the thirty minutes preceding the launch of the operation suggest that at every stage the orders given to the Paras by Brigade headquarters were aimed at minimising their role and their impact, eroding the confrontational intent behind the arrest operation. There was a delay in issuing the order, there were explicit limits in the initial order and minutes after they went in the Paras were ordered back.<sup>lxxvi</sup> The interchanges also indicate that the Paras ultimately disobeyed MacLellan's orders and acted contrary to his instructions, as MacLellan acknowledged at the Saville Inquiry after many years of trying to reconcile his orders with the actions of the Paras.<sup>lxxvii</sup> The action the Paras took fitted well with a plan for a major confrontation and there seems little mystery as to why. As Wilford put it "We were an outside battalion brought in but I don't think the RUC and the brigade that were in Londonderry were actually very much on side."<sup>lxxviii</sup> "[They] were not at all happy about what we were being asked to do. I just felt that there was a pacifist sort of attitude".<sup>lxxix</sup> In these circumstances it is unsurprising that attempts by MacLellan to restrain the Paras might be treated as fairly inconsequential. General Ford's presence on the ground reinforced the understanding that the operation enjoyed the direct sanction of the CLF, and was in a sense directed *against* the policy of restraint implemented by local commanders. "That's the trouble with you in Londonderry, you aren't aggressive enough" General Ford commented to a senior local commander after the shootings, when it was clear there had been shooting but before it was clear how

many had died.<sup>lxxx</sup> There seems little doubt that this attitude and understanding, which informed the concept for the operation, had been conveyed to the soldiers on the ground in a variety of ways and provides much of the explanation for the approach they took that day. Given that the local policy of restraint enjoyed direct and recent government sanction, it raises serious questions about the relationship between military and political decision-making in Northern Ireland.

## **Conclusion**

Existing historical accounts of Bloody Sunday treat the killings as the outcome of a more-or-less unified military anxiety at increasing disorder in Derry, combined with unexpected events on the day, presenting the killings as the outcome of essentially responsive actions by the British military. In so doing they lend support to the ‘cock-up’ theory that represents the killings as the outcome of a series of (often understandable) errors of interpretation and communication. They reject the idea that the killings emerged from a high-level plan to carry out a massacre. In so doing they obscure the intensity of the internal struggle to shape security policy in the city, and the extent to which the killings were the outcome of a calculated confrontation planned at a high level and carried out in the face of strong opposition from other elements within the security forces. At the heart of these events is a clearly planned confrontational initiative taken at the highest levels of the military in Northern Ireland. At the very least, a foreseeable likely consequence of the operation was the killing of civilians. If those involved in devising and implementing this confrontation calculated that they could act as they did with impunity, the Widgery tribunal proved their assumptions correct. The British Government may not have planned and approved a massacre in advance, but they sanctioned it in retrospect, even if it prompted them to shift to a much less repressive approach.

The initiative to launch a major arrest operation by 1 Para on the day of a civil rights march in Derry emerged at the intersection between two opposing tendencies within the security forces, each of them able to claim a mandate for their approach from different government policy decisions, still locked in struggle in the last minutes before the Paras moved forward into the Bogside. Ironically, Operation Forecast fulfilled the worst predictions of those who had sought to restrain security force



activity and provided an example of the damaging consequences of a tougher approach. In the short term it shifted the balance decisively away from the advocates of increased repression, although the pendulum would swing back again. It illustrates the way in which policy divisions at the highest level were reflected in struggles to shape the implementation of policy on the ground through the operational decision-making of the security forces. The disjuncture between this confrontational plan and the prior British government decision to restrain action in Derry raises serious questions about the relationship between policy-making and operational decision-making by the military in Northern Ireland, illustrating how a significant policy initiative could be effected through an ostensibly responsive operational decision.

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<sup>i</sup> Heath, *Statement to the Bloody Sunday Inquiry* [henceforth BSI], para. 32.

<sup>ii</sup> Great Britain, *Widgery Report*, Conclusions, para. 8.

<sup>iii</sup> Bew, *Role of the Historical Adviser*; Hennessey, *Evolution of the Troubles*.

<sup>iv</sup> Patterson, *Ireland since 1939*, 218-221; Hennessey, *Evolution of the Troubles*, 32-3 94-5.

<sup>v</sup> Adams, *Before the Dawn*, 180.

<sup>vi</sup> Taylor. *Provos*, 130.

<sup>vii</sup> Clarke, *Closing Submission*, CS-2, section 36.1.

<sup>viii</sup> Bew, *Role of the Historical Adviser*, 120.

<sup>ix</sup> Bew, *Role of the Historical Adviser*, 124-6; Hennessey, *Evolution of the Troubles*, 277-295.

<sup>x</sup> Hennessey, *Evolution of the Troubles*, 277-280.

<sup>xi</sup> Bew, *Role of the Historical Adviser*, 113.

<sup>xii</sup> Dudley-Edwards. *Real Victim is Truth*; Dudley-Edwards. *Another Bloody Sunday Tragedy*.

