

5. 'Is There any Justice Left in this Country?' The IRA on Trial in the 1970s

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5.1. Introduction

In the course of their long-standing struggle for independence, Irish Republicans have become well aware of the performative power of trials. The rebellion of 1803, for instance, is best remembered not for its somewhat farcical military exploits, but for the speech given by its leader Robert Emmet after his conviction. Indeed, statements delivered by Irish defendants in the courts became a key mobilising tool for nationalists in the nineteenth century. This is attested to by the popularity of publications like *Speeches from the Dock*, first published in 1867, which contained arguments made in court by men like Wolfe Tone, the leader of the first Republican uprising in 1798, up to those who had been involved in the Fenian rebellion in the year of publication. The influence of these speeches on the formation of the Irish Republican Army (IRA) in 1913 was acknowledged by one of the first IRA leaders.¹

Speeches by imprisoned leaders declined in significance in the twentieth century, but court cases and the imprisonment of IRA activists did not. The outcome of some IRA campaigns, beginning with the execution of the leaders of the 1916 rebellion, had a substantial impact on society. After southern Ireland gained independence following a guerrilla war in 1920–1921, the IRA was involved in further violence during the short-lived but vicious civil war of 1922–1923, and in low-key campaigns against Britain and Northern Ireland between 1939 and 1944 and from 1956 to 1962. After the IRA acknowledged in 1962 that the Border Campaign had failed it shifted to a peaceful strategy in conjunction with a quest for civil rights engaged in by large sections of the Catholic population in the North. However, this generated such extreme anxiety among Protestants that at the end of the 1960s communal violence erupted, threatening to lead to a civil war. In these circumstances, the IRA was called upon to help protect Catholic neighbourhoods against attacks from Protestant civilians. A section of the IRA that responded to this call set up the Provisional IRA in December 1969, leading to a long period of conflict lasting to the end of the century.

At the same time as the formation of the Provisionals, British troops were brought out onto the streets of Northern Ireland to prevent further escalation. They helped to bring relative safety to Catholic areas, but conflict now developed between the IRA and the British army. In 1971 the IRA convinced itself that it could force the British to leave Northern Ireland by military means, and turned to a confrontational strategy. Thanks to the militarisation of the conflict by both sides, 1972 became the most violent year of 'The Troubles', with hundreds of bombs exploding in Northern Ireland and thousands of shooting incidents. To put a stop to this, peace negotiations between the IRA and the Secretary of State for Northern Ireland were held in the summer of 1972, but these failed over IRA demands for British withdrawal. When the desired results did not materialise, the IRA extended its activities to Great Britain's mainland, where car and parcel bombs became frequent occurrences from 1973 onwards. This offensive continued until 1975, when a cease-fire (which lasted from February 1975 until January 1976) initiated the turn to the so-called Long War strategy. The willingness of the British government to remain in Northern Ireland, the IRA now thought, could be undermined by sustained low-intensity violence. This soon created a deadlock, with neither side making substantial progress. Eventually this gave rise to the peace process which culminated in the Good Friday Agreement of 1998. Throughout this period, the survival of the IRA was dependent on the support it received from nationalists in Northern Ireland as well as in the Republic of Ireland. In the Republic the dominant ideology favoured a united Ireland, but an overwhelming majority of citizens were against the methods used by the Provisionals. An important element in generating and maintaining public support for them was the plight of prisoners. Their willingness to suffer for the shared ideal of a united Ireland, which came particularly sharply in focus during court cases, was able to mobilise many.

The four court cases investigated in this chapter, held against the backdrop of the Troubles of the early 1970s, represent conditions in the three jurisdictions involved in the conflict: Northern Ireland, England and the Republic of Ireland.

- (i) the trial of two leading Belfast Republicans, William McKee and Francis Card, which took place in Northern Ireland on 16 May 1971;
- (ii) the case of the chief of staff of the IRA, Sean MacStiofáin, in Dublin on 24–25 November 1972;
- (iii) the case against ten IRA operatives from Belfast responsible for the first London bombings in the Provisionals' campaign, which was held in Winchester from 10 September to 14 November 1973;

- (iv) the case of Bobby Sands, who was tried in Belfast on 8 September 1977, following the introduction in Northern Ireland of the Diplock courts system, which replaced jury trials.

Apart from the last case, these trials generated substantial media attention, and on occasion controversy and debate. This applied in particular to the cases against MacStiofáin and the 'Belfast Ten'. The former signalled the start of a confrontational policy of the southern authorities vis-à-vis the Provisional IRA, after a period when they had been essentially left alone. The trial of the Belfast Ten struck a raw nerve as the first major trial against IRA members in England. Far less attention was paid to cases tried in Northern Ireland, where the scale of violence was so vast that the impact of any one trial was relatively minor. The case against McKee and Card was an exception, in that it witnessed a change in policy by the authorities, a deliberate attempt to use the legal system to lock up known leaders of the IRA. The impact of this trial was augmented when the defendants went on a hunger strike, as all the other condemned Republicans in the cases under scrutiny here eventually did. The trial of prominent hunger striker Bobby Sands was chosen to serve as an example of how the Diplock courts, introduced in 1973, reduced the public impact of IRA trials in the North.

The performative power of these trials will be assessed according to the framework provided in this volume's theoretical chapters in the introduction and the conclusion by Beatrice de Graaf (and Liesbeth van der Heide). Trials are here seen as a stage where the different actors adopt and act out strategies with the aim of convincing their target audience(s) in and outside the courtroom of their narrative of (in)justice. Particular attention is paid to the way in which the various parties framed their positions and those of the opposing parties, as well as to the relative success of these attempts in convincing the general public. The focus lies not only on the intentions of those involved but also on effects on the ground. It will therefore look into proceedings during the trials as well as at the reactions of politicians and the general public in Northern Ireland, the Republic of Ireland and Great Britain. The analysis is based primarily on newspaper reports and parliamentary debates during and after the arrests and trials. The underlying premise is that a performative strategy that fails to make it into the public arena lacks resonance in society and can therefore be largely discounted. An attendant circumstance is that there is very little other source material on the trials, as proceedings were generally not recorded verbatim. The newspapers used for this chapter were chosen from among those searchable on the Internet. Within the Irish Republic the choice fell on the middle-class and traditionally slightly

Unionist *Irish Times*; the nationalist *Irish Press*; the more populist *Irish Independent* and *Sunday Independent*; and a number of provincial newspapers.² Those in Britain included the middle-class, fairly non-partisan *Observer* and the left-leaning *Guardian*. To gain insight into the Republican perspective, the hardcopy files of the southern-based weekly *An Phoblacht* and the northern-based *Republican News* were also consulted.

5.2. The Trial of William McKee and Francis Card (1971)

The first case pertains to William McKee and Francis Card, who were arrested after a car chase in Belfast on 14 April 1971. Both were known leaders of the Belfast IRA and they seem to have been targeted for arrest. McKee was commanding officer of the Belfast Brigade and Card was in charge of propaganda in the city, having previously served 13 years in detention. According to the *Irish Times*, they had been challenged in recent months by the British army to state whether they were in fact members of the Provisionals. As this was not the first arrest of known Republicans in unclear circumstances, the newspaper reported that there was much talk in Republican areas that the security forces

were carrying out a policy of virtual internment: they were arresting known suspects and holding them, thereby hoping to capture the ringleaders of the Provisional I.R.A. [...] Certainly the absence of any major outbreak of I.R.A. activity against the troops could suggest that this policy is working and the arrest of Card and McKee could be seen as further evidence of this policy in action.³

The openly pro-IRA *Republican News*, one of the few other papers that reported on the case, paid no attention to the reasons for the arrest itself but highlighted the subsequent raid on the home of Pronnsias McAirt, as Francis Card called himself in an attempt to show his commitment to a Gaelic Ireland. They painted a picture of police brutality by printing photographs of his house and saying that it had been ‘violated’ in a raid executed with ‘force of military jack-boots and padded shoulders and of course rifle butts’. As the *Republican News* put it, the ‘assault on privacy clearly shows that we, the Nationalist people of the North, can expect no regard to our lives, limbs or property, by these monsters. No house in any Nationalist area is exempt from this brutal and hideous treatment.’⁴

At the remand hearing, Card was presented as a 47-year-old unemployed clerk and McKee as a 49-year-old unemployed labourer. Together with Bernard Burns, a

shop owner of 33 who had driven the car and had been arrested with them, they were charged with unlawful possession of an explosive substance and a loaded firearm.⁵ The three men were remanded in custody repeatedly, each period lasting a week before a next hearing was held, until their trial two months later. During one of the remand hearings, Burns, who was only a minor figure in the IRA, was released due to lack of evidence.⁶ In the run-up to the actual trial, the charges against McKee and Card were modified; they were now accused of possession of a .45 revolver and one round of ammunition with intent to endanger life; possessing them under suspicious circumstances and without a licence; and having a stolen car and driving it knowingly. Card faced additional charges because he was serving a suspended sentence, and for possessing documents found in his home relating to the republican party, Sinn Féin, and the IRA. During the trial it became clear that the arrest of the two men took place after they were seen visiting a house in Belfast that was under police observation. The car in which they travelled was halted after they left the house, upon which they reversed direction and eventually fled on foot. During the pursuit they called upon people on the street to block the road to stop the police following them. Some of them did, and the police car was held up temporarily. The escape car was later found a few streets away, empty, with the doors open. When the police tried to investigate it they were forced to withdraw by a threatening crowd. Upon their return with reinforcements they found a revolver under the back seat. There were no fingerprints of the defendants on the gun—or for that matter in the car. What was found, on the gun was a combination of fibres that matched McKee's jacket pocket. However, during the trial the forensic expert agreed with Card that another coat of similar material would have shown the same results.⁷

Apart from some instructions to the jury, there were no reports of specific interventions by the judge in the case, which was conducted in the regular format of the British criminal justice system. Proceedings were overseen by a judge who determined the appropriate measure of punishment. The public prosecutor argued the case against the defendants and lawyers would normally speak in their defence. All of this took place in front of a jury that determined guilt or innocence. In the media, the impression one gets of the prosecution is that it simply presented evidence in court and questioned witnesses. However, the prosecution also emphasised that the defendants had portrayed themselves as leading men in their neighbourhoods, apparently in an attempt to make their conviction more urgent. This was in line with the policy that the *Irish Times* attributed to the authorities. Card was stated to have said during his interrogation, 'No one will say they saw us in that Cortina. We are the leaders in our area.' When asked whether it was the IRA to which he was referring he

did not answer. When McKee was interviewed later he was reported to have said, 'We were up there because we heard there was trouble, so we went to see about it. When there is trouble we organise things and help defend our people.'⁸

The defendants also attempted to influence the way the case was perceived by the outside world. In keeping with the long-standing tradition among Irish Republicans, they refused to recognise the court and consequently rejected any form of legal counsel, nor did they enter a plea after the charges were read. They did, however, defend themselves when they felt it was opportune.⁹ During the remand hearings they tried to undermine the case of the prosecution, playing to a courtroom audience that was apparently generally packed with sympathisers. One simple ploy was to initiate a positive response by waving at the audience, but a more elaborate tactic would involve the ridiculing of witnesses for the prosecution. The court erupted in laughter when Detective Chief Inspector Robert Wilson of the London Metropolitan Police could not recall how many cars the defendants had been driving when caught because he had not been there. The judge threatened to clear the courtroom, instructing the officers to remove one woman who then shouted, 'This is no court!' She was sentenced on the spot to three days' imprisonment for contempt of court, but this punishment was waived after she apologised.¹⁰

In their defence the men tried to brush off the case as a 'frameup' and 'legalised internment'. In the history of the Irish struggle for independence the term 'internment' carried a strong negative ring, implying the exercise of injustice. Tarring the trial with that brush undoubtedly resonated with a large part of the nationalist population in Northern Ireland and the Republic of Ireland. The defendants demanded to know where the gun, which did not have any fingerprints on it, was found. They argued that the fibres on the gun that matched McKee's coat were put on the gun later. McKee stated that it would have been very conspicuous had he carried a gun in his coat pocket: 'No fool would walk about the streets of Belfast with such a gun in an outside pocket', even climbing onto a seat to demonstrate the truth of this statement. Card finished up by dismissing all the evidence connecting him to any of the charges. He denied ever having stated they were leaders in the area and reminded the court that the onus was on the prosecution to prove their guilt, not on them to prove their innocence. McKee concurred, adding for good measure that a critical examination would reveal that there was no case whatsoever.¹¹ The defendants' arguments did not convince jury or judge. Card and McKee were both found guilty and sentenced to five years for the gun-related charges. The judge had instructed the jury to exonerate them of the charges linking them to the stolen car, for which there was no evidence.¹²

Outside the court the portrayal of the case as a set-up had somewhat more impact. In what seems to have been a staged reaction to the arrest, already during the second remand hearing, a dozen men carrying placards protested outside the court building against 'State repression'.¹³ The IRA made its presence known immediately after the first hearing by bombing the house of the presiding judge, damaging the windows, car and garage door. This was the only aspect of developments prior to the court case itself reported in any of the papers besides the *Irish Times*.¹⁴ Although the *Irish Press* only referred to the case during the trial, it claimed that the impact of the arrests had been widespread: 'The recent bombing campaign began in earnest after the arrest of these men—the Provisional IRA wanted to make the point that the imprisonment of two of their leaders did not in any way incapacitate the organisation or diminish its effectiveness.' The *Irish Press* was the only mainstream paper that considered the sentence 'unexpectedly heavy' and that detected a mood of dismay and despondency in Republican circles, from whom they expected agitated reactions.¹⁵

Republican newspapers indeed picked up on the suggestion that the two were framed and that there was no justice for nationalists in Northern Ireland. The main headline in *An Phoblacht*—'Belfast Men Framed'—referred to the claim that the pistol found in the car was planted: 'What Scotland Yard liars did not say was that the car had been searched previously by a British Army Patrol and that the back seat had been removed by the British Troops who found nothing.' The absence of real evidence should in their minds have led to an acquittal, and the fact that this did not happen supported their narrative of injustice. 'In any impartial court the case would have been stopped by the judge. But in the corrupt Judicial system in Orangist Ireland there is no justice for anyone who cherishes Republican or Nationalist aspirations.' They contrasted the heavy sentence with what they considered the light sentences handed down to Loyalist paramilitary men found in possession of arms or ammunition, ending their argument with a call to each and every one to do more to support the cause.¹⁶ The *Irish Press* reported that at meetings organised by Sinn Féin in Belfast speakers and placards referred to the case as based on 'thrumped [sic] up charges'. In the end it was not just the immediate friends and supporters of the defendants and the IRA who were convinced by these claims. Frank Gogarty, the vice-chairman of the non-violent Northern Ireland Civil Rights Association, also credited the accusation that Card and McKee had been framed by Scotland Yard detectives.¹⁷

From the reports in the newspapers it appears that at this stage the IRA was more aware than the other participants of the publicity value of a court case. Because the court system tried to maintain the rule of law and legal standards in a traditional way, the prosecution assumed that everybody would be against what they saw as crime.

That being the case, there was little need to do more than to identify the defendants as leading IRA members. This may have had little impact on the Republican constituency, but in Unionist circles it was enough to justify a harsh sentence. What seems to have happened is that the authorities, in an attempt to stem the sudden rise of anti-state violence, resorted to the tactic of putting the accused away for as long as possible. Heavy sentences were handed down even in cases where the charges were minor and the evidence not particularly strong. In a period in which violence was flaring up with hitherto unknown intensity, this seemed an understandable reaction. The IRA and the defendants involved had a great deal of experience with the impact of violence and court cases. This applied particularly to McKee, who had been involved in campaigns in the 1940s and 1950s and, like Card, had spent long periods in prison. The Republicans were out to frame the case for its public impact, while the authorities seemed to treat it as a simple security issue. The *Irish Times* was the only paper to pay extensive attention to the legal process from arrest to trial. The only other mainstream paper that reported on the trial itself, the *Irish Press*, seemed to address the Republican constituency in Ireland. The *Irish Independent*, the local papers in the Republic in the south and the English papers did not pay any attention to it, indicating that the performative quality of the trial of McKee and Card was limited and largely confined to Republicans and the southern elite.

5.3. The Trial of Sean MacStiofáin (1972)

The arrest in Dublin of Sean MacStiofáin on 19 November 1972 and his subsequent trial had a great deal more performative power than the conviction of Card and McKee the year before. In 1972 the violence in Northern Ireland escalated to new heights. MacStiofáin had become widely known as the chief of staff of the Provisional IRA and essentially acknowledged this in his conversations with the press. His speech to the Sinn Féin Ard Fheis, the annual conference, of October 1972, where he had been openly described as such, had badly irked both Irish and English politicians. On 1 November, opposition politicians in the Dáil, the Irish parliament, asked why MacStiofáin was not arrested following this appearance.¹⁸ Similar questions were raised in Great Britain. The *Guardian* wondered how it was possible that until recently people had been allowed to describe themselves openly on television and radio as IRA leaders without consequences. The *Observer* called upon the Irish government 'to make a conciliatory gesture' following the British government's recent Green Paper, which acknowledged the need for a role of the South in the future of Northern Ireland.

