Moral Conduct in Intelligence Practice: Lessons from the British Experience in Northern Ireland, 1968-1998

A thesis submitted to Middlesex University
in partial fulfilment of the requirements for the degree of Doctor of Philosophy

Natasia Kalajdziovski

School of Law

Middlesex University

November 2020

Abstract

The aim of this thesis is to investigate how the British state and its security establishment attempted to navigate moral conduct issues within the intelligence practice it employed during the conflict in Northern Ireland. It seeks to fill two gaps within the literature, related to both the Troubles' historiography and the sub-field of ethics/morality within the larger intelligence studies field. The latter is underdeveloped, and previous contributions to it have focused on a high-level proscriptive or framework approach, with little focus on how moral conduct issues are navigated on the ground, of which this thesis seeks to highlight by employing a large case study to pose its questions. Further, although the Troubles has been written on extensively, the intelligence war narrative is not as developed as the rest of that historiography, particularly in the context of the conflict's full scope. As such, the findings of this thesis seek to develop some of the more shadowy narratives of the conflict and offer a more practical analysis of moral conduct issues as faced by practitioners.

This thesis begins with the concept that national security is the first obligation of good government, where its maintenance is an 'end' in which intelligence practice is used as a 'means' used to secure it – but one which could present, in its application as a means, some moral quandaries for the state. Moral conduct is defined by drawing from concepts presented by David Omand and Michael Ignatieff, in which Ignatieff's navigations of 'lesser evils', alongside Omand's acknowledgement that intelligence practice requires a level of non-civilian morality to be effectively undertaken, form the investigatory lens through which analysis is conducted. The chronology of the Troubles is then used as a 'site' of investigation from which to glean analysis, using the historical method as a framework to do so. It posits that the decisions undertaken within the moral conduct space during the critical juncture period of the conflict – that is, from 1968 to 1972 – produced lessons learned which dictated the intelligence-related decisions made going forward. It ultimately found that the more controversial narratives which continue to form the collective memory of the conflict – that is, allegations of collusion, the criminal conduct of agents working on behalf of the state, and whether a shoot-to-kill policy was sanctioned – had their direct roots within the intelligence-related decisions undertaken during the critical juncture period, the ramifications of which continue to be felt today.

Acknowledgements

This thesis was written amidst a global pandemic. The bulk of its writing was done between May through to the end of November 2020, during two national lockdowns, and amidst the greatest fear and uncertainty that any of us have ever known in our lifetimes. It was also written during the time in which I was recovering from having had a very nasty experience with COVID-19 myself, in which not every day was a day that I could make the movement from my bed to my desk. The fact that this thesis exists in any coherent form is, in many ways, a testament to abilities and strength I did not know I possessed; but, while its direct creation is mine, I could not have gotten to the point of its completion without the structures in my life – both personal and academic – that supported me in ways I could never have predicted nor anticipated when I first started my PhD journey.

First and foremost, thank you to Middlesex University for the generous research studentship they awarded me to complete this thesis, the funding of which made it possible to undertake doctoral studies at all. I give sincere thanks to the panel who interviewed me as part of that studentship application and found great value and potential in my project, and very kindly wanted to support me in the fulfilment of that vision. Thank you to my supervisor Dr Peter Hough, who was always willing to lend advice, guidance, and feedback when I humbly requested it, but was equally supportive and trusting in letting me get on with things in the way that I wanted – the best kind of support. To my registration and transfer panellists, Dr Anthony Cullen and Dr Amanda Loumansky, I would also like to extend thanks for their feedback at key points in the continued progression of this research project. Finally, a great deal of gratitude goes to the Royal Historical Society for their generosity in awarding a research expenses grant in support of this thesis, as well as a grant from their hardship fund set up to support researchers during the pandemic. The RHS is truly a wonderful institution not only in their support and promotion of historical research, but also the early-career researchers who contribute to that knowledge and who, like myself, continue to believe deeply in the importance of the study of history.

