

Former British Prime Minister Edward Heath gives evidence to Bloody Sunday tribunal

Steve James**18 February 2003**

Former Conservative British Prime Minister Edward Heath gave evidence to the Saville Tribunal hearings into the 1972 Bloody Sunday massacre in Derry, Northern Ireland, in which 13 people were murdered by the British Army.

Heath gave evidence for 11 days in January. His appearance was only the second occasion in which a prime minister had been hauled before such a legal tribunal to account for his actions in power. Although the tribunal was set up as part of the Good Friday Agreement to ease the integration of Sinn Fein into the top echelons of Northern Ireland politics, it has accumulated a huge amount of data on the massacre.

As with all the media reporting of the Saville Tribunal, Heath's appearance was briefly and superficially reported in the press then quickly dropped. Most commentary focussed on the theatrical character of the occasion. It was held in Westminster's Methodist Central Hall, with the 86-year-old Tory grandee pitting his years of political guile and sulking bad temper against the lawyers representing families of those killed.

Throughout his appearance, Heath insisted that he had no knowledge of preparations to violently suppress the civil rights demonstration planned for January 30, 1972. He, the tribunal was invited to consider, was concerned solely for the well being of all the participants. His intentions throughout were to reduce the political temperature in Northern Ireland. He had no knowledge of discussions amongst the top army brass to shoot unarmed demonstrators, no inkling of any plans to use the notorious 1st Battalion of the Parachute Regiment for an arrest operation, no clue as to the army's intention to send troops into the Bogside area of Derry—then a “no go” area—and no explanation for why 14 people were killed. On the evening of 30 January, Heath pointed out that he was entertaining the crew of his yacht and was thoroughly shocked by the news emerging over the course of that evening from Derry.

Heath stuck to this line regardless of the deep contradictions that emerged between his alternately stonewalling, blustering, attempts at self justification, frequently absurd evidence and the objective record of a mass of discussions and decisions obtained by the tribunal from state papers, interviews, and statements from numerous participants in events.

The tone was set by an initial discussion between Heath and Christopher Clarke, a counsel for the tribunal. Clarke wanted

more information on Heath's attitude to comments made in 1971 by the then British Lord Chancellor, Quinton Hogg, later Lord Hailsham. Hailsham was quoted by the British Army's Chief of Staff, Lord Carver, in a 1994 TV interview as having proposed in a 1971 cabinet committee (GEN47) meeting of the British government that unarmed people obstructing the British Army in Northern Ireland were enemies of the Crown and should be liable to being shot. According to Heath, this was simply one of Hailsham's outbursts, and “at the time people said ‘well, that was Quinton’ and ... we took no notice at all.” Heath refused to be drawn into examining the impact of Hailsham's views on the army.

Clarke also drew attention to Heath's requests for reports on what would be the implications of seeking a purely military solution in Northern Ireland. Heath's policy at the time was to prop up the Protestant Ulster Unionist Northern Ireland government in Stormont led by Northern Ireland Prime Minister Brian Faulkner, pending a new settlement involving some sort of power-sharing with the Catholic population. Part of this strategy required the brutal repression of civil rights marches, the internment without trial of hundreds of people suspected of being associated with the IRA, many of whom were tortured, and increased military pressure on the nationalist Irish Republican Army.

During the autumn of 1971 Faulkner requested more troops and an offensive against the IRA, particularly in Derry, in the Bogside and the Creggan. Around this time, General Robert Ford, the Commander of Land Forces in Northern Ireland, drew up proposals for members of the “Derry Young Hooligans”—Catholic youth who regularly confronted armed soldiers and armoured cars with petrol bombs and stones—to be shot. Heath denied he ever saw the document, despite it being issued to Ford's superior, General Harry Tuzo, and despite Heath's requests to consider all the options.

When pressed by lawyer Michael Lavery as to what he would have thought had he seen Ford's document, Heath refused to answer a “hypothetical” question. Asked why Ford was not drummed out of the British Army Heath retorted, “I am not responsible for discipline in the British Army.” He refused to explain why no-one in the British Army has ever been brought to account for Bloody Sunday, either for murder, or for

breaking the army regulations covering the use of weapons—the Yellow Card.