It was time for the Irish to act, they argued: 'The Irish police so often seem to blow hot and cold, one day closing Sinn Féin's Dublin headquarters and the next permitting a Sinn Féin meeting, at which Mr Mac Stiofáin made a well-publicised and markedly unhelpful address.' It was clear that pressure was building on the Irish Government to act against the IRA and MacStiofáin in particular.¹⁹

However, due to the fraught historic relationship with Britain and its precarious majority in parliament, the Irish government felt unable to take on MacStiofáin directly; put bluntly, the government was afraid to be seen to act on the bidding of the British. The very suspicion would lead to repercussions in their own Fianna Fáil party, which had strong historic connections with the IRA. The Minister of Justice, Desmond O'Malley, went only so far as to say in a radio interview that he would like to arrest MacStiofáin but that he had nothing to charge him with. He added that he would introduce fresh legislation to deal with violence.²⁰ The *Guardian* reacted positively: 'The problem of locking up Fenians,²¹ which seems to concern almost every politician in Ireland, might be solved later this month.'²² The opposition TD (member of the Dáil) Gerald L'Estrange was less optimistic. The next day he countered, 'Surely we are entitled to know how a man could have a bodyguard around him, a man who is a wanted member of the council of the IRA. These people were not apprehended. We are entitled to ask what is happening in this country at present. Is there any justice left in the country?'²³

Increased pressure nonetheless had its effect. Two weeks later, before there was time to enact new legislation, the government detained MacStiofáin. The arrest followed a pre-arranged interview with the well-known RTE journalist and broadcaster Kevin O'Kelly in the very early hours of Sunday, 19 November 1972. They spoke to each other in O'Kelly's house, which was apparently watched by Irish policemen waiting for an opportunity to pounce. When O'Kelly went to the studio to report on the interview MacStiofáin got into his car to drive home. At 3:15 a.m. he was captured, apparently at gunpoint, on the charge of membership of an unlawful organisation. The arrest was headline news in all the Irish newspapers. In their initial response even the *Irish Press*, which had strong ties to the government party, questioned the legality of the arrest. Asking rhetorically whether the legal system had been changed or whether MacStiofáin had broken any laws since the recent statement by Minister O'Malley, the *Irish Press* hinted at other reasons when it asked, 'or was his arrest the direct result of pressure from Britain?'²⁴

MacStiofáin was tried by the Special Criminal Court established earlier that year to deal with cases where 'the ordinary courts were deemed inadequate to secure the effective administration of justice'. Juries in these courts were replaced with a panel of

three judges; verdicts were delivered by majority vote. At the start of the trial, on Friday, 24 November 1972, MacStiofáin was described as a 44-year-old man born in London. He was arraigned on two charges: membership of an unlawful organisation that raised or maintained an armed force, and membership of an unlawful organisation, namely the IRA. In line with official IRA policy, MacStiofáin refused to recognise the court and chose to represent himself, just like McKee and Card had done the previous year. One of his first allegations, which was reported in the more nationalist-minded newspapers, was that the whole proceedings were only initiated because the government was under pressure from the British—in particular the British press—and the northern Unionists to arrest him. The *Guardian* later acknowledged that the intensive discussions between the British and Irish governments following the abolition of the separate Northern Irish government seemed to justify this claim: ‘Each move by the Irish Government has been followed by discussions with the British leaders, which has created in the minds of Irish Republicans the suspicion that, to say the least, actions and talks have somehow been connected.’²⁵ This idea was pressed particularly vigorously in the Republican press. *Republican News* opened its front page with the headline ‘Lynch acts at Heath’s Orders’, arguing that the Irish Taoiseach (prime minister), Jack Lynch, had been instructed to arrest MacStiofáin by the British Prime Minister, Edward Heath. ‘Herod Heath has called for a head on a plate. Saoirse Lynch will tell him the victim is already imprisoned.’²⁶ The newspaper further inferred that the government was only holding Ireland for the British Conservative Party by calling the government members ‘quislings’. The Irish-based *Sunday Independent* followed this line of argument to some extent by claiming that in a jury trial the case would have been stopped dead in its tracks.²⁷

Like Card and McKee, MacStiofáin challenged the legality of the proceedings and claimed that the court could not deliver proper justice. The main grounds for these protests were that the evidence lacked viability and that the court was prejudiced against him due to all the reporting in the media. ‘It seems to him that the wells of justice had been staunched before beginning to flow.’²⁸ One weakness of the case was that the charges against MacStiofáin were laid after the mandatory deadline of 48 hours following arrest. The impression had been given by Minister O’Malley that the prosecution had no evidence against MacStiofáin. The *Republican News* put it succinctly, ‘The man is held unjustly, no evidence being preferred against him, and no grounds for his detention.’²⁹ The English papers, the *Observer* and the *Guardian*, paid no attention to MacStiofáin’s claims of injustice. They honed in on the peculiar position of the journalist Kevin O’Kelly, who stated in court that recordings played at the hearing represented an accurate and authentic representation of

MacStiofáin's position but refused to testify that it was MacStiofáin himself who could be heard on the tape. This got O'Kelly a sentence of three months' imprisonment for contempt of court. Kelly's assertion nevertheless formed the sole basis for MacStiofáin's conviction as it was the sole piece of concrete evidence. MacStiofáin's narrative of injustice also led him to state that although he did not doubt the integrity of those involved, as a Republican he had 'very very little chance of getting justice in a Free State Court' that had 'been set up by the most obnoxious piece of legislation' and that was being abused to serve the ends of the British government.³⁰ This charge was only reported in the Irish papers. The *Guardian* made reference to the lack of evidence and MacStiofáin's 'outrage' over the court system being abused by some members of the government, but did not refer to the accusation that he could get no justice in an Irish court. This may be because the journalist involved did not understand the implication of the use of the term Free State, which referred to the dominion status Britain had granted in 1921 and which had led to the Irish civil war of 1922–1923. The government party had fought against the Free State in this war and referring to it implicitly charged the government party with betrayal of their Republican principles.³¹ Later in the trial MacStiofáin tried to undermine the perceived objectivity of the court further: 'It's a waste of time making objections. I am taking no further interest in these proceedings.' He nevertheless continued to debate with the judges on the value of the evidence presented and the competence of the witnesses.³²

Public attention to the case, which was already considerable given MacStiofáin's high public profile, was further augmented by the hunger and thirst strike he started after his arrest. As this put him in danger of death within two weeks or less, the stakes for all parties became extremely high. MacStiofáin played upon this to get the court to speed up proceedings and to heighten public awareness of his situation. When he appeared before the court for the first time, on a Tuesday, the prosecution argued that it needed two weeks to prepare its case and that it needed the tapes O'Kelly had made of the interview. MacStiofáin argued that he had less than twelve days to live, so it was agreed to have the tapes heard three days later on the Friday and have the obligatory transcripts made afterwards. Whether taped interviews were admissible as evidence would yet have to be established, as this had never before been accepted in an Irish court.³³ During the Saturday it was decided, upon MacStiofáin's insistence, to continue late into the night to make sure the case was completed as quickly as possible. When a five-hour break was inserted to allow for the transcripts to be made, he publicly asked for a warm room, from which when proceedings were resumed he was carried back on a chair. Even before the case started, reports on his physical

condition were brought out through his friend Myles Shevlin, a solicitor who seems to have been advising him. On Thursday, for instance, Shevlin stated that MacStiofáin had lost fifteen pounds in weight and was suffering from kidney pains. The *Irish Press* opened its Friday edition with this story on its front page and continued to pay a lot of attention to MacStiofáin's physical condition.³⁴ Despite the administration of medical treatment, the complaints worsened during the trial. After his sentence was read out on Sunday morning MacStiofáin was described as being 'determined and defiant, and, in spite of his weakness, he struck the bench in front of him with his fist and shouted to the three judges: "I will be dead in six days. Live with that."' ³⁵ The less sympathetic *Irish Times* also dealt with the effects on the body of a hunger and thirst strike, reporting that a thirst strike carried a maximum survival period of eighteen days.³⁶

While the judges were willing to take the physical effects of MacStiofáin's hunger and thirst strike into account and never put restrictions on reporting the case, they were less lenient concerning his attempts to put across his narrative of injustice. On the one hand the president of the court, Justice Frank Griffin, assured MacStiofáin that nothing written or said outside the court would have a bearing on the case, he also refused to allow any evidence regarding MacStiofáin's membership of the IRA beyond the date mentioned in the charge. On the other hand, he cut MacStiofáin off when he characterised the act establishing the Special Criminal Courts as obnoxious. In a move with major implications, apparently inspired by partisan considerations, Griffin pointed out to the prosecution that it could recall O'Kelly to take the stand again even after his conviction for contempt of court. Griffin added that if O'Kelly would then name MacStiofáin he would be allowed to negotiate the extent of his sentence with the authorities. In effect, in a move described by the *Guardian* as 'extraordinary', he invited the prosecution to make a deal with O'Kelly in order to get the main piece of evidence approved in court. O'Kelly was indeed recalled, the tape was admitted as evidence, and a conviction was handed down, based on the court's acceptance that the tape was a recording of the voice of MacStiofáin on the date alleged.³⁷ Not much attention was paid to the role of the prosecution, but even the *Guardian* felt it had put in a poor performance. The dismissal of all the evidence it presented except for a set of tapes the content of which was unknown to it until five hours before the trial opened was seen as particularly weak. This led the *Irish Press* to conclude that the prosecution had set out to frame MacStiofáin as a man of violence.³⁸

Although the sudden arrest of its leader took the IRA by surprise, it was quick to respond. Since the introduction of the Special Criminal Court a few months earlier, about hundred Republicans had been convicted in the South for various, often minor,

offences. The onset of this high profile case gave the movement the hope of using it to generate opposition to the court system. A public statement deploring the arrest of MacStiofáin was reported in the *Irish Times*:

His arrest 'at this critical and most hopeful' stage of the struggle for over 50 years was calculated to give aid and comfort to the forces of British imperialism which he had relentlessly opposed. Equally his arrest is intended to strike at the morale of the beleaguered people of the North whose cause he so unselfishly espoused and who are now engaged in a fight for their very existence. 'The Leinster House politicians [Southern Irish politicians, JA] have nothing to offer the people of the Six Counties, neither Unionists nor Nationalists. Instead of bread they give them stones.'³⁹

Provisional Sinn Féin, in a statement that emphasised the theme of injustice, called the arrest 'a blatant act of collaboration with the British army'. This reaction was the first item in the *Irish Press*'s coverage of the story. Both the IRA and the Provisional Sinn Féin called for a wave of protest against this 'latest act of appeasement of the enemies of Ireland'.⁴⁰ The movement expressed its conviction that the arrest would show up the corruptness of the Irish government and its lack of willingness to aid the nationalist community in the North in its fight against oppression. As painful as it was to them to accuse fellow countrymen of collaboration, they portrayed '[Prime Minister Jack] Lynch and [Minister Desmond] O'Malley as arch-collaborators; arch-quislings; and arch-traitors of the Irish people'. Lynch was 'a puppet on a string'.⁴¹ The MacStiofáin case, they believed, would ultimately lead to the end of his rule. 'The sentence sums up the corruptness of the Free State regime, a regime soon to be given its marching orders by a risen Irish people.' 'Will the proud people of Ireland stand for this? Half a million northerners will shortly give Lynch his answer for he can no more stop the revolution which will now gain momentum, then he could stop the flowing tide.' The Irish government would soon go the way of the Unionist government in the North, which had just been abolished by Britain following the escalation of violence in 1972, 'ground down by the mills of justice. The mills of justice which grind exceedingly slow but exceedingly small.'⁴²

The English newspapers were less sanguine than the *Irish Times* in their coverage of the IRA response. In a front-page article, the *Guardian* drew attention to the storm of protest in England and Ireland promised by the IRA. This had already begun, in a picket on the Irish embassy in London and a series of meetings in Dublin, including a picket on the Bridewell police station, a large photo of which appeared in the *Irish Press*. The next day 2,000 people headed by masked men marched through the rain in Dublin

carrying a coffin draped in the tricolour with the inscription 'Justice is dead.' A violent response took place in Londonderry, 'when a crowd incensed by the arrest' attacked the police, who responded with rubber bullets and CS tear gas. 'Republicans in the North see the arrest as the betrayal of their cause by the authorities in the South, and many nationalists are convinced that the Dublin Government and police are working to the instructions of the British.'⁴³ The weekly *Republican News* recounted how Sinn Féin called upon the legal profession to protest vigorously against the attempt to subvert the cause of justice. People should 'recoil in revulsion', the paper argued, if the state could pick up any person it liked while looking around for evidence to justify the arrest.⁴⁴ In the beginning of December MacStiofáin tried to reinvigorate the injustice narrative by writing to the Incorporated Law Society asking them to have the three judges who sentenced him struck off the roll for having let down the profession.⁴⁵

Leading Republicans reiterated the accusation that the arrest was made either at the behest of the British government or to force the Dáil to enact further repressive legislation, statements tantamount to accusing the Irish government of collaboration and treachery. In a speech during a protest meeting on the day of his arrest, praise was lavished on MacStiofáin's long career in the Republican movement, for which he had been jailed in England from 1953 to 1959. Even the civil rights leader Aidan Corrigan proclaimed that MacStiofáin had done more for Irish freedom and unity than the governing party, Fianna Fáil, which claimed to be the Republican party, had done in 50 years. Corrigan called MacStiofáin the man most maligned in Ireland by press, radio and television, a man who deserved to stand proudly beside Jomo Kenyatta⁴⁶ and Desmond Greaves⁴⁷ as the leader of a great guerrilla movement. 'The fact of the matter is that Sean MacStiofáin has headed the movement which brought down Stormont [the Northern Irish Unionist Government].'⁴⁸

Similar plaudits for MacStiofáin could be found in *Republican News*. 'To Sean McStiofain, as to all previous men of his calibre, we pledge our support in your stand. We will tread your way side by side and we will never desert you. Long live the cause of Freedom enshrined in your sacrifice.'⁴⁹ *An Phoblacht* tried to counteract the deliberate campaign of character assassination which it argued had found its way into the Irish and British press: 'never were such depraved, cowardly and untruthful methods used in the attempts to assassinate the character of an Irish leader. The real Sean Mac Stíofáin already belongs to the pages of history; nothing indeed the yellow Fleet Street or Seoinin Abbey Street press can spew forth will ever tarnish that Pearse-like image.'⁵⁰ Needless to say, the framing of MacStiofáin as a better Irishman than the government could only work in an Irish context where every politician had to show his or her nationalist credentials. To allay fears among its supporters of the repercussions of

MacStiofáin's arrest for the IRA, a movement spokesman found it necessary to add, 'Of course, we are concerned that MacStiofáin has been arrested but we are just as concerned when a young volunteer gets picked up in Derry or wounded in Belfast. There are leaders of the Republican movement and MacStiofáin happens to be one of them, but the movement doesn't stop when he gets lifted.' The *Guardian* claimed that the timing of the arrest was a surprise to the IRA, which had expected the announced new legislation to be introduced first. The newspaper added however that they had naturally prepared for it and it was 'unlikely therefore to pose any great organisational problems for the IRA'.⁵¹

The Irish government, manoeuvred into a difficult position, took resolute measures to counter the way it was being framed by Republicans. Following the broadcast of the interview with MacStiofáin, the government, possibly in an attempt to distract attention, dismissed the RTE Authority, which overlooked the running of the public television service, for giving airtime to a terrorist, and it introduced a bill that included stringent security measures. RTE authorities, it argued, had contravened section 31 of the Broadcasting Act, enacted the previous year, that forbade the airing of live interviews with Sinn Féin members. To counter the sympathy generated by the reporting on MacStiofáin's physical suffering, stories were put out that he was breaking his thirst strike by drinking water. Apparently he had at one stage tried to take an aspirin with water and he might have drunk some while taking a shower. MacStiofáin's spokesmen responded by declaring that he had vomited immediately upon taking the aspirin.⁵²

British politicians publicly expressed their contentment with the Irish government's response. Even the Labour leader, Harold Wilson, who backed the Conservative British government in its Irish policies, said on television that the Irish had been acting on inadequate laws in its dealings with the IRA, but that it was now taking them on properly.⁵³ Opposition politicians in Ireland were less enthusiastic. Although most supported the arrest of MacStiofáin, there was much criticism of the sacking of the RTE Authority, which was seen as an attack on the independence of the public media. They argued that the RTE interviewer had done everything he could to show up the IRA. The hunger and thirst strike also generated concern in the Dáil, where questions were asked on the floor about MacStiofáin's health.⁵⁴