A great deal of research for this thesis was undertaken at The National Archives. I would like to thank the attentive staff at that institution for the help they provided me in navigating that wonderfully dense archive, for their diligence and advice, and for providing academic researchers with insightful courses on how to approach archival research. I would also like to thank the archivists at the Imperial War Museum, both in their audio and film

archives, who were equally attentive in helping me to understand their collections, providing me with space in which to do that research, and the equipment required to do so. I spent many hours listening to the oral histories of servicemen collected by the Imperial War Museum, and while the archivists collecting those histories require thanks, those individuals who volunteered to speak about their military careers are owed a debt of gratitude too, as their personal contributions to the broader historical archive are invaluable to our detailed understandings of the past. I would also like to thank the archivists and academics involved with the *Conflict Archive on the Internet (CAIN)* project, undoubtedly the most valuable public resource available on the Troubles, to whom any researcher on the subject is deeply indebted. May it forever receive the funding its needs to continue its important work.

Last, but by certainly no means least, I would like to thank the individuals in my life who helped to support me and this thesis through incalculable ways – to my parents, Chris Kalajdziovski and Suzana Neceski, for an unwavering belief in my abilities; to Samar Batrawi, for long talks and Soho walks; to Alexandra Baybutt, for being my PhD confidante; to Kjersti Brattekås, for always keeping a dose of happiness in one's pocket; to Emilia Dungel, for all kinds of understanding and support over many years of friendship, but especially in the last few months of this project; to Madison Ellas, for giving me a home away from home, in more ways than one; to Annie Fickel, for an unending supply of headbutts, both physical and virtual; to Nick Hone, for being my surrogate London family and everything that comes with that; to Kate Medlin, for giving me a space to be heard; to Luyi Mi, for an absurd number of years of friendship; to Stephanie Middleton, for being my virtual nurse and cheerleader during the pandemic; to Lucas Notte, for being my favourite phone conversationalist, at home and abroad; to Susan Pasarikovski, for being like the older sister I never had; to the PhD Book Club, for being my first community at Middlesex; to Paolo Rivera, Stefano Spensieri, and Jason Voulgaris for a multitude of brunches and an unwavering transatlantic friendship; and, to Coralie Suissa, for hearing me even when I don't have the words, and so much more.

Finally, to the cities of Toronto and London, for being the making of me and defining such a huge part of who I am.

Table of Contents

Acronyms

ASU	Active Service Unit
CF	Contact Form
CGS	Chief of the General Staff
CIA	Central Intelligence Agency
CIG	Current Intelligence Group
CO	Commanding Officer
D-INT	Director of Intelligence
DCAC	Derry Citizens Action Committee
DUP	Democratic Unionist Party
FRU	Force Research Unit
GCHQ	Government Communications Headquarters
GOC	General Officer Commanding
GWOT	Global War on Terror
HQMSU	(RUC) Headquarters Mobile Support Units
HQNI	(Army) Headquarters Northern Ireland
HUMINT	Human Intelligence
INLA	Irish National Liberation Army
INTSUM	Intelligence Summaries
IRA	Irish Republican Army
JIC	Joint Intelligence Committee
MI5	Security Service
MI6	Security Intelligence Service
MILO	Military Intelligence Liaison Officer
MISR	Military Intelligence Source Report
MOD	Ministry of Defence
MP	Member of Parliament
MRF	Military Reaction Force
NATO	North Atlantic Treaty Organisation
NEW IRA	New Irish Republican Army
NICRA	Northern Ireland Civil Rights Association
NIO	Northern Ireland Office
OC	Officer Commanding
ODNI	Office of the Director of National Intelligence
OIRA	Original Irish Republican Army
ORBAT	Order of Battle
PIRA	Provisional Irish Republican Army
PSNI	Police Service of Northern Ireland
RUC	Royal Ulster Constabulary
SAS	Special Air Service
SIGINT	Signals Intelligence
SLO	Security Liaison Officer
SRU	Special Reconnaissance Unit
TCG	Tasking and Coordination Groups
UDA	Ulster Defence Association
UDR	Ulster Defence Regiment
UFF	Ulster Freedom Fighters
USC	Ulster Special Constabulary, or 'B-Specials'
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force
UVM	Ulster Vanguard Movement

CHAPTER 1:   THE SETTING OF PARAMETERS

I.   INTRODUCTION

I once heard someone say morality was method. Do you hold with that? I suppose you wouldn't. You would say that morality is vested in the aim, I expect. Difficult to know what one's aims are, that's the trouble, 'specially if you're British.[1]