Throughout his evidence Heath insisted that day to day operational control of the army, including all aspects of its planning for the 30 January march, was in the hands of the military themselves. He would not expect to have been told of any aspect of their preparations. But considerable detail emerged to contradict this. For example, on 27 January, a telex was sent from Heath's press secretary, Donald Maitland stating, "this morning ministers discussed the public relations aspects of the coming weekend's marches and particularly Sunday's in Londonderry." The telex went on to call for maximum TV coverage to be organised at the point where the march was broken up and arrests made. The next day, Maitland sent another telex to Belfast asking for a public statement to be issued prior to the march.

This warned:

(A) All responsible citizens of Londonderry should keep off the streets

(B) The Security Forces will use minimum force

(C) The Security Forces will take the measures which the tactical situation requires

(D) They will do everything possible to minimise inconvenience to peaceful citizens.

The purpose of the chilling statement was to "prepare public opinion here and in Northern Ireland for violent scenes on TV following the march." Asked to explain whether there was any discussion in the GEN47 cabinet committee on the use of guns against demonstrators, Heath's memory failed him.

Simultaneous with the GEN47 discussion was a meeting of the Joint Security Committee in Belfast. The minutes of this meeting noted that the army intended to stop the civil rights march and "the operation might will develop into rioting and even a shooting war." Heath denied he had any knowledge of this.

A transcript of a phone call between Heath and Irish premier, Jack Lynch, was read. In the call, Heath claims, in the face of Lynch's protests about the massacre, that the fault lay with the people who "deliberately organised this march, in circumstances which we all know, in which the IRA were bound to intervene...." Heath calls on Lynch to condemn the organisers. The significance of Heath's remark that the IRA were bound to intervene flies in the face of his assertion that he knew nothing of plans for the day, nor of discussion held amongst the army top brass of a shooting war. Half way through his testimony, more cabinet papers were released including a handwritten manuscript which noted Lord Carver as informing GEN47, with Heath present, that the IRA will seek "max publicity" and this may provoke a Protestant counter action. Heath also approved the Army's plans to deal with the march and warned that "NICRA [the Northern Ireland Civil Rights Association] were being taken over by IRA and hooligans."

The IRA did not intervene on the day, nor had they a practice of using large demonstrations as cover. Those killed by the army were for the next two decades routinely and falsely accused by the British government of being IRA members until Tory Prime Minister John Major was eventually forced to concede that they were neither armed nor in the IRA.

Information also came to light on the Widgery Inquiry, set up by Heath in the aftermath of Bloody Sunday. This was first discussed on the evening of 30 January. Days later, when appointing Lord Widgery to chair the tribunal, Heath warned him that the morale of the army was at stake, and to remember that a "propaganda war" was being fought. The Widgery Inquiry, pushed through in record time, whitewashed the army and no prosecutions or even criticism emerged from it beyond concern over some "reckless" firing. The government considered giving soldiers immunity from prosecution, but in the end rejected this because, according to a document from 5 February, and in the words of Lord Carver, "there was little danger of a soldier being prosecuted anyway." Heath denied that immunity from prosecution was government policy. Pressed on whether a prosecution for murder would be bad for morale, Heath simply noted that murder was a crime that would be dealt with by army regulations.

To expose the implausibility of Heath's stated lack of knowledge of any preparations for Bloody Sunday, counsel Michael Lavery introduced a 1983 interview between General Ford and a journalist, Desmond Hammill. Ford was asked about plans in 1972 for Operation Motorman, the seizure of the "no-go" areas which eventually went ahead in July 1972. Ford described briefing Heath, William Whitelaw, Lord Carrington, Lord Carver and General Tuzo. According to Ford, Heath asked him how many casualties were expected. Ford realised he had no idea, but claimed that there might well be up to one hundred dead and wounded. Heath authorised the operation. Asked for recollections of the discussion, Heath, predictably, had none.

In the end, perhaps the most convincing pointer to the direct responsibility borne by the Heath administration is the lack of any prosecutions or disciplinary action, even now, 31 years after the event, of any soldier, or general, directly involved in Bloody Sunday. Every one of them is well aware that they have the defence that they were acting under orders, and any prosecutions would trigger a mass of revelations that would be as politically damaging for the current Labour government as they would be for the Conservative party that was then in power.



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