The English press was not always convinced by the actions and intentions of the Irish government. The leftish *Guardian* shared concern for the threat to freedom of speech in the Republic after the sacking of the RTE Authority. It felt that the interview had been used to get not only at MacStiofáin but also at the RTE Authority, which the government felt had been acting against its interests.⁵⁵ In relation to

the IRA, it referred in particular to the charge of ‘collaboration with enemies of the Irish people’, a frequent accusation in public protests in Ireland. In response to this charge the Association of Legal Justice had recently urged the government to revoke the 1965 extradition agreement with Britain, in order to prevent the expulsion of three Republican prisoners to the North. Some commentators, the paper argued, believed the Irish government was sensitive to this issue. They considered the arrest and an attendant minor wave of extraditions to be nothing more than a PR exercise to show the British government and the Unionists of Belfast that they had done everything they could to ‘rid the Republic of the IRA menace and cooperate with the British Army and the RUC [the Royal Ulster Constabulary, the Northern Irish police]’. The paper moreover surmised that the government secretly had hoped that the courts, by refusing the extradition orders and by finding that no evidence existed to convict MacStiofáin, would help them off a political hook. The great importance the *Guardian* attached to the arrest of MacStiofáin was clear from the start, when it reported on the original charge on the front page.⁵⁶ To explain the predicament of the Irish government, it speculated on the public impact that a hunger strike by MacStiofáin would have in Ireland. Many who would not normally sympathise with the IRA, the paper supposed, would be moved by a hunger strike. Emotional reactions of this kind could have consequences with which the authorities would find it hard to deal. The paper took a comparable line in explaining the attitude taken by MacStiofáin in court: ‘Many probably expected Mr MacStiofáin to turn his back on the court and say nothing.’ Although he did not recognise the court, did not submit a plea and refused to apply for bail, he did defend himself, which was allowed under IRA policy. At the same time the paper tried to play down MacStiofáin’s opposition to the system by mentioning that he addressed Justice Griffin as ‘Sir’.⁵⁷

The public response to the plight of MacStiofáin was much stronger than in the case of Card and McKee. Even the *Irish Times* painted a picture of a heroic man who in the 1950s had been imprisoned for years for the cause, a man who had an eye damaged when a bomb exploded at his house the previous March and who was one of five Republicans flown by the British to England for negotiations during the recent IRA ceasefire.⁵⁸ MacStiofáin’s physical condition was reported on with sympathy in most major newspapers in Ireland and England. The *Guardian* expressed doubt that he would survive, adding that in Ireland—contrary to the situation in Britain—forced feeding was not allowed before a prisoner was convicted. The most detailed description of MacStiofáin’s condition was offered by the *Observer*, clearly ringing a sympathetic note:

When he heard the sentence he dragged himself from the blanket in which he had been covered during the trial, and said 'I will be dead in six days' time' [...] his voice trailed off and he had to drag himself into a sitting position before he could go on: [...] before falling back to be cradled in the arms of a prison officer. [...] Earlier he had collapsed in court. He was given painkilling injections. His shoes were removed and his feet massaged. A hot-water bottle was called for and a doctor took his pulse.

His weak voice was remarked upon in the *Irish Times* and it was stated that he 'staggered slightly, spoke with difficulty, eyes glazed, scarcely audible and pale'. The intended effect of this writing is not unambiguous. It might have been designed to portray him as a weakling. This was also implied in the description of MacStiofáin's physical reaction to the verdict in the Irish papers: 'as he lay wrapped in a rug with a hot-water bottle clutched to his chest, he shouted with a sobbing voice at the three members of the court: "It might as well be six years. I'm going to die in six days." The presiding judge retorted by stating this was something over which they unfortunately had no control.' The *Irish Independent* gave most detail. According to the story in that paper, the incident described took place after the members of the court began to leave. Rather than being proudly defiant, he is described as prostrated and weeping, to be joined 'by sobbing wife who hugged and kissed him as he lay cradled in the arms of a male nurse. He embraced her for several minutes. It was a moving moment in an otherwise tense and dramatic day.' More simply, the *Observer* stated that his wife rushed crying into the arms of her husband. The seriousness of his condition was indicated by the fact that MacStiofáin was taken to intensive care in the Mater Hospital immediately following the sentencing.⁵⁹

There was a strong public response to the framing of the case. On the night of MacStiofáin's arrest, there were riots in Derry which lasted for more than two hours, and a number of relatively small public protests in other places both in the North and the South, each attended by fifty to two hundred people—probably Sinn Féin supporters for the most part.⁶⁰ Three former IRA chiefs of staff, Tom Barry, Sean Cronin and Maurice Twomey, who all had become well-known public figures, issued a joint statement calling for MacStiofáin's release. They argued that his death would only please Britain and lead to further oppression in the North: 'No Irish person, irrespective of position, should assist Britain in maintaining her grip on this country.'⁶¹ There was also support from less partisan quarters. The largest Irish trade union, the ITGWU, sent a telegram to the Irish president asking for clemency, and a few days after the arrest the most famous English university debating society, the Oxford Union, voted for a reunification of Ireland. During the debate, attended by the

Irish Taoiseach, Jack Lynch, John Hume, the new leader of the SDLP (the moderate nationalist Social Democratic and Labour Party of Northern Ireland), and Roy Bradford, a former Unionist minister, appeals were also voiced for the release of MacStiofáin.⁶²

After being convicted and sentenced to (the minimum term of) six months' imprisonment, MacStiofáin continued his hunger and thirst strike. The prospect of his death generated growing public attention and support. After the verdict was read there were shouts of 'British traitor' from the public gallery, directed at the judge. One man, accused him of fighting a war for the English, and threw a handful of coins that according to the *Observer* 'smashed a chandelier and glass rained over the court room'; the *Irish Independent* less dramatically reported that the coins 'broke a light'. In his memoirs MacStiofáin stated that 'splinters fell around Mary and me as she came over to embrace me'.⁶³ There were scuffles outside the courtroom and outside the Mater Hospital in Dublin, to which MacStiofáin was taken in what *An Phoblacht* described as 'inclement weather', no fewer than seven thousand people were reported to have come out in protest. There was some bottle-throwing, injuring four policemen and two civilians, while the crowd chanted, 'We want Sean out.' They were addressed by opposition TDs (members of parliament), civil rights activists from Northern Ireland and prominent Republicans. Sinn Féin leader Daithí Ó Connail called for a large protest meeting on Wednesday or Thursday, optimistically arguing, 'We are going to bring this government down and we will not finish until we do so.' In response to the violence on the street and a bomb attack on a nearby cinema, MacStiofáin had a message read out in which he called for peaceful protest in the South and to take the fight to the North. During the protest at the hospital an attempt was made to free MacStiofáin by eight armed men, two dressed as priests and six as hospital staff. The rescue failed, and after a shoot-out in the corridors of the hospital four of the men were arrested. The crowd remained outside until the early hours of Monday morning, when the last three hundred protesters moved to the General Post Office in O'Connell Street.⁶⁴

In a personal response, another Sinn Féin leader, Ruairí Ó Brádaigh, summarised the movement's attitude to the case, saying that the English had instigated the prosecution of MacStiofáin and thereby had effectively signed his death warrant. He further accused the Irish government of trying to provoke a confrontation with the Republican movement on the streets. The entire affair betrayed a pattern that he asked people to recognise. The connected pieces included the muzzling of the media to prevent people from hearing the news; the closure of Sinn Féin offices; the issuing of extradition orders 'to hand over gallant Republicans to the RUC and British army who are investigated by human rights court'; and the meetings between the two

prime ministers prior to the action against MacStiofáin. 'All these pieces of the jigsaw indicated the coming to a head of an attempt to impose the latest British "settlement" to the "Irish problem" because southern politicians realised that they could not last in a 32-county context but needed a British created state to survive.' He hoped the newspapers would deliver this message to the country.⁶⁵

Following MacStiofáin's conviction there were also protest meetings in other parts of Ireland. The Aer Lingus office in London was occupied by members of Sinn Féin. The Cork command of the Republican splinter group Saor Éire threatened retaliatory action against the people responsible if MacStiofáin died. There were protests from trade union officials, the Socialist Workers Movement, the National Graves Association, a branch of the Gaelic Athletic Association (GAA) and Republican Clubs in Northern Ireland. Resolutions were passed, a black coffin with 'Justice is Dead' was again carried around, some short strikes broke out in various companies, pickets were staged, petitions were signed and masses were said in church. Nevertheless, the scale of protest in Ireland was insufficient to bring the country to a standstill.⁶⁶ Although a small peaceful protest against MacStiofáin's conviction led to a gun battle in Belfast between the IRA and Loyalist gunmen, the *Guardian* claimed that:

apart from diehard Republicans, there was surprising little sympathy for Mr MacStiofáin's physical plight among Belfast Catholics. Martyrs appear out of fashion in the city, and although there was a good deal of general sympathy for Mr MacStiofáin and his principles, his behaviour, to many, appeared a needless sacrifice.⁶⁷

In contrast, the *Irish Press* observed many reactions in the North, with hundred people going on hunger strike in Andersonstown and others picketing RUC stations. Generally they reported on the appeal for MacStiofáin's release issued by several organisations, including trade unions and GAA clubs.⁶⁸

The bungled rescue attempt in the hospital and the bomb attack on the Dublin cinema did not do MacStiofáin's case much good in the public eye. In a front-page article, the *Guardian* reported on the rescue attempt in quite neutral tones before remarking, 'The attempt showed by its suicidal nature the length to which some of the Provisionals are prepared to go to try and free Mr MacStiofáin.' The *Irish Press*, whose entire front page was dedicated to the MacStiofáin case, agreed that the rescue was bad publicity for the IRA. The IRA denied responsibility for the attack on the cinema, instead accusing 'agents provocateurs', and even openly suggesting it was done by the Irish security forces: 'In the North such action by the S.A.S is commonplace and the Special Branch in the South have always been quick to learn from their counterparts

in the North.’⁶⁹ The *Guardian* and the *Sunday Independent* agreed that the attack aided the passing of new repressive legislation through the Dáil.⁷⁰ In a government investigation conducted after the peace process in the 1990s it was concluded that IRA members from Derry had been involved in the bombing and that there was probably no sanction for it from their central command. Possibly to divert attention, MacStiofáin’s wife produced telegrams of sympathy and support allegedly from two sons of the late Robert Kennedy at a press conference. The only paper to report this was the *Guardian*, which added that Joseph Kennedy, one of the two sons, described the claim as ‘absolute rubbish’.⁷¹

The *Guardian* recognised the performative power of the hunger strike in Ireland but made a point of warning people against it:

The martyred Republican hero goes deep in the Irish—not least in the Fianna Fáil—tradition. Yet it must not be forgotten that Mr MacStiofáin is the unashamed advocate, organiser, and defender of a vicious campaign that has killed hundreds of his fellow Irishmen and Englishmen. The IRA is not on the side of democracy or humane behaviour either in the North or the South. The plight in which Mr MacStiofáin has voluntarily placed himself will arouse human pity. But it is not a cause for criticising Mr. Lynch’s government, which cannot allow the methods of a Gandhi to be used for the objectives of a Franco.⁷²

In an attempt to marginalise opposition, the Irish government expressed confidence that even if MacStiofáin died, trouble would only come from the IRA, not from the people.⁷³ Nevertheless, after the conviction the hospital was protected like a fortress, surrounded by 150 policemen, with another six hundred soldiers kept in readiness.⁷⁴ In a rare move, Brian Faulkner, the Unionist leader in the North, supported the Irish government’s approach: ‘If someone was breaking the law, a Government had to act, even at the risk of producing martyrs.’⁷⁵ To some extent, the reaction of Sinn Féin leaders—that they had no desire to seek confrontation with the Irish police, only with politicians—indicated that the government assessment of limited potential popular support for Republicanism in the South was on the mark. During the protest meeting at the hospital, the IRA called for discipline and restraint, telling the protesters that ‘the government would love the media to be able to report that a crowd of hooligans and hoodlums came up from O’Connell Street and desecrated a hospital’.⁷⁶ Instead they continued to project a picture of MacStiofáin as a strong, heroic figure suffering for the cause. When, following the failed rescue attempt, MacStiofáin was moved by helicopter from the Mater to a military hospital inside military barracks, his wife

had it be known that 'One of the hospital staff said he put up a tremendous struggle which "must have taxed his strength immensely."' ⁷⁷

In the following days numerous demonstrations and demands for MacStiofáin's release were reported in Ireland, Britain and the USA. Republicans attributed the strong reactions to the absence of justice in the trial, but many others involved in the protests argued they came out on humanitarian grounds. Representatives of the latter group concentrated less on Republicanism and more on the issue of press freedom, a predilection that was also reflected in newspaper reporting.⁷⁸ Resolutions were passed by local authorities with the support of Fianna Fáil councillors, branches of political parties, sports clubs and schools. The teaching staff of Presentation Secondary School in Cashel held a prayer meeting in church and put out a statement saying that 'they upheld the principle of truth, justice and freedom and could therefore not accept that any Irishmen in 1972 should be allowed to die on hunger strike for those principles by the consent of our government'. Spontaneous strikes broke out in various parts of the country. Dockers and Ford plant workers in Cork as well as hundreds of workers in Monaghan walked out in protest, and in Tralee most businesses, including banks, were closed. MacStiofáin was even visited in hospital by the sitting archbishop of Dublin, Dr. Dermot Ryan, and his predecessor, Dr. John Charles McQuaid.⁷⁹

The idea that the English were somehow behind the events did strike a chord with some papers. The local *Kerryman* picked up on the Republican narrative and criticised the positive reaction in English newspapers to the arrest of MacStiofáin and the new legislation brought in against the IRA. This, said the *Kerryman*, was simply an attempt by the government to keep control over the South and aid the British to do the same in the North. It was rare, it argued, for the British press to be so positive about Ireland, particularly in support of legislation they would never accept in their own country. 'But then in ultra-British terms, we were always just wogs anyway.'⁸⁰ The Republican interpretation also got a measure of credence in the Dáil, in particular from Sean Sherwin, a deputy of the government party, Fianna Fáil, who repeatedly raised the issue of MacStiofáin's plight. On 29 November, he read out a petition signed by 13,867 people, presented to him by a group of Derry women. It protested against the setting up of military courts, the introduction of repressive legislation and the imprisonment of Irish men and women at the bidding of the British government. Sherwin concurred. As far as he was concerned it was a lie to argue, as was being done by the government and the opposition, that the IRA was a threat to the Irish state. It was only a threat to the security of what he called the Six County Area, which, he implied, was a good thing. Far from being a threat to the Irish, MacStiofáin was enemy no. 1 for the British; his arrest was on instruction of their government.⁸¹ When asked

in the Dáil whether it would not be right to release MacStiofáin in light of his physical condition, Taoiseach Jack Lynch made clear that to his party the maintenance of the Rule of law was at stake and they were therefore not going to give in:

Mr. Mac Stiofáin has been given a fair trial before the courts and has been found guilty. It is open to him to serve his sentence or to appeal against it or his conviction. Nothing can be gained by continuing the hunger strike in an attempt to frustrate the course of justice. If a member of such an organisation, and especially a self-confessed leader, could secure his release from prison through resort to a hunger or thirst strike, the inevitable consequence would be that not only he but all his associates would be effectively above the law of the land and free to act as they choose and would be seen to be so. This is so for the obvious reason that other prisoners, now or in the future, need only adopt the same tactics to ensure that they, too, would be released. Accordingly, the issue in the present case is nothing less than whether Parliament, Government, the courts and the law are all to surrender to an unlawful organisation. The challenge to the institutions of the State is direct, deliberate and unmistakable. The Government have no choice but to meet it. The consequences that may ensue are regretted by the members of the Government as they no doubt are regretted by everybody with a normal human concern for human life. The consequences, however, are not of the Government's making.⁸²

MacStiofáin continued his hunger strike for the next seven weeks, but abandoned his immediately life-threatening thirst strike a few days after the trial. Public support and attention to his plight in the newspapers clearly declined in this period, except during Christmas, when 150 IRA supporters marched on the Irish embassy in London stating, 'We will stand with MacStiofáin and the Provisional Republican Movement even if we have to die.'⁸³ The *Sunday Independent* attributed the declining attention to the smart tactics of the Irish prime minister, Jack Lynch. Lynch had been using the unpopularity of the growing violence in Northern Ireland to gain support for a move not only against the IRA but also against the independence of the public broadcasting company, RTE, which had been very critical of corruption in government. The response of the Republican movement had also played into the hands of the government. The rescue attempt and the bomb attack only showed their political naiveté. 'At no stage was there any fear that the MacStiofáin hunger and thirst strike would actually create chaos within the State.'⁸⁴ Ultimately the Republicans took this message to heart. Although the Sinn Féin leader Ruari Ó Bradaigh had initially said that it was up to MacStiofáin to decide whether or not to continue his hunger and thirst strike, he was

eventually ordered by the IRA leadership on 16 January to abandon his fast. 'After 57 days of hunger strike no useful purpose will be served by Mr MacStiofáin continuing his protest against his unjust imprisonment.'⁸⁵ After serving his sentence he was released two months later on 16 March 1973.