Writing in the fictionalised world of British intelligence, John Le Carré has spent the better part of the last sixty years providing readers with a view of espionage that is, in sum, grey, murky, and morally ambiguous – a stark contrast to the more Bond-esque representations of 'the spy' popularised during the twentieth century. His characters often struggle with this moral ambiguity, trying to navigate the waters of duty and obligation to one's country alongside overarching themes of purpose, fallibility, and bureaucracy. Undoubtedly using his experiences in both the Security Service (MI5) and the Security Intelligence Service (MI6) as inspiration for his substantial bibliography, what makes Le Carré most impressive is not just the *quantity* of fiction he has produced over his career but, rather, his ability to speak directly to many of the inherent struggles found within the practice of intelligence, using fiction as his basis to do so.

The above passage, taken from his novel *Tinker, Tailor, Soldier, Spy* is one such example. Here one can see Under-Secretary Oliver Lacon, the civil service officer responsible for overseeing the fictionalised version of MI6 outlined in many of Le Carré's novels, mulling over a critical issue inherent in intelligence practice – that is, how the idea of morality is *defined* within that practice. Speaking to George Smiley, the brilliant, cunning, and disciplined spymaster well-known to readers of Le Carré, Lacon goes further: 'you do live by rather different standards, don't you? I mean you have to. I accept that. I'm not being judgemental. Our aims are the same, after all, even if our methods are different'.[2] Much is being expressed here underneath Lacon's words: first, the allusion that there is a difference in moral expectation between intelligence practitioners and policymakers, where practitioners work within the parameters of separate moral standards; and second, it is reflective of the larger issue of 'friction' which frequently exists between intelligence and policymaking more

---

[1] Emphasis in text. John Le Carré. *Tinker, Tailor, Soldier, Spy*. (New York: Pocket Books, 2002), 71.
[2] *Ibid*.

broadly. The latter point is further bolstered by Lacon's continued ruminations in Smiley's purposeful silence: 'we can't expect you people to determine our *policy* for us, can we? We can only ask that you further it. Correct? Tricky one, that'.[3]

Although the crux of the *Tinker, Tailor, Soldier, Spy* story revolves around the undercovering of a Soviet mole in MI6, the issues discussed in the above quotations are reflective of the nexus between moral conduct, intelligence practice, and policymaking in the British context. Placed into the sub-context of domestic counterterrorism, the complexity of this nexus becomes acute. Without question, there is a unique element of difficulty characteristic in conducting state intelligence practice in a domestic arena. This is particularly prescient for liberal democratic states, like the United Kingdom, for a domestic arena demands a heightened responsibility toward moral conduct on behalf of a state's security establishment, as the social contract between the state and its citizens requires an inherent trust for the successful implementation of national security measures. Yet, what happens when the liberal democratic state finds itself in a violent conflict with a segment of its own populace? In such circumstances, how far is a state able to – and willing to – expand the borders of moral conduct in order to maintain a state of security?

The crux of this conundrum for intelligence services and those who guide their policy and practice resides in distinguishing and defining where those moral parameters must exist. Is moral conduct merely a test of sound will, 'that is, whether those approving [decisions] feel they could defend their decisions before the public if their actions became public',[4] or is the issue perhaps one of 'sets' of morality, in which the rules that govern the individual cannot be applied?[5] It is precisely within this discourse that this thesis places its research questions – it is a project which seeks to consider questions of morality in intelligence practice as conducted by the British state and their efforts to navigate the 'lesser evils' of conduct as it attempted to quash a domestic terrorism campaign and iterations of political violence propagated by its own citizens. To this end, this thesis examines the experiences of the British security establishment through its conduct during the Troubles in Northern Ireland, in which issues defining moral parameters were sometimes lost, muddled, or forgotten in the height of crisis, and definitions of moral conduct altered and changed as the conflict protracted.

---

[3] Emphasis in text. *Ibid*.
[4] Stansfield Turner. *Secrecy and Democracy*. (London: Sidgwick and Jackson, 1986).
[5] David Omand. "Ethical Guidelines in Using Secret Intelligence for Public Security", in *Secret Intelligence: A Reader*, Christopher Andrew, Richard Aldrich, and Wesley Wark eds. (London: Routledge, 2009), 406.