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- xiii Ó Dochartaigh, *Civil Rights to Armalites*, 242-3.
- xiv Hamill, *Pig in the Middle*, 85-94; Taylor, *Brits*, 82-94.
- xv Ford, 'Interview with Desmond Hamill'.
- xvi Ford, *Statement to the BSI*, paras. 4.7-4.12.
- xvii *Ibid.*, paras. 5.1-5.8.
- xviii Hennessey, *Evolution of the Troubles*, 262.
- xix Ó Dochartaigh, *Civil Rights to Armalites*, 284-5.
- xx Hennessey, *Evolution of the Troubles*, 256.
- xxi Ó Dochartaigh, *Civil Rights to Armalites*, 284-5.
- xxii MacLellan, *Letter to General Ford*.
- xxiii Bishop and Mallie, *The Provisional IRA*, 124; *Irish Times*, 18 October 1969, 1.
- xxiv Hennessey, *Northern Ireland*, 287-99; Callaghan, *A House Divided*, 126.
- xxv Ryder, *The Fateful Split* 150.
- xxvi Ryder, *The Fateful Split*, 128-9, 131.
- xxvii McCullagh, *Evidence to the BSI*, ts232.
- xxviii *Derry Journal*, 10 July 1970, 15.
- xxix Ó Dochartaigh, *Civil Rights to Armalites*, 271-2.
- xxx Ford, *Evidence to the BSI*, ts253, 2002.
- xxxi *Londonderry Sentinel*, 1 September 1971, 1.
- xxxii Ford, *Statement to the BSI*, para. 3.12.
- xxxiii Ford, *Future military policy*, para 4.
- xxxiv Hennessey, *Evolution of the Troubles*, 255.
- xxxv MacLellan, *Evidence to the BSI*, ts261.
- xxxvi MacLellan, *Interview with Desmond Hamill*.
- xxxvii Steele, *Evidence to the BSI*, ts266.
- xxxviii Jackson, *Supplemental statement to the BSI*, Para. 8.
- xxxix Bew, *Role of the Historical Adviser*, 121; Hennessey, *Evolution of the Troubles*, 240-244.
- xl Gen 47 minutes cited in Clarke, *Closing Submission*, CS-2, para. 19.1.
- xli Ford, *Statement to the BSI*, para. 3.31, citing a report by the Chief of the General Staff.
- xlii MacLellan, *Evidence to the BSI*, ts263.
- xliii *Ibid.*
- xliv Ford, *Statement to the BSI*, paras. 3.28, 3.29.
- xlv Hennessey, *Evolution of the Troubles*, 241-242.
- xlvi Clarke, *Closing Submission*, CS-2, para 35.1.
- xlvii Ford, *Future military policy*, para 9.
- xlviii Clarke, *Closing Submission*, CS-2, paras 35.6
- xliv *Ibid.*, para 35.8
- <sup>1</sup> Carver, *Statement to the BSI*, para. 27.
- <sup>li</sup> *Ibid.*, para 36.1.
- <sup>lii</sup> Inq 406, *Statement to the BSI*, para. 12.
- <sup>liii</sup> Bew, *Role of the Historical Adviser*, 121.
- <sup>liv</sup> Hennessey, *Evolution of the Troubles*, 244-45.
- <sup>lv</sup> White, *Evidence to the BSI*, TS269.
- <sup>lvi</sup> Bew, *Role of the Historical Adviser*, 121, 123.
- <sup>lvii</sup> As Clarke summarises it, Clarke, *Closing Submission*, CS-2, 63.4
- <sup>lviii</sup> Weekly JSC meetings brought together the senior British and Northern Irish security and political figures.

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- lix Clarke, *Closing Submission*, CS-2, 64.3.
- lx Ford, *Interview with Desmond Hamill*.
- lxi Taylor, *Provos*, 115.
- lxii Ford, *Interview with Desmond Hamill*.
- lxiii Ibid.
- lxiv Cited in MacLellan, *Evidence to the BSI*, ts261.
- lxv Hennessey, *Evolution of the Troubles*, 254-256
- lxvi Ford, *Statement to the BSI*, para. 7.13.
- lxvii MacLellan, *Statement to the BSI*, paras. 32-33.
- lxviii Clarke, *Closing Submission*, CS-2, paras 3.1.7, 23.14.
- lxix Jackson, *Statement to the BSI*, para 37.
- lxx MacLellan, *Statement to the BSI*, para. 36.
- lxxi Ford, *Evidence to the BSI*, ts257, 2002.
- lxxii MacLellan, *Evidence to the BSI*, ts261, 2002.
- lxxiii Ramsbotham, *Statement to the BSI*, para. 22.
- lxxiv Steele, *Statement to the BSI*, para 14.
- lxxv Clarke, *Closing Submission*, CS-3, para. 7.10.
- lxxvi Ibid., CS-3, paras 1.11 (iii), 7.5.1, 7.6, 7.10 and sections 6.4-6.6, 8.1.
- lxxvii MacLellan, *Evidence to the BSI*, ts263.
- lxxviii Channel 4 News transcript, 1997/98: extracts relating to Derek Wilford.  
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- lxxix Cited in Wilford, *Evidence to the BSI*, ts312. Wilford distanced himself from these earlier comments in his evidence.
- lxxx Ferguson, *Statement to the BSI*, para 96.