In the meantime, attempts to undermine MacStiofáin's credibility continued, particularly in the English press and with the support of the Irish government. A few days after his conviction, the *Guardian* opened with a headline stating that MacStiofáin had ended his hunger and thirst strike. Although mentioning further down the article that MacStiofáin's wife denied it, they sided with those who argued that taking tea put a hunger strike to an end. 'But the fact that he has, as the Government information bureau put it, "taken tea" does not mean that he has definitely decided to end his strike. It could be that the tea was taken in a moment of weakness, although judging by his previous behaviour it seems more likely that it was a definite and fully understood decision by him.' The *Irish Independent* was the only newspaper to report that according to the doctor the tea was necessary to prevent MacStiofáin's veins from collapsing.⁸⁶ The inducement for giving up the thirst strike seems to have been a request by MacStiofáin's friend Father Sean MacManus. MacManus later said he had persuaded him to take some water by arguing that if he died there was 'going to be bloodshed in the South of Ireland'. The *Irish Independent* also claimed that he was given oxygen and was in a state of semi-collapse, doing nothing except repeating the phrase 'I love Ireland' and asking to see some of his friends. These included Cathal Goulding. The leader of the rival Marxist Official IRA, an old friend with whom he had fallen out in 1969 over Republican policy.⁸⁷ Although an undertone of admiration rings through in the piece, the overall message tended to undermine MacStiofáin's credibility.

The reports questioning MacStiofáin's commitment and sincerity in maintaining his hunger strike continued until his release. The *Guardian* followed the allegations up with an article entitled 'MacStiofáin thirst strike suspicions', reporting that 'more than one source claimed last night that he had been drinking during the early days of his thirst strike'. The article quoted the opinion of many doctors that he could not have survived that long otherwise; the reports on his poor condition and his continued strike came from visitors and not from the authorities. The hunger and thirst strike, wrote the *Guardian*, had been purely tactical. It was 'significant that the announcement that Mr MacStiofáin had drunk half a cup of tea came shortly after Mr Lynch had announced that he would not consider releasing him. The Provisionals had hoped that a wave of public sympathy would secure his release and the announcement that he had drunk tea came when this hope had finally disappeared.' The paper also discounted Father MacManus's claim that he had asked MacStiofáin to drink in order

to forestall future bloodshed.⁸⁸ The next day the *Guardian* acknowledged that his death would 'cause a great wave of political emotion' and reported that the names of Republicans who had died on hunger strike in the past were being mentioned widely. The same concerns were shared in Ireland, where police and military were kept on standby in case of rioting.⁸⁹ In response, MacStiofáin issued an appeal calling for peaceful protest—'no rioting, stonethrowing or abuse'—and reiterating MacManus' claim that 'the fight is in the North and must be kept there. I don't want anybody hurt or any blood spilt on my behalf in the 26 counties. That is why I am taking liquids.'⁹⁰

Against this background the *Observer* as well as the *Irish Sunday Independent* did feature stories on MacStiofáin. In the *Observer*, Paul Ferris contrasted the Irish view of the revolutionary with the English. He acknowledged that 'many "good Irish people" regarded MacStiofáin as a hero and were very annoyed when his Irishness was questioned'. The fact that MacStiofáin, whose original name was John Stephens, was born in England from an English father and a mother of uncertain Irish parentage had given rise to such claims. As for the English, although they acknowledged that Ireland 'has been wronged for centuries', MacStiofáin to them was 'Mac the Knife'. He was described as 'a man of limited imagination and fanatical views' with 'no public glow' around his name.⁹¹ The *Sunday Independent* published two full-page articles on him in consecutive weeks. 'Few men have influenced modern Irish history as much as Sean MacStiofáin', it wrote, but the paper did not fundamentally disagree with the *Observer*. It reiterated that MacStiofáin had apparently no Irish ancestry whatsoever, and only had become involved in Irish politics through a group of London Sinn Féiners that included Cathal Goulding. They described him as a very conservative Catholic with 'fanatically generated energy' and pointed out that he demanded total obedience, annoying many Republicans with his abstemious ways and abrupt manner. Although the paper later published an apology to Cathal Goulding for misrepresenting him and printed a letter from MacStiofáin in which he claimed there were at least eighteen inaccuracies in its articles, the public picture of MacStiofáin was no doubt influenced by these portrayals.⁹²

During the next two months occasional reports were put out that the prisoner had abandoned his hunger strike. The credibility of MacStiofáin's position was not aided when he went on and off the thirst strike in a vain attempt to prove his commitment.⁹³ When after abandoning his thirst strike he took tea, glucose and orange juice, some senior Republicans felt this meant he had broken his hunger strike too. Hearing this, he cut back again to water alone.⁹⁴ To make clear that the strike was indeed life-threatening, his wife issued reports that he was weak, had lost a lot of weight and had no intention to abandon his strike.⁹⁵ To generate understanding, a friendly priest

stated that he had only started to drink again so that he could take communion.⁹⁶ Nevertheless, the allegations eventually stuck and the perception among many since 1972 has been that MacStiofáin was not truly dedicated to the cause. In December 1974 Lord Dunleath said in the British House of Lords that MacStiofáin 'remains almost a forgotten name now and a figure of ridicule'.⁹⁷ Essentially, he stated, this was due to the fact he had not gone through with his hunger strike to the end. Some took this a step further. A few days after the conviction, Sherwin stated in the Dáil that there had been a calculated campaign in the previous year to make out that MacStiofáin 'was a British spy, that Seán Mac Stiofáin was an Englishman and therefore how could he be on the Irish side?'⁹⁸ In 1985 some RUC constables claimed that MacStiofáin had been an informer for the Garda, the Irish police force, from about 1970 to the 1980s, which MacStiofáin felt he was obliged to deny vociferously.⁹⁹

At the root of these rumblings may have been some infighting in the IRA itself. The tensions that had prevailed between northern and southern leaders ever since the formation of the Provisionals in 1969 may have been responsible for the false reports a few months before his arrest that MacStiofáin had resigned as chief of staff. In October 1972, just before his arrest, rumours were discussed in a series of articles in the *Observer*, stating that MacStiofáin was to be deposed at the Army Council meeting of that month.¹⁰⁰ These speculations appear to have emerged every year and were said to be related to the rigid discipline on which MacStiofáin insisted. After the meeting, the *Irish Independent* reported that there had been no challenge to the existing leadership and that no changes in the Army Executive or Army Council were expected in the impending convention. This caused one reader to send in a letter accusing the British papers of character assassination on MacStiofáin.¹⁰¹ His former comrades in the Official IRA argued that the fact that he was born in Britain and did not have an Irish Catholic background made him suspicious in the eyes of some Republicans.¹⁰²

The existence of tensions in the leadership was confirmed in the following months. In December 1972 the *Irish Times* and the English papers reported that before his arrest, unknown to the other leaders, MacStiofáin had put out peace feelers to the British about a truce. The *Observer* argued that the IRA was losing in the North and that MacStiofáin wanted to be remembered as the leader who brought peace, not as one who lost the war.¹⁰³ The previous month, however, the same paper had claimed that these suggestions had been brought into the world by his rivals in the Provisionals' executive and that MacStiofáin had put a stop to them by disclosing what went on at the meeting. Afterwards his main rival, Daithí O Connaill, was ousted from the Army Council. After his conviction, the Belfast IRA denied any involvement of Republicans in the peace overtures and claimed they had been made by 'well-intentioned local

people'.¹⁰⁴ In December 1972, the *Irish Times* told its readers that peace moves were afoot as soon as a change in IRA leadership had taken place.¹⁰⁵ The *Observer* saw MacStiofáin as a purely military figure whose inability to play a political role 'has reduced the Provisionals to a sterile campaign of violence' that had lost him support in the movement. The paper expressed the hope that he would be replaced by a more flexible leader, but feared that he would inherit a martyr's crown. After his release, when MacStiofáin was asked by reporters about his position in the Republican movement, he dismissed this as 'rubbish' allegations that his fellow prisoners had ignored him and refused to talk to him. Nevertheless, although it was not apparent in the short run, he found it difficult to regain a position of influence after his release. Public support continued to pour in in the fight for his release, even after he was ordered off the hunger strike.¹⁰⁶ Indicating that he had been physically affected by the strike, the *Irish Times* reported upon his release a few months later that 'he looked pale and weak and was visibly shaking while talking to newsmen and being photographed'.¹⁰⁷

The struggle over public impact was most acute in the Republic of Ireland, where politicians had more to gain from a commitment to Irish unity than in the North. MacStiofáin and the IRA as well as all Irish politicians and the government were acutely aware of this. The IRA side emphasised that MacStiofáin was willing to go to extremes of suffering for the nationalist cause, a degree of commitment that one sought in vain in the behaviour of the government. The imprisonment was portrayed as unjust and vindictive and as having been carried out on the behest of the British government. This view of things would have had greater impact had it not been undermined by signs of disagreement within their own camp. As for the government, it had little choice but to position itself as the guardian of law and order. A campaign to undermine MacStiofáin's credibility that emanated from unclear sources did not seem to have much immediate impact, but in the long run this reflected what most people came to believe. Irish opposition politicians had many targets to criticise. They attacked the government for its failure to maintain law and order, in particular before the arrest; for the harshness of its treatment of MacStiofáin; and, in particular, the threat to freedom of speech implicit in its actions against RTE and O'Kelly. Large swathes of the populace—not just active nationalists but also public bodies such as trade unions, sport clubs and the Catholic Church—were potentially receptive to criticism of the government on these points.

The different newspapers took slightly different positions in the framing of events. They all reported the proceedings fairly faithfully; the distinctions lay in emphasis and the inclusion or exclusion of particular issues or events. Most remarkable was the

total absence of reporting on the case by all Irish local newspapers except the *Kerryman*, which limited its remarks to plain reports on who brought out statements or went on strike in support of MacStiofáin. The British newspapers, which had to explain in more detail than the Irish ones the peculiarities of the Irish political and court systems and IRA tactics, seemed keen to report on matters that undermined MacStiofáin's credibility. Despite this bias, they devoted more space to his physical discomfort than the *Irish Times*, which remained fairly neutral while hinting at behaviour that would tarnish his image. The *Irish Independent* was notable for the copious attention it paid to the physical consequences of the hunger and thirst strike. The manner in which the paper did this generated a certain amount of sympathy, as witnessed by local reactions demanding the release of MacStiofáin on humanitarian grounds. Demands of this kind were quite popular, providing Republicans and other nationalists a cause on which they could agree. Few of the papers moved on from humanitarianism to adopt (as opposed to merely mentioning) the injustice frame advanced by the Republicans. Nationalist newspapers were more likely to concentrate on the humanitarian aspects of the case and the threat to press freedom posed by government tactics.

5.4. The Trial of the Belfast Ten (1973)

One of the first major trials of IRA activists in England after the outbreak of violence in 1969 took place in the autumn of 1973. Ten people¹⁰⁸ stood trial in Winchester: court for planting four car bombs, two of which went off, in London on 8 March of that year. Although a warning had been issued, 243 people were injured and one died of a heart attack when bombs went off outside the Old Bailey and the Scotland Yard building, which also housed an Army Recruiting Centre. The police later admitted that the great extent of the harm had been partly due to a delay in their control room as a result of human error.¹⁰⁹ These first major IRA bombings in London since the outbreak of the Troubles in 1969 were part of a wider campaign against a planned referendum to determine whether the people of Northern Ireland wanted to remain in the union with Great Britain or to join the Republic of Ireland. The poll was organised by the British government with the intention of undermining the legitimacy of the Republican claim to a united Ireland, as they were sure that the majority in Northern Ireland would vote in favour of the Union. Nationalists boycotted it, arguing that such a poll could only be held if the population of the whole of the island of Ireland could vote. Shortly after the bombs were found, ten people were arrested at Heathrow airport on their way to Dublin. After an unusually lengthy detention of over four

days without charge or access to lawyers, they were accused of conspiring to cause explosives likely to endanger lives or damage property.¹¹⁰

During the trial, which lasted ten weeks, it became clear that the four cars used had probably been hijacked in Belfast, then taken to Dublin where they had received a fresh coat of paint and new number plates, were loaded with explosives and driven to London. The evidence against the ten, who included two sisters, Marian and Dolours Price, and the future leading Republicans Hugh Feeney and Gerry Kelly, was mainly circumstantial, namely that they had travelled to London by car and were returning by plane only a few days later, right after the bombings. The few minor clues included a notebook belonging to one of the Price sisters that contained the initials of those participating and a sketch of what looked like an electric circuit. The only direct evidence connecting the ten to the car bombs was a fingerprint of Robert Walsh on the rear-view mirror of one of the cars used and another on a parking ticket found in one of the other cars. The only 'weapons' found on them were two screwdrivers which Dolours Price was carrying in her bag. At the start of the trial the 19-year-old defendant William McLarnon pleaded guilty to membership of the IRA but claimed he was unaware of the mission they had been on. He then left the dock until the end of the trial. It also became clear that another defendant, the 18-year-old Roisin McNearney, who made a statement similar to McLarnon's but pleaded not guilty, had cooperated with the police. Eventually she was acquitted, while McLarnon received a 15-year sentence. The other eight got two life sentences and 20 years' imprisonment, to run concurrently.¹¹¹

The authorities clearly wanted to give the case a high public profile. For what were claimed to be security reasons, the trial was moved from London to Winchester Castle, where the court was situated only 300 yards from the local prison. The courtroom was specially adapted for the trial, with an enlarged dock and a sound system. According to the *Observer*, the courtroom was specially painted in 'battleship grey'. At the opening of the trial, all of the government representatives arrived wearing their full regalia to show how seriously the authorities took the case.¹¹² Throughout the trial, details concerning security measures were reported in all the newspapers—except for *An Phoblacht*, which claimed that its reporter was refused admittance by the Special Branch.¹¹³ Most Irish and British newspapers simply detailed the arrangements, but the *Irish Times* was more descriptive. It discussed how, when driven to court, the defendants were accompanied by a motorcycle convoy, a dog car and a police van, where they were awaited by armed police and then brought in through the front door while their relatives and friends had to wait until they were all safely inside. The paper was nevertheless not impressed, remarking drily that 'although security was

tight it was minimal by Belfast standards'.¹¹⁴ The *Sunday Independent* claimed that scores of Scotland Yard Special Branch officers had been drafted to join a strong local police force. Marksmen were stationed on rooftops overlooking the route from prison to courthouse; the perimeter wall of the prison was floodlit during darkness; special passes were required; and people were searched. Under the heading 'One of the biggest trials in British legal history opens this morning', the *Irish Independent* added that the judge would have a marksman riding alongside him in his limousine, and that detectives in the courtroom would be armed. The *Guardian* specified all the measures taken, which they believed was the biggest security operation ever mounted in a British court, involving hundred soldiers on standby, a ban on parking in the city, and a doubling of the guard at the prison. The supposed justification was that the police received a tip-off from Northern Ireland that the trial would be violently disrupted. The measures taken included intensified precautions at government buildings and the postal services to prevent a new outbreak of parcel bombs. Hospitals were prepared for large numbers of casualties.¹¹⁵ The precautions were not entirely unjustified. On the first day of the trial two bombs went off in London and about hundred hoaxes were reported, causing widespread chaos and confusion. The consternation in England was great, with some MPs demanding such draconic measures as requiring identity cards for all Irishmen; a ban on the IRA; deportation of known sympathisers; and the death penalty for terrorist killers.¹¹⁶

The press and public were nevertheless allowed into the courtroom, and photographs of the judge and prosecutors were published freely. In light of the expressed fear of IRA retaliation and the bomb attack on the judge in the *Card and McKee* case, this seems somewhat inconsistent. In the courtroom, the defendants were put side by side in a lengthened dock, with numbers in front of them for easy identification; special tables were put behind them to accommodate their seventeen lawyers. The numbering could be seen as an attempt to dehumanise the defendants and reduce public sympathy. Before the opening sitting, the defendants were made to wait in the dock for an hour and twenty minutes. After that it took almost thirty minutes more to swear in the jury members. Eleven of them were challenged and another two were released on account of pressing commitments during the eight weeks the trial was expected to last. Compared to the one- or two-day trials in the cases discussed above, this was extremely long.¹¹⁷