The aim, therefore, is to identify how the ambiguity between moral conduct and effective security is inherently difficult to navigate, using the aforementioned conflict – specifically, the years between 1968 and 1998 – as the backdrop from which to glean analysis. By rooting this analysis within an evolving system of relationships and allegiances, the periodisation of the conflict will be posited as a 'site' of interrogation in order to better understand these complex, evolving dynamics, using the historical method as a way to contextualise conflict realities. In sum, the core of this research project argues that the morally ambiguous actions taking place in the intelligence practice context during the critical juncture period – that is, the period between the start of the conflict in 1968 and the imposition of Direct Rule in 1972 – directly influenced the proliferation of the most outstanding problematic security narratives of the conflict, such as collusion, the criminality of informants, and allegations of state-sanctioned shoot-to-kill policies.

The Rationale for Study and its Scope

As Michael Quinlan has rightfully noted, 'there is no area of human activity, whether public or private, collective or individual, that has an *a priori* entitlement to require the moralist to be silent'.[6] While the field of military studies, for example, has a long-established and well-versed narrative in the question of moral conduct, the same does not hold true for the study of intelligence. The examination of moral or ethical conduct in relation to intelligence services – in this context, of those belonging to the British security establishment – is a recent discussion which has emerged within the field, predominantly as a reaction to some of the questionable action undertaken in the post-9/11 years. Moreover, it must be stressed that the emergence of such study has also been facilitated by the 'unmasking' of the prominence of intelligence as statecraft from the late 1980s onward, such as the introduction of legislation both confirming and mandating the existence of state intelligence institutions in 1989 and 1994 in the United Kingdom.[7] Such efforts at increased public transparency have worked to allow the field of intelligence to grow academically over the past thirty years.

Although there is now more intelligence-centric doctoral work being undertaken than ever before, the intelligence studies field still remains under-developed, and greater engagement with this subject-matter would be beneficial to practitioners as well. As Len

---

[6] Michael Quinlan. "Just Intelligence: Prolegomena to an Ethical Theory," in *The New Protective State*, Peter Hennessy ed. (London: Continuum, 2007), 124.
[7] The *Security Service Act (1989)* and the *Intelligence Services Act (1994)*, respectively.

Scott highlights, 'the professional and public responsibility of academics who study intelligence is to foster greater understanding of the nature and role of intelligence, including not only its value but its limitations'.[8] Following this line of thought further, intelligence analyst-turned academic Stephen Marrin argues that:

> Since very few scholars have written PhD dissertations on intelligence-related subjects, the literature on intelligence has not been explored or exploited for the lessons it might provide in the same way that other literatures have. This deficiency in scholarship also leads to corresponding missed opportunities in the world of practice.[9]

As Marrin alludes to here, the linkages between academic scholarship and practice have much to be improved upon, and there is ample space within the research environment to make an original and meaningful contribution to both the field of intelligence studies, as well as practice. While it is impossible to predict the impact that the findings presented in this thesis may have for practitioners, it is nonetheless the aim of this study to speak to the nuances and complexities of intelligence practice – an aim driven by a critical concern to come to terms with present challenges in the intelligence world, and in a way that illuminates some of the darker aspects of the intelligence studies field.

Research underdevelopment in the intelligence studies field also holds true for the examination of moral conduct – most frequently referred to as 'ethics in intelligence' amongst the literature. The debate, broadly speaking, holds to David Omand's conclusion that the 'rules we hope to govern our private conduct as individuals in a society cannot fully apply' in the intelligence context.[10] While there have been some article-length case study investigations, the predominance of the debate has taken shape through the context of prescriptiveness and theorisation, in an effort to formulate some kind of ethical framework through which intelligence services ought to conduct themselves; rarely are these questions discussed through the lens of a long-reaching and complex singular case study. Nor, moreover, are they able to effectively discuss some of the ambiguities inherent in long engagement, or comprehensively address these questions in relation to all phases of the intelligence cycle.

---

[8] Len Scott. "Sources and methods in the study of intelligence: A British view". *Intelligence and National Security* 22 (2007), 201.
[9] Stephen Marrin. *Improving Intelligence Analysis: Bridging the Gap between Scholarship and Practice*. (London: Routledge, 2011), 148-9.
[10] David Omand. "The Dilemmas of Using Secret Intelligence for Public Security," in *The New Protective State*, Peter Hennessy ed. (London: Continuum, 2007), 156.