The importance the government attached to presenting its case was highlighted by the choice of Sir Peter Rawlinson, the attorney general, as chief prosecutor. His opening speech alone lasted five and a half hours. Starting off, he stated that although the coming referendum on the Irish borders was expected to incite attacks in London,

and even if car bombs had been an everyday experience in Northern Ireland for some time, the crime for which the defendants was charged marked the first time since the war that London had been rocked by massive explosions. The calling up of this sense of threat was amplified by the *Guardian*, which specified the probable weight of the explosives used, concluding that each car had been transformed ‘into a moveable lethal bomb’.¹¹⁸ Rawlinson sketched the IRA as less than heroic by understatedly arguing that the deed under judgment ‘might be thought a cowardly form of attack’ which ‘left passers-by to suffer the consequences of the explosives’. By way of contrast, he commended the work of security men at Scotland Yard who noticed that the bolts of the number plates on one of the cars did not fit the holes for them and subsequently were in time to defuse one of the bombs. ‘If there were medals for such courage such medals should go to men such as these who, with such nerve and skill, protected other people.’ According to the newspapers, the attorney general then gave a detailed account of how, in the view of the prosecution, the IRA operation had been carried out. Catching the defendants had been possible by a ‘combination of human error, carelessness and coincidence’. Their guilt was mainly to be established through their use of false names and the fact that they all got up very early on the morning of the bombing ‘to catch a plane to be back snug in the republic’. Rhetorically he asked: ‘If their purpose was innocent why was it that they were scurrying home on the morning of March 8th?’¹¹⁹

During the trial, the prosecution tried to undermine the credibility of the defendants and picture them as callous murderers. The policemen were asked how they had behaved under questioning; their answers revealed that most of them had been unwilling to cooperate. One policeman suspected that the defendants had undergone counter-interrogation training, since when questioned ‘they fixed their eyes on an object, clenched their hands and stared at it continuously, as if “appearing to have been hypnotised”’. During her first interrogation, Marian Price was said to have ‘looked pointedly at [the] watch and smiled’ when she was asked about the bombings. A special target was Dolours Price, who was identified by Rawlinson as the leader of the group, and whose human feelings were called into question. Did she avow to feelings of horror, indifference or pleasure, Rawlinson asked, when he showed Price photographs taken after the explosions at Scotland Yard and the Old Bailey and then asked her what kind of person would perpetrate such a crime. To that question she replied ‘indifferent’. After establishing that she had been a politically active Republican, which she confirmed, he produced a photograph of her with a British soldier taken at an army checkpoint in Northern Ireland, apparently to diminish her status among Republicans.¹²⁰

In the final summing-up the prosecution reminded the jury, and with it the wider audience, that the huge bombs of great destructive power constituted a concerted attack on selected targets on the day of the plebiscite in Northern Ireland. Going through the evidence step by step, Rawlinson conceded that the Crown's case was founded on a mass of circumstantial evidence. It was difficult, he said, to unravel the 'web of deceit' around 'one of the most serious crimes which had been perpetrated in the capital'. What could be demonstrated beyond doubt is that all the bombs arrived in London during the brief time the defendants were there. Between the arrival of the first car and the explosions, all the cars were parked in one garage, the people involved all stayed nearby in different hotels and all set off for Dublin the next day under false names. All other people travelling that day could identify themselves, while they could not. He then referred to 'coincidence upon coincidence' and to 'chance meetings' which were put forward by the defendants to explain events, adding that they 'had advanced explanations which they [the jury] might think in many cases to be wholly unacceptable'. Comparing the number of coincidences needed to explain the evidence to a pantomime, he attacked the integrity of the defendants mainly by innuendo and inference. After establishing that they were active nationalists he asked the jury: 'Have you any doubt this was an operation planned, organised and financed and controlled by the I.R.A. and executed by those sympathetic with its aims and beliefs?' He had no doubt; in his view they were guilty beyond reasonable doubt. The lack of evidence caused *Republican News* to allege that the prosecutor was motivated by vengeance and 'showed no interest in proving the elements of the crime charged. His main objective was to show the jury the defendants were I.R.A. agents. The defendants were not put on trial. Their political opinions were put on trial.' The certainty evinced by the prosecution appeared to flag when it came to Roisin McNearney, who had cooperated with the police. In her case, he wondered whether she really should be convicted of placing the bomb at Old Bailey, since 'she seemed a bit on the fringe of this'.¹²¹

The presiding judge, Sebg Shaw, generally attempted to demonstrate impartiality. He was responsible for the extra tables brought in to accommodate the seventeen counsels for the defendants. To help the jury follow proceedings in the noisy courtroom, worsened by poor acoustics, he had loudspeakers installed and called upon all participants to speak loudly.¹²² Some of the Irish journalists noticed that this did not always have the desired effect, due to the heavy Irish accents and colloquialisms used by some of the defendants. Paul Holmes, in particular, had a heavy Ardoyne accent and used unfamiliar expressions in his evidence like 'I was under the whip'; 'He said he was brassic'; 'He must have thought I was touch for a tap'; 'he was skippering'.

Shaw clearly did not follow all that was said; at one point he failed to remember a man who had been introduced a couple of times before. In a feature article Eamonn McCann expressed his concern: “‘My God’”, muttered a journalist behind me, “they have not understood a word he has been saying.””¹²³ Shaw did show he possessed a sense of humour. After one of the police officers had said he was certain of his identification of one of the defendants because he ‘had never seen someone looking so much like a villain’, one of the lawyers doubted the accuracy of his recollection and referred a couple of times to “‘the wickedest-looking, most unshaven villain” that Constable Benson had ever seen.’ The judge then told him, ‘You have, if I may say so, a splendid gift of sarcasm.’ After the same lawyer referred to ‘a glorious piece of retrospective ratiocination’, the judge asked him to ‘have mercy on the shorthand writer’.¹²⁴

Shaw did try to ensure that the jury stuck to the rules. He told them not to discuss the case with others when they went home. That they were allowed to do so at all is quite surprising, considering the security concerns of the authorities. He also warned them not to listen to outside opinion, as ‘people seem to know exactly what happened on the basis of second hand knowledge’, he urged them to base their judgment solely on what they heard in court.¹²⁵ He told them not to be influenced by the guilty plea of the defendant McLarnon and assured one of the defendants that he would not be kept in solitary confinement over the weekend if he did not finish his evidence on a Friday, as his wardens had apparently said he would.¹²⁶ He even acknowledged that many people in Ireland may share the ideals of the Republicans. The question, as he put it, was whether the defendants supported violence to further that ideal. Before the jurors started their deliberations on the verdict, he advised them that having Republican views and even having been interned had no bearing on the question of whether or not the defendants were guilty as charged. He told them that because ‘a case like this arouses strong horror and resentment’, they must resolve not to let emotion play a part in their decision. He also reminded them of the possibility that the police had planted evidence, as was alleged by Michael Mansfield, senior counsel for the Price sisters. During questioning, Shaw told one of the detectives that if he had planted evidence this was the time to say so, and afterwards reminded the jury that being a police officer ‘does not necessarily make him an angel of truth or a person who conformed to decent standards’. He also forbade the prosecution from questioning Marian Price on her father’s republican views. The *Republican News* nevertheless accused Shaw of allowing the defendants to be questioned on their political beliefs and opined that his tactics reeked of vengeance.¹²⁷ He asked the jury not to allow sentiment to intrude on their judgment: ‘All the accused were young people not out of their twenties. “Sympathy

and chivalry have no place in trying matters such as these.” He also reminded them that there were no special rules for what ‘were called political crimes whatever that may mean’.¹²⁸

Nevertheless, Shaw’s prejudices occasionally surfaced. Generally, a consequent negative attitude towards the defendants was based on his repudiations of violence and expressions of horror over the bombings. When one of the policemen on the stand tried to undermine the trust between the defendants and their lawyers by stating that he had received information from Michael Mansfield on the time the bomb was planted at the Old Bailey, the judge questioned the need to introduce matters of this kind, but ‘pointed out that it might reflect credit to Mr. Mansfield’. What in fact had happened was that Mansfield had parked his car at the Old Bailey and had testified that the car used for the bombing had not been there when he arrived. His own Triumph was apparently severely damaged in the explosion.¹²⁹ Shaw also made a special effort to commend for his great courage a journalist who, upon receiving the warning from the IRA, had gone to one of the car bombs and had warned the public there before the police arrived. ‘The staff of the Times seemed to be infected with a reckless courage that day—hovering in the vicinity of the explosion.’¹³⁰ After the verdict he praised the bomb squad and Special Branch and said that all the police could go home with their integrity untarnished.¹³¹ Another show of feeling on the part of Judge Shaw emerged when one of the defendants refused to give the names of people who could corroborate his version of events. He had been interned, and Loyalists, as he believed, had a policy of assassinating former internees. Moreover, he did not want to say anything at the trial that would get a comrade interned; internment, he said, was like being put in a cage. To which Shaw replied, ‘You do understand that at a trial like this these matters have to be brought out. Just as you naturally detest internment, so people walking about the streets detest being blown up.’¹³² In his summing up, he reminded the jury members that they should not overlook ‘statements made from the dock which failed to deal with matters earlier heard in evidence’, subsequently mentioning the ‘terse statement’ by Walsh to explain how his fingerprints got onto both the rear-view mirror of one of the bomb cars and a parking ticket found in another. ‘If Walsh had been given a lift in the Viva he might have left his print on the mirror but how on earth, the jury might ask themselves, did he leave his fingerprint or did it find its way on to the car park ticket for the Cortina?’ Remarks such as these hinted broadly that he did not believe the explanations given by the accused; they almost gave the impression of directing the jury to a guilty verdict.¹³³ In the *Guardian*, it was also made clear he wanted a ‘not guilty verdict’ for Roisin McNearney. ‘If the jury did convict the other defendants, they would be “wise and

just”; referring to McNearney, he said that ‘she was too precariously near the line to say with certainty she was guilty, rather than just ignorant and foolish’.¹³⁴

Mr Justice Shaw also tried to ensure that the defendants would not use the trial as a political platform. In this regard he demonstrated a lack of understanding of the motives of the defendants when he asked William Armstrong, a father of five, how he ‘got involved into this kind of affair’. ‘Is it money or a misguided notion of patriotism?’¹³⁵ He was also unable to conceal his scepticism concerning the way the defendants attempted to explain away one unlikely coincidence after another. ‘It might occur to the jury that “no fairy godmother in any fairy tale had ever appeared so opportunely to a protégé, to provide just what was needed, as Dave did for Martin Brady”’. Full of irony, he instructed the jury not to swallow the explanations but to test them in the light of good sense. ‘If [you] feel [the] case as presented by prosecution is too harsh too inflexible to allow for the contingencies of life [...] you will accept, no not accept, but regard Mr Brady as somebody who, until his unfortunate arrest, had been looked upon benevolently by providence.’¹³⁶

Shaw clearly wanted to portray himself as a defender of society against terrorism. This was apparent from his answer to one of the lawyers, who called upon the judge to take account in his verdict of the growing unrest among the Irish. He had it in his power either to feed that sense of grievance or else to retard the historical cycle of retaliation and reprisal. Shaw’s first reaction was to deny the existence of this cycle by stating ‘these people kill even people on their own side’. When this was dismissed as rubbish by the defendants, he retorted that he was concerned only with ‘offences against this society’.¹³⁷ In his verdict he referred to the bombings as a murderous enterprise, to which one of the solicitors objected because the perpetrators had placed warning phone calls intended to save lives. Shaw stood by his use of the qualification ‘murderous’, but admitted that killing or injuring was not the foremost aim of the attacks. In his effort to protect society against the defendants he initially gave the Price sisters and Hugh Feeney a life sentence on a charge for which the law limited the penalty to 20 years.¹³⁸ The Observer reported that the combative attitude of the defendants during the sentencing brought Shaw to the verge of tears. ‘Passing sentence on people as young as you are is repugnant to me’, he professed, eliciting the sarcastic retort: ‘Don’t worry, we absolve you.’¹³⁹

In dealing with Roisin McNearney, who had been acquitted and given police protection until she was restored to her family, he took it upon himself to present her as an example to society. After reading out the sentences he asked her to sit down and pay heed to a lesson he wished to convey to her and all Irish youngsters: ‘You have been in custody since last March and you have nobody but yourself to blame.

You have learnt a bitter lesson and I hope it has taught you and others like you not to dabble in murderous enterprises, and treat it as a frolic, for it brings grave danger to you.' He added that he did 'not know the dangers outside this courtroom that you will face. I hope all will be well with you. I think the jury was right to acquit you. But you came near to the edge of guilt and you may reflect upon that. And if you have friends in Ireland still, you tell them about the experiences here, so they may know what to expect if they follow your example.'¹⁴⁰

Unlike in the other cases discussed here, the defendants in this case had not admitted membership of the IRA and denied involvement in the bombings. Consequently they recognised the court as legitimate and had themselves defended by English lawyers. The IRA seemed to assent in their taking this stance, even though it contravened general IRA policy. The jurisdiction of the courts was apparently accepted when operating in Britain. Although not an issue in the proceedings itself, the IRA membership of the defendants was not a secret. Immediately after the completion of the trial, the newspapers reported on the activist background of almost all the defendants, including their rank and unit in the IRA. In line with judicial practice this information was not allowed to be reported on during the trial. The first time a previous record in the IRA was mentioned was on the day the verdicts were reported, when the *Irish Independent* stated, 'Dolours Price and her sister, Marian, nicknamed the "Armalite Widow" by the Provisional I.R.A.—smiled and waved from the dock to relatives and friends in the public gallery before the judge entered. Marian is said to have got her nickname from her expertise with the Provos' favourite weapon, the Armalite rifle.'¹⁴¹ The *Irish Press* said it referred to the large number of widows she had made among army wives. It also cited the Price sisters, who studied at a teacher training college, as examples of the new breed of IRA intellectuals.¹⁴² Because their IRA membership did not have direct bearing on the bombings, the prosecution was not allowed to put it forward during the trial. They did nevertheless refer to a trip to Italy made by Dolours Price to lecture on the Northern Irish situation to left-wing groups. Showing that although Mr Justice Shaw instructed the jury that holding republican beliefs and having been interned should not be taken into consideration in judging guilt or innocence, the prosecution was willing to use an activist background to make the charges stick.

One recurring motif in the defence of the accused was that they were maltreated in custody, a claim that fortified the idea—among Irishmen in particular—that British society was marked by an anti-Irish bias. The *Irish Independent*, which in contrast to the *Irish Times* reported only occasionally on the trial, and generally provided only a simple summary of the evidence, picked up on this issue; the editors must have

expected it to be of interest to its readers. Even the *Guardian*, which generally supported the Conservative government's actions against the IRA, reported extensively, in a concurring tone, on the aspersions cast by the defence on the truthfulness of the police evidence. Upon arrest the clothes of the defendants had been taken from them for forensic tests, and it was not until the next day that they were given spare clothes, clothes that the Price sisters and Feeney refused to accept. In the interim they were dressed in blankets, a condition in which their photos were taken. Because Dolours refused to use the blanket, which she claimed was filthy, the photo shows her completely naked. The defendants had been forced to have their fingerprints taken, which was against the law. They also claimed to have been manhandled, and Feeney said he did not get a mattress in his cell. Mansfield alleged that the leading inspector had called Price an 'evil little maniac' and had told her she 'would not be seeing the sunshine again for some time'. He had also taken her crucifix as he felt 'she did not deserve to have it'.¹⁴³ All newspapers reported these events fairly dispassionately, but somewhat surprisingly it was the *Irish Independent* that defended the enforced fingerprinting of Dolours Price—an act that technically constituted an assault—on the grounds that police investigations sometimes require desperate measures.¹⁴⁴

The inspector justified his actions. He denied having said those things to Dolours Price, but admitted that at the end of the first interview he was 'perhaps a little annoyed with her', and had taken a chain and locket as he believed something might be hidden in it. He did not deny that the fingerprints were taken forcibly. He knew that he did not have the right to do so, but said that he needed them for the investigation. The photograph of Price was taken with no clothes on because she unexpectedly did not put on the blanket, as he thought she would. That the prisoners had not been allowed to see a solicitor for four days, the inspector said, was because their identity had not yet been established.¹⁴⁵ When one of the lawyers asked a policeman if he knew that his colleague had ordered what he called 'a criminal assault', the judge forbade him to answer the question, adding, 'The Jury have had quite enough about that.'¹⁴⁶ The defendants considered the maltreatment and the anger it generated explanation enough for their lack of cooperation as well as their lack of distress when confronted with the pictures of the bombings.¹⁴⁷

During the trial, they presented themselves in an upbeat, unconcerned and innocent manner. When they were first brought to the court many of the defendants, including the Price sisters, gave v-signs through the small windows of the police van. This was later prevented by having the windows blackened. In court the defendants seemed to be in a perfectly good mood. The *Irish Times* reported that the girls had shiny hair and were sprucely dressed when they arrived, accompanied by half a dozen

women prison officers. The next day the girls were reported to cause 'heads to turn in the galleries when they arrived in the dock wearing brightly coloured pinafore dresses and blouses'.¹⁴⁸ The other Irish and British papers also made occasional references to the looks of those involved, but the *Observer* stood out for its rapt attention to outward appearances.¹⁴⁹ In a background article entitled 'English justice in all its grandeur for Winchester: 9',¹⁵⁰ details of the physical appearance of some of the men were provided, including Judge Shaw, who came to court carrying his black hat and white gloves, and Gerard Kelly, 'who wears his dark hair shoulder-length and walks with the cheerful swagger known in Belfast as a dander'. The other men in the dock were described as 'rather a square looking bunch'. The paper contradicted the evidence of one of the police witnesses, who had described William Armstrong as the most villainous-looking man he had ever seen, saying that he 'looks as inoffensive as any other window-cleaner [his stated occupation] in a sports jacket'. In another implicitly critical reference, it recounted how Peter Rawlinson, the attorney general, was said to be getting £200 a day for this case. Most space was however given to the women. Roisin McNearney was described as having delicate pretty features; the paper noted that 'at the end of the day she rests her chin on a folded arm and looks dreamily ahead'. The Price sisters attracted the most attention: 'They are handsome rather than pretty, with firm jaw lines, creamy complexions and auburn tint to their chestnut-coloured hair.' They seem to have played on the effect of their appearance by often changing their clothes during the lunch break; 'pinafore dresses and smocks seem to be the favourite'. Somewhat in opposition to the description above, the paper reported how 'everybody in court, police, counsel, reporters—agrees they are an absolute knockout'. ('Dolly birds in the dock', said a headline in the *London Evening News*.) In a retrospective article, somewhat confusingly entitled 'The sisters of terror', the paper recalled how rural policemen were amazed that beauty could be so dangerous.¹⁵¹ This trivialisation of the defendants gave them a sense of innocence, an unexpected effect coming from a British newspaper.

In their evidence, the defendants accounted for their presence in London in various ways, saying that they were looking for a job, visiting people or that they came simply as tourists. A few of them refused to testify but gave statements through their solicitors. Their use of false names was explained with reference to the situation in Northern Ireland, where it was dangerous to admit having a Republican name or even a name easily identifiable as belonging to a Catholic. Gerry Kelly explained that many, even very respectable, people were giving false names due to the introduction of internment without trial. Hugh Feeney said he had started to use a false name after having been stopped and beaten up by vigilantes of the UDA, the Ulster Defence

Association.¹⁵² The *Irish Independent*, in stressing the credibility of these explanations in a Northern Irish context, contributed to the idea that the suspects were victims of English ignorance.¹⁵³ The main argument of the defence lawyers was that the defendants did not have to prove their innocence—the prosecution had to prove guilt; the case, they argued, was based ‘upon allegations made by assertion more than anything else’. A bit of consideration, they argued, would reveal that the picture painted by the defendants was not that unlikely. Most people on a short holiday would meet someone they knew who travelled on the same day. This was not a strange coincidence, just something that happened. With the Special Powers Act in force in Ulster, giving a false name was quite logical. That one of them was identified in a line-up was also unsurprising, considering the fact that he was the only one in borrowed clothes and without shoelaces. The fear that their family and friends would be shot if they testified was hard to accept, but was ‘reality in Northern Ireland’.¹⁵⁴

Dolours Price was portrayed as the leader of the IRA bombing team and was singled out for special attention. She came from an active Republican family. Her father had been interned for eight years during the 1940s and had moved to the South after their house had been searched frequently following the reintroduction of internment in August 1971. Dolours admitted to having given lectures in Italy on the Northern Ireland situation. She was in favour of a united Ireland and claimed to understand the aims and principles of the IRA. Yet, as McNearney’s lawyer argued, it was no offence in England to be a member of the IRA or to associate with it. And although there was probably ‘no organisation in this country at this moment with a more unpopular ring to it than the I.R.A.’, the jury should not be led by their feelings.¹⁵⁵ Dolours Price was more assertive in her answers than some of her co-defendants. She had a reasonable explanation for the photograph taken of her with a British soldier. She was held up at a checkpoint with a man who was wanted, she said, and when a soldier asked for a photo with her she agreed so as not to cause suspicion. Distress over her own situation was responsible for her unwillingness to cooperate and her flat reaction when having been shown pictures of the aftermath of the bombings. She was also defiant. When asked by Peter Rawlinson what kind of person would perpetrate a crime like the bombing of the Old Bailey, she said: ‘I really don’t know. If you saw photographs of Berlin after it was bombed [during World War Two], could you say the person who did it was a maniac?’ Being asked whether she supported the use of violence to further her ideals she evaded the question.¹⁵⁶

The two defendants who pleaded guilty or collaborated with the police were treated somewhat differently by the rest. After William McLarnon had pleaded guilty and was led away, the other defendants showed no reaction.¹⁵⁷ This was quite different

for Roisin McNearney, who like the others pleaded not guilty but cooperated with the police. She admitted to having been drafted into the IRA recently on an eleven-month trial, after singing Irish songs in a Belfast bar. A short while before the bombings she was told to go to Dublin, where she met two women and later two men who said she was going to London, which she thought was great as she had never been there. In London she had done a bit of sightseeing, going to Madame Tussaud's and Buckingham Palace, but knew nothing of the bomb in the car. As the attorney general noted pointedly, a statement by her that was read in court contained evidence only against herself, not against the others. She did provide whatever details she knew of the movements of the others. She also offered to show the police the hotels where they had stayed, 'on condition that no one knew or saw her because otherwise she would be shot'. Her fear of deadly reprisal was repeated at least three times.¹⁵⁸

Until the verdicts were read, there nevertheless seemed to be nothing special about the way she was treated by the others. However, when all the accused stood to hear the verdicts read, McNearney stood back a little from the line of prisoners instead of taking her usual place between Feeney and Brady. Another thing that was noticed immediately was that McNearney's father and eldest sister sat apart from the other relatives, separated from them by three uniformed policewomen. When McNearney was declared not guilty there was a scuffle in the dock. Feeney and Brady had to be restrained while McNearney was taken down the stairs. Feeney threw a coin at her and shouted, 'Here is your blood money.' As she left, several of the defendants started to hum 'Dead March from Saul' intimating she would soon be killed. There was a minor altercation between her father and relatives of the other defendants, after which her family left abruptly. When she was brought up again for the verdict on the other two charges, she returned crying into a white handkerchief.¹⁵⁹ The newspaper that paid most attention to the way McNearney was treated by the other defendants was the *Guardian*. The front page opened with the headline 'Eight bombers chant death as girl is freed.' In a departure from the facts as reported in the other papers, the *Guardian* wrote that she had been ostracised from the beginning and was now effectively sentenced to death by the Provisionals. Although acknowledging that McNearney had been a member of the women's organisation of the IRA, by painting her so pitifully the paper clearly wanted to place the emphasis not on her culpability but on the ruthlessness of the IRA. The single coin Feeney threw at her in the Irish newspapers became a handful of coins in the *Guardian*.¹⁶⁰ The *Irish Press* was the only paper that reported on the death threats from the Loyalist UVF (Ulster Volunteer Force) received by relatives of the two defendants who escaped punishment.¹⁶¹

After the verdict the prisoners dropped the pretence of non-involvement in the IRA, determinedly limiting their appeal to their own supporters. To hear the sentences, the defendants were brought in with fifteen prison guards who packed the seats behind them. Before the judge came in, several of the defendants were smiling, waving to public and press, and leaning on the rail. Some continued to do so during the sharp exchanges with Shaw that now ensued. It was as if now that they were condemned, they manifested contempt for the court in retrospective conformity to the traditional Republican refusal to recognise courts that they had not followed during the trial. Even before sentence was passed the defendants announced that they were going on hunger strike to be recognised as political prisoners and to be allowed to serve their time in Northern Ireland. As the sentences were announced, the defendants defiantly shouted IRA slogans and raised clenched fists in the air. None of them asked for leniency, and in their speeches from the dock they admitted membership of, and expressed support for, the Provisional IRA and the ideal of a united Ireland. Feeney, in an impassioned address, said, 'Victory is within the grasp of the Irish nation. She will not bend the knee. England shall realise that we are indeed an arisen people.' Kelly stated that, as a member of the IRA, he would fight until the people of Ireland could decide their own destiny. Holmes concurred and ended with a famous quotation from Republican icon Patrick Pearse: 'Ireland unfree shall never be at peace.' They also claimed that this had been a political trial, and that the real defendant should be the British government. They called for a trial in Strasbourg to judge the actions of the British army in Northern Ireland, whom they called 'uniformed thugs' and who, they claimed, had planted bombs in Dublin and hired criminals to fight Republicans. Even McLarnon, who had admitted guilt from the beginning and was given fifteen years, did not ask for leniency, and when sentenced shouted 'Up the Provisional IRA.'

The proceedings ended in some chaos. Gerry Kelly was removed when the judge decided that the statement he was declaiming was a political speech; six spectators who applauded and shouted support for him were also taken out. The entire audience seemed to consist of—mainly female—relatives and supporters of the defendants. By then none of the defendants was inclined to show respect for the judge. Shaw's order that they keep quiet only brought the defendants to shout 'no' in unison. When he sentenced Feeney and the Price sisters, they interrupted him constantly, stating that they did not want to listen to a lecture from him. The *Guardian* paid a great deal of attention to what it described as 'a series of extraordinary incidents in court'. As the paper saw things, the statements by the other defendants were also blatantly political, even after Kelly was removed. The *Guardian* moreover expressed surprise that the defendants 'were quite unashamed of their deliberate perjury in an attempt to avoid

conviction'. When eventually led away, all gave the clenched fist sign to shouts of 'All the best' and 'Cheerio, girls' from their supporters. After their arrival in prison, they issued a written statement in which the eight confirmed their hunger strike and their refusal to wear prison clothes until they were transferred to Northern Ireland and given political status. This would allow open visits, food parcels once a week, the freedom to write and receive as many letters as they wanted and the right to be together. Imprisonment in England, they claimed, would moreover entail financial and emotional hardship for their relatives.¹⁶²

The Provisional IRA did not come out with an official response until after the verdict. As the defendants had previously denied involvement with them, the organisation had so far refused to be drawn into the case. In its initial reaction immediately after the bombing it had announced that the eight operatives who had really carried out the bombings had returned safely to Ireland. This implied that the accused men and women were innocent, while countering Scotland Yard's claim that the car bombs had been planted by splinter groups.¹⁶³ In a later article, the *Guardian* reported that the attack had occasioned much argument in the IRA. Former Chief of Staff Sean MacStiofáin was said to have disapproved of the plan. It was only after his imprisonment that the new Belfast-based leaders, who were under pressure in the North and needed a success, pushed it through over lingering opposition in the ranks. According to the *Guardian* this led to a huge row in the IRA Army Council.¹⁶⁴ Disregarding the possible effects of such an action on the defendants' denial that they were members of the IRA, the Republican newspapers organised aid campaigns for them from the beginning. 'People wishing to offer support or give assistance to the Belfast Ten should get in touch with Miss Maureen Maguire.' *Republican News* was also the only paper consistently to report on the support groups emerging in England and Ireland.¹⁶⁵

In a statement following the conclusion of the case, the Provisionals criticised the harsh sentences, which they claimed betrayed anti-Irish prejudices and hatred and were 'similar to the shooting of the sepoys from the barrels of cannons because they too defied the Empire in defence of freedom'. This belated interjection of the narrative of injustice was followed by threats of revenge: 'The day is long past for Irish people to lie under the lash of British Imperialists. In due course, retribution will be extracted from the people who inflicted such callous punishment on Belfast youth in Winchester today.'¹⁶⁶ They expressed their admiration for the prisoners: 'Undeterred by the coercive atmosphere of the infamous Winchester court, the prisoners asserted the god-given right of the Irish nation to freedom and affirmed that truth and attested it with their liberty. Their heroism will inspire thousands more to drive home the

struggle for freedom to a victorious conclusion.’ This admiration did not apply to Roisin McNearney, who the Provisionals said was expected after her release to appear before an IRA court of inquiry to explain her actions. For now nobody knew where she was, but the declaration added menacingly that police protection would not last forever. The next day Sinn Féin took defiance a step further. Irish Republicans no longer feared the British, they said. As the sentences showed, it was the British who feared the Irish. They made the specific prediction that 1974 would be the year of ‘victory over British imperialism’. In this they took inspiration from the convicted: ‘Inspired by their display of dignity and courage in the face of their enemies, we rededicate with recharged enthusiasm to the present resistance struggle in the North. Now, more than ever before, it is essential to conclude the victorious armed struggle undistracted by “political” obstacles. In this victory our comrades will taste the sweet air of freedom.’¹⁶⁷

The Republican newspapers built on this argument. An analytical article in the *Republican News* positioned Britain as the real loser in the case of the Belfast Ten. The bombs had made millions aware of ‘occupied Ireland’. British people had previously been apathetic, it claimed, but now millions asked ‘what evils their government had perpetrated in Northern Ireland to induce ten Irish youths to sacrifice their lives and freedom’. The trial only accentuated British repression. The defendants had received unprecedented life terms and had been treated as political enemies, to be put out of commission for a long time to come. ‘It was a political trial.’ Even the English attorneys representing the defendants admitted to this. The British Tories, said the *Republican News*, had had their vengeance, but their ‘blunders have poisoned the well of Anglo-Irish relations for generations to come’. ‘Moderate Irishmen were shown what to expect under the British system of justice. Once again, the Crown became the chief recruiting officer for the IRA.’¹⁶⁸ In a special supplement to *An Phoblacht* dedicated to the Winchester hunger strikers, a whole list of allegations was published to back up the accusation that the proceedings were a show trial. The defendants, the paper claimed, were already found guilty before the trial, which was moved to Winchester in the expectation that there would be a more ‘pro-Government blood-thirsty jury’ there; the defendants had been maltreated; and the press had influenced the trial by a ‘wave of hysteria whipped up by [the] Capitalist press’; even before the trial started, the BBC had described the suspects as culprits (a qualification it later withdrew); and, *An Phoblacht* recalled, the sentence by ‘blood-thirsty Seabag’ initially exceeded the legal maximum.¹⁶⁹

The government clearly wanted to show that it took up the challenge put to it by the IRA and the defendants. Although Scotland Yard denied any knowledge of

an alleged IRA plan to kidnap ten villagers from Essex in retaliation, after the trial a major security operation was put into effect. It was announced that the homes of the judge, prosecutors, senior policemen and jurors were being protected and that public buildings were being watched. The authorities refused to confirm or deny reports that armed guards were posted in the houses of those involved in the trial and of senior government figures.¹⁷⁰

Public reaction to the attempts to impose a specific narrative by those involved is difficult to measure. Reporting on the trial in the *Irish Times* was much more extensive than in the *Irish Independent* and *Irish Press*, let alone the local Irish papers, but even coverage in the *Irish Times* tapered off after the first couple of weeks. Generally, the paper simply conveyed the evidence that was being presented. The strongest reaction in favour of the defendants seems to have been in England. Immediately after the arrest of the ten suspects a 'Belfast Ten Defence Committee' was set up to help the prisoners and to draw attention to the way they were treated. It brought together Irish, left-wing and student organisations on both sides of the Irish Sea. Supporters included Maura Maguire of the Anti-Internment League, Eamonn McCann of the *International Socialist* and Pat Arrowsmith, a pacifist campaigner. They asserted that the newspapers had condemned the suspects before the trial had begun; castigated the authorities for the maltreatment to which the accused were allegedly subjected; and provided moral and financial support as well as organising an 'international solidarity campaign on the lines of the successful Angela Davis Defence Committee'. English civil rights activists became involved immediately, in reaction to the fact that initially no charges were levied against the defendants and because they were not given access to a lawyer for almost five days. The Council for Civil Liberties and the Prisoner Action Committee described this as 'a blatant and cynical denial of basic human rights', and went to the High Court to demand the prisoners' release on grounds of habeas corpus: 'A system of mental torture, intimidation and total isolation is being used in a case where the police are obviously unable to bring charges.'¹⁷¹

Early reactions among the British public were not devoid of sympathy for the Irish in general. Politicians and bystanders expressed the hope that 'God would help the people in Belfast if this is what is going on there.'¹⁷² Occasional hostility was elicited by the protest marches and pickets of government buildings organised by the defence committee, which were manned by up to 200 demonstrators. During one of these demonstrations, which went from Charing Cross to Hyde Park, a few fists were shaken by passers-by but there was generally little response even when shouts of 'Victory to the I.R.A.' went up when passing a recent bombsite. *An Phoblacht* reported similar numbers of protesters as the other papers.¹⁷³ Only the *Irish Press*

expressed concern for the consequences of the events for Irish people living in Britain and for British–Irish relations. It also feared the security precautions would generate a groundswell of prejudice against the defendants amongst townspeople, and that this might affect the jury. It was the only paper to observe a negative response, epitomised by what the *Irish Press* regarded as an exceptional reaction from an elderly man sitting in the public gallery, who said through clenched teeth, ‘They shouldn’t waste a trial on these people: they should have just shot them.’¹⁷⁴