Finally, such a study will also be a significant and impactful contributor to the Troubles' historiography as well. As Martyn Frampton astutely highlights, much of the real academic literature written about the conflict has been done so through the lens of the peace process, and that the predominance of the substantive body of literature regarding the 'intelligence war' is either shorter in its scope[11] or 'falls into the category of investigative journalism'.[12] As such, by focusing an historical investigation through an intelligence-led lens, this thesis also seeks to bring a more comprehensive, lengthy, and academic discourse to the historiography. Moreover, given the far-reaching impact of the Troubles upon both the civilians of the United Kingdom and the Republic of Ireland, such a study as this which investigates an understudied aspect of the conflict offers individuals who lived through it an insight into the secret world that had been operating around them for thirty years. In this way, an intelligence-focused study on a conflict is a kind of knowledge-based public service, where light can be shed on the information guiding governmental policies – ones that were felt by British citizens on both sides of the Irish Sea.

By situating this thesis in a detailed, concrete historical experience by way of the Troubles, and by examining the research questions through a chronological examination of events, it will be possible to address the aforementioned deficiencies in both the Troubles' and intelligence studies' literature and demonstrate how shifting paradigms of moral definitions are manifested and articulated through the course of a conflict's protraction, with the aim of better informing future intelligence practice. Ultimately, the Troubles is a conflict which – through the entirety of its sustained history – revealed in its wake moral hazards and dilemmas over methods used in the attainment of longstanding peace and security. As such, the conflict presents a unique case to both examine and demonstrate that questions of morality in intelligence practice are oftentimes more complex, fluid, and situation-specific than cross-conflict generalisations can surmise.

---

[11] Much of the intelligence-led investigations are article-length; there is no monograph which deals with the full timeline of the conflict.

[12] Martyn Frampton. "Agents and Ambushes: Britain's 'Dirty War' in Northern Ireland", in *Democracies at War Against Terrorism*, Samy Cohen ed. (New York: Palgrave Macmillan, 2008), 78.

II.   METHODOLOGY

In order to establish a solid analytical basis for this thesis, this section will engage in an in-depth discussion regarding the methodology to be used. It not only outlines the methodological framework, but it goes into detail regarding the logic in choosing the historical method and its associated qualitative analysis, how the secret archive manifests in the unclassified world, and the importance of navigating sources stemming from the secret world.

The Case for the Historical Approach

Given the in-depth study of the Troubles in Northern Ireland that forms the crux of this thesis, the methodology that will be employed to ensure the most effective analysis of the research questions at hand is the historical method. While this thesis will be investigating events and sub-case studies ranging from 1968 to 1998 in a chronological way – that is, with each analytical chapter covering one sub-case study from the aforementioned critical juncture period and another from the post-1972 period – it also ascribes to an intellectual division of the conflict into three phases, which are defined as such: the critical juncture period (1968-72); direct engagement and the implementation of the Way Ahead Policy (1972-early 1980s); and the intelligence war and an acceptable level of violence (early 1980s-1998). Of course, the conflict is much more complex than a high-level division such as this; however, parsing it in such a simplistic way will help the reader keep these divisions in mind when navigating the analytical chapters of this thesis.

Broadly speaking, the employment of the historical method will allow for both this thematic and chronological presentation of analysis, thereby fostering an analytical environment conducive to an in-depth and broad-reaching investigation and interrogation of the source material available. Moreover, such an approach will seek to demonstrate how the shifting paradigms of moral definitions and the calculation of lesser evils materialised and manifested as the conflict protracted. To further demonstrate the importance of employing the historical method within the methodology of this thesis, this section will engage in a discussion regarding the broad purpose of history, an overview of the historical method to be employed, and an analysis of the historical method's role in the intelligence studies field.