However, Irish supporters did concentrate more on social activities and fundraising than on public protest afterwards. Their weekly collections, he said, were not down; sales of *An Phoblacht* even went up a bit. During the trial Republicans felt strong enough to organise a march through the constituency of a very vocal anti-IRA Tory MP. According to the *Irish Times* this was ‘a nose-thumping exercise but also a measure of the Provisionals’ confidence that they will be able to operate despite bombs’. A certain downturn in support from left-wing organisations in Britain did appear to develop over time. A picket organised by Official Sinn Féin, in which all Irish, socialists and those believing in justice and democracy were asked to participate, saw a turnout of only a hundred people. This stood in blatant contrast to the thousands who had demonstrated after the events a year before on Bloody Sunday, in which fourteen civilians had been shot dead by security forces in Derry.¹⁷⁵

The *Guardian*, which had provided most detail on the dangers to the population during the trial, helped to create a sense of threat after sentencing by speculating on possible retaliation by the IRA in Britain: ‘There are fears that the IRA may try a novel form of terrorist action for them in an attempt to force the authorities to free the prisoners. It is known that bombings and kidnappings have been considered.’ The next day it discussed the possibilities that a plane would be hijacked or a ‘daring rescue’ by helicopter be undertaken, while adding reassuringly that the IRA would find it difficult to operate in Britain, where it lacked public support. The paper also expressed its faith in the positive effects of the hard government line against prisoners who went on hunger strike in order to acquire political prisoner status: ‘The Home Office in this country is unlikely to ever accede to granting any of the IRA prisoners this status in Britain, contrary to the practice of the Republic.’ In full realisation that prisoners who once went on hunger strike could not go back without losing face, the paper nonetheless concluded that the prisoner would have to give in.¹⁷⁶

In Ireland itself, public response to the verdicts was very limited. The *Irish Times* felt that the whole bombing plot, which it claimed had been designed in Dublin, was confused and dangerous. None of those involved was apparently able to keep quiet about the proposed mission. ‘Their entire approach was muddle-headed and

drawn up with monumental incompetence.' The strongest positive response came from the students of St. Mary's and St. Joseph's Colleges in Belfast, where some of the defendants studied. They put a statement out protesting at the savagery of the sentences, demanding the right to appeal and claiming that the prisoners should be allowed to serve their sentence in Northern Ireland.¹⁷⁷ Although most Irish Catholics and nationalists did not much like the bombings, in the months following the sentence their attitude towards the bombers improved when the press reported on the harsh treatment they were receiving from the British authorities and the British refusal, despite the hunger strike, to transfer the convicts to a prison in Northern Ireland.

The Republican newspapers, which had been fairly quiet during the trial, now tried to mobilise support. *An Phoblacht* and, in particular, *Republican News* detailed the ordeal being endured by the seven hunger strikers, claiming that they were effectively being tortured to death. The five male prisoners, dispersed over the country without access to their relatives, had no clothes and just one blanket; they were kept in windowless, unheated cells where they had to sleep naked on stone floors. On the basis of a letter written by Dolours Price, smuggled out of prison, the paper detailed the mechanics of the forcible feeding to which the seven were subjected and compared the conditions to those in Bergen-Belsen concentration camp. It called upon the Irish people, Amnesty International and the International Red Cross to use their good offices to ensure that their demands were met, asking, 'Must these people die before it is too late?'¹⁷⁸ It highlighted the request to be moved to a prison in Northern Ireland, where it was not unusual for political status to be granted to Republican prisoners. The paper recalled how a Northern Ireland minister had recently referred to eighteen convicted prisoners who had been moved from England to the North. A list of efforts supporting the move was then discussed, including actions by the National Council of Civil Liberties and the Association of Legal Justice. The issue had also been raised at a conference on torture in Paris, where relatives of the prisoners had started a 24-hour fast in protest. The paper called upon everyone to phone or write to people with influence, asking them to have a resolution in favour of the prisoners passed and sent to the Home Office. A further demand was addressed to the Dublin government, urging it to take a case to the European Court of Human Rights.¹⁷⁹ In the middle of January the prisoners finally broke through what *An Phoblacht* called the wall of silence erected around them, when their letters detailing their situation were allowed out. This led to demonstrations, mock forced-feeding sessions outside Wormwood Scrubs and Brixton prison, and open expressions of support from a large array of people and organisations in Ireland. Among them, the paper claimed, were

the Gaelic League, the GAA, trade unionists, students, teachers, university professors and lecturers, writers, artists, journalists, actors, actresses and a growing number of local authorities.¹⁸⁰ It also criticised the other papers and politicians of all parties who were too busy putting together a political compromise to bother with the issue.¹⁸¹

The plight of the hunger strikers also appeared to generate more support in Britain itself. Even some Labour MPs were willing to associate themselves with the Irish Political Hostages Campaign set up to support their demands. As *An Phoblacht* put it, 'The demands are capable of gaining broad support, and so will cut across the hysteria of the press.'¹⁸² The forcible feeding saw to it that the hunger strike continued for more than two hundred days, generating ever more support among those of a nationalist persuasion and also among sympathisers in Great Britain and abroad. The huge difference in public response between the trial and the hunger strike highlights the distinction people felt between sympathy for the plight of the prisoners and support for their tactics. This was just as true of the Irish as of the English and others.

In the long run, all parties involved appear to have been fairly successful in convincing their own audience of the validity of their narrative. The performative power of the government's attempt to highlight the danger of the IRA to law and order seems to have been successful to the extent that English left-wing organisations became more hesitant to express their support for IRA prisoners; even the *Guardian* supported government policy towards the IRA. At the same time, in the public domain there was no noticeable increase in anti-Irish utterances, a phenomenon that was actually in the interest of the British government. (In private, people may well have been much more critical of the Irish than before.) The IRA, although it succeeded fairly well in the initial phases in mobilising support for the defendants among civil right activists and left-wing groupings in Britain, did not reach the masses either in Britain or Ireland. In the long run, however, they were helped by the hunger strike in generating widespread sympathy, in particular among the population in the Irish Republic. The portrayal of the British government as unfair in its treatment of the Irish appears to have struck a chord with the populace, thereby maintaining a potential support base for the objectives and, to some extent, even for the methods used by the Republicans.

5.5. The Trial of Bobby Sands (1977)

The final case discussed here is the trial of Bobby Sands. While best known for his hunger strike in 1981, Sands had been in prison since October 1976. His trial on 7 September 1977 is included here for the insight it offers into the impact of the abolition of trial by jury for cases of political violence in Northern Ireland. The conviction of paramilitary suspects had proved to be particularly difficult for the authorities ever since the outbreak of the Troubles in 1969. We have seen that early in 1971 a type of covert internment policy had been initiated to deal with known leaders such as Card and McKee. Yet this was ultimately unsatisfactory due to the intimidation of jurors and witnesses, acquittals by biased juries, and the inadmissibility of confessions, which often were the only evidence brought forward by the prosecution. To deal with these difficulties, actual internment was subsequently introduced on 9 August 1971. However, this only led to intensified violence, as a large number of people not associated with the Provisionals were interned. The concomitant raids and arrests, with a large measure of violence against people who were not involved, only abetted the recruiting efforts of the movement. The ranks of the IRA were swelled after the first swoops against Republicans, while most prominent members of the Provisionals, who were largely unknown to the security forces, had evaded arrest. From a public relations point of view, internment had considerable drawbacks. It undermined the legal system and its credibility among Catholics, as most internees came from their community.

The introduction of the Diplock courts on 8 August 1973 was a way of ending the need for internment and the use of the associated label 'political prisoner'. These juryless courts made it much easier to convict known activists, as the introduction of Special Criminal Courts in 1972 had done in the South. In contrast to the latter, on which three judges sat on the bench, the Diplock courts had a single county or High Court judge who presided over political cases. When arms were found, the burden of proof was put upon the suspect, while standards for confessions were lowered. To mitigate the effects of a possible miscarriage of justice, the death sentence could not be meted out. Other changes included the introduction of a 28-day arrest period without charge and a higher threshold for bail. From a British perspective, the Diplock courts appear to have been successful. Their introduction led to many more convictions and a substantial reduction in violence. Even most Catholics seem to have preferred them over internment. The assured right to appeal and the requirement that the judges for the first time had to write out the factual and legal arguments underlying their decision improved chances for a successful appeal. It also benefitted the quality of

the judgments, as judges did not like to have their verdicts reversed. The favourable reception of the Diplock courts allowed the authorities to abolish internment on 5 December 1975.¹⁸³

Little is known about Bobby Sands's trial, which took a single day. The only papers to report on it were the *Irish Times* and the *Irish Independent*, and even they were content with not much more than the bare facts. This in itself demonstrates that the simplification of the proceedings under the new legislation lessened the public impact of the trials. Most papers in Ireland and Britain however had reported on the incident that led to his arrest, but, again, stuck to the unadorned details. This was even true of the Republican papers. *An Phoblacht* referred briefly to the arrest in their column 'News from the North', while the northern *Republican News* did not even report on this specific action, only the general IRA policy of targeting business premises, of which the specific incident was an example.¹⁸⁴ Sands and five other men had been arrested on 14 October 1976. Together with two others, a man and a woman who escaped, they had taken over the Balmoral Furniture Company at the Balmoral Industrial Estate, held up the staff and placed two twenty-pound bombs and two drums of petrol. When the raiders left they were confronted by troops and police. The six were captured after a shoot-out. In the meantime the bombs exploded and a fierce fire started. The firemen, who were on strike at the time, made sure the staff was safe and that the fire did not spread, but let the factory burn down, causing about £400,000 worth of damage. Sands and three others were arrested in a car in which a revolver was found on the floor. A short clause in the *Irish Independent* article may explain the lack of attention to this relatively minor case: '[...] meanwhile with assassinations reaching almost a rate of one a day and two explosions per day in the North'.¹⁸⁵

All the defendants refused to recognise the court and seemingly made no attempt to defend themselves. They were ultimately convicted only for possession of a weapon with intent. No evidence could be produced linking them directly to the fire-bombing of the furniture company. Nevertheless, they each received a fourteen-year sentence, almost three times as long as the penalty meted out to Card and McKee for the same offense only two years earlier. The length of the sentence may well have been influenced by the fact that although there was no evidence, the responsibility of the defendants for the fire was fairly incontrovertible. The authorities may also have hoped that severe sentences would deter others.¹⁸⁶ Except for the element of deterrence, the performative power of the case was very minor. Neither Republicans nor the authorities or the media attempted to use the case to make a particular point. The low-key response to the case was probably due to a combination of factors.

The effects of the Diplock court procedures and the extremely violent context of the Troubles robbed the goings-on in a minor court case of any and all publicity value.

5.6. Conclusion

In all the cases discussed above, the various parties involved seem to have been fairly well aware of the message they wanted to put across about themselves and their opponents. The emphasis and effort put into this were adapted to local conditions. It was generally clear to anyone familiar with the political situation of the moment who was being addressed when. In the three jurisdictions—Northern Ireland, Great Britain and the Irish Republic—the population was highly polarised to begin with, leaving only one group in society that could be swayed to one side or the other. In Northern Ireland, Unionists would not be open to whatever message was put out by Republicans. The primary aim of the latter was to maintain the support of their own constituency and to bring nationalists who were opposed to the use of violence to their side. In the main, they were out to portray the proceedings as unjust and unfair. If they succeeded, all nationalists would feel potentially threatened by the state, a state that was apparently able to lock up any of them. The government and the legal profession in Northern Ireland simply tried to emphasise that they maintained the rule of law and that those who broke it would be punished severely. This simple dichotomy also meant that newspapers generally paid little attention to court cases.

In the South, the 'battleground' was more open. As the IRA objective of a united Ireland was widely shared, there was more to gain. It was relatively easy for the IRA, contrary to the government, to claim that, however counterproductive the use of force might be perceived as being, it was doing something tangible for a united Ireland. This dichotomy also enabled them to use a whole range of damaging narratives to tackle the government and generate support among the populace. One favoured tactic similar to what was used in the North was to accuse the southern Irish courts of denying justice to Republicans and using illegal means to convict them. The IRA also emphasised the apparent lack of independence of the Irish government, which appeared to act in unison with the British, who were portrayed as the eternal enemies of Irish independence. In a sense, the emphasis of the Irish government and the legal system in the court cases on maintaining the rule of law can be explained by the absence of a more effective counter-narrative. The IRA succeeded in generating widespread protest, but at the end of the day people were too apprehensive of anarchy

to accept the Republican framing. Their claims were only accepted by those who already questioned the agenda of the Irish government.

In view of the unlikelihood that open support would be forthcoming on the British mainland, the best option available to the IRA was to appeal to liberal and left-wing constituencies. They did this by emphasising the imperialist tendencies of the British government and its lack of respect for civil rights, illustrated by its behaviour towards the prisoners and to Irishmen in general. The IRA did not challenge the legality of the court. On the contrary, the fact that it was legal strengthened their criticism of the procedures and the actions of the various actors within the system, including the police, prosecution and judge. In response, the government stressed the threat to society posed by the actions of the defendants, not just in words but also in the way they staged the proceedings. This tactic was picked up by the judge and prosecution as well. The public impact of the bombs had been great, but the court proceedings did not appear to have much effect. Concerns over civil liberties were initially substantial, but the association of the suspects with the violent politics of the IRA seems in the final analysis to have scared away some of the liberal constituency.

Looking at the reporting in the newspapers, one can only conclude that little use was made by the parties involved of the theatrical potential of court proceedings. The case of the Belfast Ten, in which this did occur, was an exception. The staging of that trial, the security measures outside the courtroom and the placing of the defendants inside sent out a clear message. In Northern Ireland, the news was dominated by the violence taking place on the streets. No court case could command as much public attention as a lethal bomb attack or the killings on the street. To some extent, the same can be said of the South and Great Britain, where coverage of the court cases had to compete with reports on the latest violent incident or attempts to come to a peaceful solution of the conflict. The long history of IRA violence also limited the ability of politicians, the judicial system and the IRA itself to use the court cases for their performative power. The parties involved appear to have known fairly well which message worked and which did nothing for their intended audiences even more so in Ireland than in Britain.

One instructive aspect of this analysis concerns the way various newspapers emphasised different aspects of events. The so-called quality papers tended to pay most attention to the content of the proceedings. They nevertheless each had their own individual slant. The *Guardian*, for instance, stressed the danger emanating from the IRA, possibly in an attempt to justify its support for the policies of the conservative government and to counter criticism from civil rights organisations. Papers like the *Observer* and the *Sunday Independent* felt most comfortable with superficial aspects of

the case, such as the appearance and background of the defendants. The local papers in Ireland did not pay any attention to the cases, apart from an occasional obligatory report, but the various national newspapers did cover them, each in keeping with its own political position. The *Irish Times*, which represented a fairly wide range of views, was critical of the governments in relation to civil liberties and press freedom, but tended to side with law and order. The *Irish Independent* was erratic in its reporting. It featured a strong human interest component, but was certainly not swayed by the Republican narrative. The *Irish Press*, which had a close association with the government party in Ireland that contained a faction of relatively hard-line Republicans, was most likely to accept the way the defendants framed their opponents sometimes in opposition to the government.

In general it could be argued that this analysis of court cases against IRA suspects in different jurisdictions has revealed that the parties involved were quite conscious of the narrative they wanted to put out to certain targeted audiences, and explicitly questioned the quality of justice administered ("Is there any justice left in this country?"). The societies in the three jurisdictions were divided by clearly drawn lines of identification and by their past experience with cases like those dealt with here. That and the all dominating violence in Northern Ireland constrained possibilities for exploiting the performative element to the full. Those who implemented it did so mostly to strengthen their own or undermine the opponent's narrative. The public reacted much more strongly to the performative power of the hunger strike, which the IRA preferred over the court case, if only because it had more control over the physical sufferings of IRA prisoners than over the impact and framing of judiciary proceedings. It could nevertheless be argued that the Republican narrative was strengthened by their use of the performative power of the court cases and therefore was a contributing factor in maintaining the Republican campaign of force for such a long time by maintaining the idea that Republicans were more willing to suffer for the shared objective of Irish unity than existing parties and in the process were unjustly treated by the governments involved.

Notes

- 1 Joost Augusteijn, Patrick Pearse. *The Making of a Revolutionary* (London: MacMillan, 2010), pp. 289–293.
- 2 These include the *Anglo-Celt*, *Connacht Sentinel*, *Connacht Tribune*, *Irish Farmers Journal*, *Kerryman*, *Leitrim Observer*, *Meath Chronicle*, *Munster Express*, *Nenagh Guardian*, *Southern Star*,

- Tuam Herald, Westmeath Examiner, all to be accessed through the Irish News, Archives website: <http://www.irishnewsarchive.com/index.php>.
- 3 Irish Times, 15 April 1971; See also Irish Press, 17 June 1971.
 - 4 Republican News, May 1971.
 - 5 Irish Times, 1 April 1971.
 - 6 Irish Times, 1 April 1971.
 - 7 Irish Times, 14 May 1971 and 17 June 1971; Irish Press, 17 June 1971.
 - 8 Irish Times, 17 June 1971; Irish Press, 17 June 1971.
 - 9 Irish Times, 17 June 1971.
 - 10 Guardian, 17 April 1971; Irish Times, 17 and 24 April 1971.
 - 11 Irish Times, 8 May 1971; Irish Times, 17 June 1971.
 - 12 Irish Times, 14 May 1971; Irish Times, 17 June 1971.
 - 13 Irish Times, 24 April 1971.
 - 14 Guardian, 17 April 1971; Irish Times, 17 April 1971.
 - 15 Irish Press, 17 June 1971.
 - 16 An Phoblacht, July 1971.
 - 17 Irish Times, 26 June 1971; Irish Press, 31 May 1971.
 - 18 Irish Times, 1 November 1972.
 - 19 Guardian, 3 November 1971; The Observer, 5 November 1972; Irish Times, 20 November 1972.
 - 20 Irish Times, 6 November 1972.
 - 21 A name for Republicans using physical force.
 - 22 Guardian, 10 November 1972.
 - 23 Dáil Éireann Debates, vol. 263, 'Order of Business' (7 November 1972).
 - 24 Irish Times, 20 and 21 November 1972; Irish Press, 20 November 1972.
 - 25 Guardian, 27 November 1972.
 - 26 Republican News, 24 November 1972.
 - 27 Sunday Independent, 26 November 1972.
 - 28 Irish Times, 25 November 1972.
 - 29 Republican News, 24 November 1972.
 - 30 Irish Press, 25 November 1972; Irish Times, 25 November 1972; Sunday Independent, 25 November 1972.
 - 31 Guardian, 25 November 1972.
 - 32 Sunday Independent, 26 November 1972; Irish Press, 27 November 1972.
 - 33 Irish Times, 22 November 1972.
 - 34 Irish Press, 24 November 1972.
 - 35 Irish Press, 27 November 1972.

- 36 Irish Times, 25 November 1972.
- 37 Irish Times, 22 and 25 November 1972; Guardian, 22 and 27 November 1972; Irish Independent, 26 November 1972.
- 38 Irish Press, 25 and 27 November 1972; Guardian, 27 November 1972.
- 39 Irish Times, 20 November 1972.
- 40 Irish Times, 20 November 1972; Guardian, 22 November 1972.
- 41 An Phoblacht, 26 November 1972.
- 42 Republican News, 24 November 1972.
- 43 The Guardian, 20 November 1972; Irish Press, 21 November 1972.
- 44 Republican News, 24 November 1972.
- 45 Irish Independent, 12 December 1972.
- 46 The first prime minister of independent Kenya.
- 47 A prominent Irish activist and socialist.
- 48 Irish Times, 21 November 1972. Similar sentiments were expressed by Bernadette Devlin in the House of Commons, House of Commons Debates, vol. 846 (23 November 1972), pp. 1530–1557.
- 49 Republican News, 24 November and 1 December 1972.
- 50 An Phoblacht, 26 November 1972.
- 51 Guardian, 20 November 1972.
- 52 Irish Times, 23 and 25 November 1972.
- 53 Irish Times, 21 November 1972.
- 54 Irish Times, 25 November 1972; Dáil Éireann Debates, vol. 263, 'Questions' (23 November 1972).
- 55 Guardian, 27 November 1972.
- 56 Guardian, 21 November 1972.
- 57 Guardian, 22 November 1972.
- 58 Irish Times, 20 November 1972.
- 59 Irish Times, 27 November 1972; Irish Independent, 26 November 1972; Guardian, 25 November 1972; The Observer, 26 November 1972.
- 60 Irish Times, 21–27 November 1972. See also Republican News, 24 November 1972.
- 61 Irish Times, 25 November 1972.
- 62 Irish Times, 24 November 1972.
- 63 Sean Mac Stiofáin, *Memoirs of a Revolutionary* (London: Gordon Cremonesi, 1975), p. 348.
- 64 Irish Times, 27 November 1972; The Observer, 26 November 1972; Irish Independent, 26 November 1972; Guardian, 27 November 1972; Irish Press, 27 November 1972; An Phoblacht, 26 November 1972.
- 65 Irish Press, 27 November 1972.

- 66 *Irish Times*, 27 November 1972; *The Observer*, 26 November 1972; *Irish Independent*, 26 November 1972; *Guardian*, 27 and 28 November 1972.
- 67 *Guardian*, 27 November 1972.
- 68 *Irish Press*, 27 November 1972.
- 69 *Ibid.*
- 70 *Guardian*, 2 December 1972; *Sunday Independent*, 3 December 1972.
- 71 *Guardian*, 28 November 1972; *Irish Press*, 27 November 1972.
- 72 *Guardian*, 27 November 1972.
- 73 *Irish Times*, 27 November 1972; *Irish Press*, 24 November 1972.
- 74 *Guardian*, 27 November 1972.
- 75 *Irish Times*, 28 November 1972.
- 76 *Irish Times*, 27 and 28 November 1972; *Irish Independent*, 26 November 1972; *Irish Press*, 21 November 1972; *Guardian*, 27 November 1972.
- 77 *Irish Times*, 28 November 1972.
- 78 *Ibid.*; *Irish Independent*, 26 November 1972; *Connacht Sentinel*, 29 November 1972; *Guardian*, 1 December 1972; *Guardian*, 29 January 1973; *Munster Sentinel*, 1 December 1972; *Anglo-Celt*, 1 December 1972; *Kerryman*, 2 December 1972.
- 79 *Irish Times*, 28 December 1972; *Irish Independent*, 1 December 1972; *Connacht Sentinel*, 1 December 1972; *Guardian*, 29 January 1973 and 1 December 1972; *Munster Sentinel*, 1 December 1972; *Anglo-Celt*, 1 December 1972; *Kerryman*, 2 December 1972; *Irish Independent*, 2, 29 and 30 December 1972; *Anglo-Celt*, 8 December 1972; *Nenagh Guardian*, 9 December 1972.
- 80 *Kerryman*, 2 December 1972. See also *Republican News*, 15 December 1972.
- 81 *Dáil Éireann Debates*, vol. 264, 'Offences against the State (Amendment) Bill, 1972: Second Stage' (29 November 1972).
- 82 *Dáil Éireann Debates*, vol. 264, 'Private Notice Question:—Condition of Prisoner' (28 November 1972).
- 83 *Irish Independent*, 5 and 26 December 1972.
- 84 *Sunday Independent*, 3 December 1972.
- 85 *Irish Times*, 16 January 1973.
- 86 *Irish Independent*, 1 December 1972.
- 87 *Guardian*, 29 November 1972; *Irish Independent*, 1 December 1972.
- 88 *Guardian*, 30 November 1972. See also *Guardian*, 1 December 1972.
- 89 *Sunday Independent*, 10 December 1972; *Irish Independent*, 29 and 30 December 1972.
- 90 *Guardian*, 1 December 1972; *Irish Independent*, 1 December 1972. This is confirmed in his memoir, *Mac Stiofáin, Memoirs*, pp. 354–355.
- 91 *The Observer*, 3 December 1972.

- 92 *Sunday Independent*, 17 and 24 December 1972 and 23 January 1973.
- 93 *Irish Times*, 2 and 4 December 1972; *Guardian*, 30 November 1972; *Irish Independent*, 2 December 1972; *Sunday Independent*, 3 and 10 December 1972; Mac Stiofáin, *Memoirs*, p. 362; *Irish Independent*, 8 December 1972.
- 94 *Irish Times*, 9 January 1973.
- 95 *Irish Times*, 2, 4, 5, 8 and 19 December 1972 and 9 and 11 January 1973.
- 96 *Irish Times*, 29 November 1972.
- 97 House of Lords Debates, vol. 355, cc 825–909, Lord Dunleath (12 December 1974).
- 98 Dáil Éireann Debates, vol. 264, 'Offences against the State (Amendment) Bill, 1972: Second Stage' (29 November 1972).
- 99 *Irish Times*, 6 May 85.
- 100 *Irish Times*, 19 June 1972; *Irish Independent*, 7 October 1972.
- 101 *Irish Independent*, 8 October 1972; *Irish Independent*, 11 October 1972.
- 102 *Irish Times*, 19 June 1972.
- 103 *Irish Times*, 4 December 1972; *Guardian*, 2 December 1972; *Observer*, 3 December 1972.
- 104 *Irish Independent*, 1 December 1973; *Observer*, 3 December 1972.
- 105 *Irish Independent*, 5 December 1972.
- 106 *Irish Times*, 22 and 26 February 1973.
- 107 *Irish Times*, 17 March 1973; *Observer*, 26 November 1972.
- 108 The defendants were: Roisin McNearney (18) typist from Fort St, Belfast; William Patrick McLarnon (19) unemployed, Finlay Park, Newtownabbey; Robert Martin Walsh (24) roof tiler, Theodore St, Belfast; Gerard Kelly (19) unemployed, Britton's Parade, Belfast; Martin Francis Brady (22) driver, Granville St, Belfast; Paul Joseph Holmes (25) tiler, Butler St, Belfast; William Joseph Armstrong (29) window cleaner, Moyard Crescent, Belfast; Hugh Feeney (21) student teacher, Blacks Rd, Belfast; Marion Magdalene Price (19) student, Slievagallion Drive, Belfast; Dolours Price (22) student, Slievagallion Drive, Belfast.
- 109 *Irish Times*, 10 March 1973.
- 110 *Irish Times*, 9 and 13 March 1973.
- 111 *Irish Times*, 11, 12 and 20 September 1973 and 16 November 1973.
- 112 *Observer*, 16 September 1973.
- 113 *Republican News*, 29 September 1973.
- 114 *Irish Times*, 10 and 11 September 1973.
- 115 *Irish Times*, 16 November 1973 and 11 and 12 September 1973; *Sunday Independent*, 9 September 1973; *Irish Independent*, 10 and 11 December 1973; *Guardian*, 10 September 1973; *Irish Press*, 10 September 1973.
- 116 *Irish Independent*, 11 and 12 September 1973.

- 117 *Irish Times*, 11 and 12 September 1973.
- 118 *Guardian*, 11 September 1973.
- 119 *Irish Times*, 11 and 12 September 1973.
- 120 *Irish Times*, 24, 25 and 26 October 1973.
- 121 *Irish Times*, 30 and 31 October 1973 and 1 November 1973; *Republican News*, 15 December 1973.
- 122 *Irish Times*, 13 September 1973.
- 123 *Irish Times*, 24 October 1973.
- 124 *Irish Times*, 14 September 1973; *Guardian*, 14 September 1973.
- 125 *Irish Times*, 15 September 1973; *Guardian*, 15 September 1973.
- 126 *Irish Times*, 20 October 1973; *Irish Press*, 11 September 1973.
- 127 *Republican News*, 15 December 1973.
- 128 *Irish Times*, 28 September 1973, 26 October 1973 and 8, 9 and 13 November 1973; *Guardian*, 14 November 1973; *Irish Press*, 24 October 1973.
- 129 *Irish Times*, 12 October 1973.
- 130 *Irish Times*, 21 September 1973; *Guardian*, 21 September 1973. See also *Guardian*, 12 September 1973.
- 131 *Irish Times*, 16 November 1973.
- 132 *Irish Times*, 21 October 1973.
- 133 *Irish Independent*, 14 November 1973.
- 134 *Guardian*, 15 November 1973.
- 135 *Irish Times*, 16 November 1973.
- 136 *Irish Times*, 14 November 1973; *Guardian*, 14 November 1973.
- 137 *Irish Times*, 16 November 1973.
- 138 *Ibid.*
- 139 *Observer*, 18 November 1973.
- 140 *Irish Times*, 15 November 1973.
- 141 *Irish Independent*, 15 November 1973; *Observer*, 18 November 1973; *Guardian*, 15 November 1973.
- 142 *Irish Press*, 15 November 1973.
- 143 *Irish Times*, 6, 9, 17 and 25 October 1973; *Irish Independent*, 10 October 1973. See also 11, 12 and 28 September 1973; *Irish Press*, 25 October 1973; *Guardian*, 20 September 1973.
- 144 *Irish Independent*, 16 November 1973.
- 145 *Irish Times*, 10 October 1973.
- 146 *Irish Times*, 12 October 1973.
- 147 *Irish Times*, 25 October 1973; *Irish Press*, 12 October 1973.
- 148 *Irish Times*, 11 and 13 September 1973; *Observer*, 16 September 1973.

- 149 Irish Independent, 24 October 1973; Guardian, 13 September 1973; Irish Press, 11 September 1973.
- 150 After one of the defendants had pleaded guilty, some papers referred to them as the 'Winchester 9' instead of the 'Belfast Ten'.
- 151 Guardian, 13 September 1973; Observer, 16 September and 18 November 1973. See also Sunday Independent, 18 November 1973.
- 152 Irish Times, 9, 16, 18 and 20 October 1973.
- 153 Irish Independent, 1, 7 and 8 November 1973.
- 154 Irish Times, 9, 18 and 25 October 1973 and 1, 2, 6 and 8 November 1973; Irish Press, 1, 2 and 6 November 1973.
- 155 Irish Times, 25 October 1973 and 6 November 1973; Irish Press, 6 November 1973.
- 156 Irish Times, 24, 25 and 26 October 1973.
- 157 Irish Times, 11 September 1973.
- 158 Irish Times, 11 September 1973 and 6 and 11 October 1973.
- 159 Irish Times, 15 November 1973.
- 160 Guardian, 11 September 1973 and 15 November 1973; Irish Press, 15 November 1973.
- 161 Irish Press, 17 November 1973.
- 162 Irish Times, 15 and 16 November 1973; Guardian, 16 November 1973; Irish Independent, 16 November 1973.
- 163 Irish Times, 9 and 10 March 1973.
- 164 Guardian, 15 November 1973.
- 165 Republican News, 3 and 24 November 1973.
- 166 Irish Times, 16 November 1973; Guardian, 16 November 1973; An Phoblacht, 14 December 1973; Republican News, 22 December 1973.
- 167 Irish Times, 17 November 1973; Irish Independent, 17 November 1973.
- 168 Republican News, 15 December 1973.
- 169 An Phoblacht, January and February 1974 and 18 January 1974.
- 170 Irish Times, 17 November 1973; Irish Independent, 17 November 1973.
- 171 Irish Times, 9, 12, 13 and 26 March, 24 September and 17 November 1973.
- 172 Irish Times, 9 March 1973.
- 173 Republican News, 3 and 24 November 1973.
- 174 Irish Press, 11 September 1973.
- 175 Irish Times, 24 September 1973, 6 October 1973 and 17 November 1973.
- 176 Guardian, 15 and 16 November 1973. See also Guardian, 20 September 1973.
- 177 Irish Times, 16 November 1973; Irish Independent, 16 November 1973.
- 178 Republican News, 8 December 1973.
- 179 Republican News, 15 December 1973 and 19 January 1974; An Phoblacht, 14 December 1973.

- For letters from Dolours Price see: Vancemeros Sisters, *Prison Writings of the Price Sisters* (Cathal Brugha Cumann, Andersonstown 1975). See also *Republican News*, 22 December 1973 and 19 January 1974; *An Phoblacht*, 18 January 1974.
- 180 *An Phoblacht*, 18 and 25 January 1974.
- 181 *An Phoblacht*, 25 January 1974.
- 182 *An Phoblacht*, 14 December 1973.
- 183 Laura K. Donohue, *The cost of counterterrorism: power, politics, and liberty* (Cambridge: Cambridge University Press, 2008), pp. 42–45; Antonio Vercher, *Terrorism in Europe. An International Comparative Legal Analysis* (Oxford: Clarendon, 1992), pp. 120–121.
- 184 *Republican News*, 2 October 1976; *An Phoblacht*, 19 October 1976.
- 185 *Irish Independent*, 15 October 1976.
- 186 *Irish Independent*, 15 October 1976; *Irish Press*, 15 October 1976; *Guardian*, 15 October 1976; *Irish Times*, 8 September 1977 and 15 October 1976; *Republican News*, 2 October 1976; *An Phoblacht*, 19 October 1976. The defendants were Sean Lavery (28) of Kerrykeel Gardens, Belfast; Robert Gerard Sands (23) Summerhill Gardens, Belfast; Joseph Francis McDonnell (26) Lenadoon Avenue, Belfast; Seamus Finnucane (20) Dungloe Crescent, Suffolk; Gabriel Norman Corbett (19) Cherry Gardens, Twinbrook; Seamus Martin (21) Glasvey Rise, Belfast.