> *The future is dark, the present is burdensome; only the past, dead and finished, bears contemplation. Those who look upon it have survived it: they are its product and its victors. No wonder, therefore, that men concern themselves with history.*[13]

The above citation is that of G.R. Elton, originally written in his 1967 work *The Practice of History*, itself a response to the ongoing historiographical debates of the 1960s surrounding the use and purpose of the historical method. While rather lugubrious in its description, Elton makes an important point about how the individual, and societies more broadly, are the products of the history they have, as Elton describes it, 'survived'. They are shaped by that which has come before them, have subsumed themselves within its grasp in order to keep going, and emerged as 'victors' by their mere survival through the tides of time and historical circumstance. The Eltonian 'victory', moreover, must not been seen within the context of the old Churchillian adage; rather, victory is emblematic of the survival of a multitude of voices from which historical narratives and analysis can be drawn.

But what is the overarching purpose and value in examining the so-called 'victors' of the past? According to Elton, the value of history is rooted in its concern with what he describes as 'the point of view of happening, change, and the particular'.[14] These categories are at once broad and concise, and their examination facilitates a kind of analysis that shows movement and change over time, allows for the engagement of a wide array of source material, and promotes the investigation of the particular in order to glean broader truths. Gordon Wood takes this further, noting that a preoccupation with concerns such as events, change, and the particular allows historical narratives to 'portray the past in its own context and with all its complexity'.[15]

However, the purpose of history is not merely to present and possess facts and figures about the past. Rather, Wood argues, the overarching objective is to provide the reader with a 'different consciousness, a historical consciousness, to have incorporated into our minds a mode of understanding that profoundly influences the way we look at the world'.[16] History therefore adds a four-dimensional view of the world, and enriches one's experience of living

---

[13] G.R. Elton. *The Practice of History*. (Oxford: Blackwell Publishers Limited, 2002), 1.
[14] *Ibid.*, 11.
[15] Gordon S. Wood. *The Purpose of the Past: Reflections on the Uses of History.* (New York: The Penguin Press, 2008), 10.
[16] *Ibid.*, 11.

in it. Ultimately, it is an effort to understand the complexities of all human affairs, 'the tension that existed between the conscious wills and intentions of the participants […] and the underlying conditions that constrained their actions and shaped their future'.[17]

Moreover, while the study of history could never produce definitive and concrete directions for future conduct, both Wood and fellow historian E.H. Carr stress its value in illuminating the present. For Carr, history imbues mankind with an ability to 'increase [its] mastery over the society of the present'[18] and allows for the creation of 'a dialogue between the events of the past and progressively emerging future trends'.[19] Similarly, Wood sees its value in offering 'a way of coming to terms with an anxious present and an unpredictable future'.[20] In this way, history has the ability to foster a kind of 'wisdom and humility'[21] in those inhabiting the present, in which their historical consciousness allows for a deeper and more complex understanding of how the 'survivors' of the past 'struggled with circumstances that they scarcely understood'[22] to become both the product and victors of those circumstances.

Finally, as Carr argues, the study of history has value in examining the idea of morality, making it particularly valuable for this thesis given its research objectives. One of the results of creating historical narratives is that it allows the reader to be placed temporally within that contemporary context, thereby providing them with a better understanding of how dynamics existed at the time. For Carr, the purpose of history is not to place current-day understandings and iterations of moral and religious judgments upon the actions of those in the past, but rather to understand how those individuals and societies interpreted their own moral obligations to one another in the context in which they lived, and how that manifested in their everyday lives.[23] In this way, both the historian in their act of creating and the reader in the act of consuming history immerse themselves as contemporaries, and are therefore able to empathise with the Eltonian 'victors' of the past.

---

[17] *Ibid.*
[18] E.H. Carr. *What is History?* (London: Penguin Books, 1990), 55.
[19] *Ibid.*, 123.
[20] Wood, 14.
[21] *Ibid.*
[22] *Ibid.*
[23] Carr, 70.

Historical Analysis as Method

At its core, the historical method is the 'practical application of common sense'[24] driven by the 'systematic quest for original source material',[25] all in an effort to understand what the preeminent historian Leopold von Ranke referred to as *wie es eigentlish gerwesen* – that is, 'how it essentially was'.[26] As Jonathon Moses and Torbjørn Knutsen argue, 'historians do not limit themselves to specific hypothetico-deductive techniques or experimental controls',[27] but rather work to uncover facts through the investigation of sources, using the skills of summation, synthesis and deduction, and impartiality.[28] Looking at a base level of inquiry, the historical method can be driven by two key questions: what evidence is there, and exactly what does it mean?[29]

While there may not be a concrete framework through which to employ the historical approach, like in the methodologies of the social sciences or the scientific methods of the hard sciences, the practice of history offers a broad, qualitative approach to examining the past, grounded in the strong analysis and criticism of source material. This thesis therefore employs the historical method, taking key tenets from the historiography of the practice of history based on the writings of Richard Evans, Barbara Tuchman, and G.R. Elton, which are outlined below. In sum, the historical methodology employed is one defined by the comprehensive collection of sources, an acknowledgment of the previous historiography, the thorough interrogation and analysis of sources, and the reconstruction of an historical narrative based on knowledge and evidence.

The aforementioned method can be examined through three thematic areas, what Elton defines as sources, evidence and criticism, and imagination.[30] As Elton highlights, the collection of sources must be exhaustive and broad, and the historian must be aware of the kinds and types of source material available.[31] The identification of sources, moreover, is the acknowledged primacy of primary documents, with a strong emphasis on the role of the archive, and an acquiescence to the need for the consultation of secondary sources. Tuchman stresses the importance of beginning one's research by reading secondary sources, but being

---

[24] Jonathon Moses and Torbjørn Knutsen. *Ways of Knowing: Competing Methodologies in Social and Political Research.* (Basingstoke: Palgrave Macmillan, 2012), 120.
[25] Leopold von Ranke, as quoted in: Richard J. Evans. *In Defence of History*. (London: Granta, 1997), 17
[26] Evans, 17.
[27] Moses and Knutsen, 120.
[28] *Ibid*., 123.
[29] Elton, 59.
[30] *Ibid.*, 60-77.
[31] *Ibid.*, 60.

aware that they can be 'helpful but pernicious', insofar as their facts 'have already been pre-selected, so that in using them one misses the opportunity of selecting one's own'.[32] Further, Elton highlights that the historian must also be knowledgeable about the historiographical arguments found within the literature on a given topic, thereby ensuring that new analysis is placed upon a foundation of existing narratives. In this way, secondary sources act as a kind of situational backgrounder,[33] from which original inquiry and research direction can be furthered through primary documents and the archive.

Following the collection of sources, one must engage in their criticism and determining the value of the evidence they provide. What Evans refers to as the 'basic […] spadework of investigating the provenance of documents',[34] Elton describes as the 'orderly and controlled' assessment of sources in order to establish the genuineness of the source and the value of its significance.[35] This involves, for example, interrogating the motives of the authors of the document, the circumstances in which they were written, and their relationship to other contemporary documents on the subject in question.[36] Evans defines this as 'source-criticism',[37] and stresses the importance of 'reading against the grain' of a document[38] – that is, looking at the gaps, silences, and contradictions, and analysing the dominant readings of a source. Not only is this imperative to do at a source level, but 'reading against the grain' is also conceptually applicable to the archive itself. In the Northern Ireland context, where the narrative of the archive is defined by the state, this is a particularly important approach when assessing primary source material. However, as both Elton and Evans agree, the historian must work to ensure their analysis of a source is not marred by their own bias,[39] although Evans acknowledges that 'the truth does not simply emerge from an unprejudiced or neutral reading of the sources';[40] rather, it is up to the historian to be cognizant of their own historicity.

Finally, the analysis of sources and the creation of historical narrative is contingent upon what Elton defines as 'imagination'. This is a key tenet of the historian's arsenal in the pursuit of historical truth, as 'imaginative reconstruction and interpretation' is required.[41]

---

[32] Barbara Tuchman. *Practising History*. (London: Macmillan London Limited, 1982), 19
[33] Elton, 60.
[34] Evans, 19.
[35] Elton, 67.
[36] Evans, 19.
[37] *Ibid.*, 17.
[38] Evans, 83.
[39] Elton, 73; Evans, 83.
[40] Evans, 83.
[41] Elton, 76.

Furthermore, the historian must 'read not only with the analytical eye of the investigator but also with the comprehensive eye of the storyteller'.[42] Tuchman defines this as a kind of processing, which can be 'endlessly seductive' and involves the 'writing, revising, rearranging, adding, cutting and rewriting' of the work being produced.[43] Ultimately, it is a kind of imagination that is 'controlled by learning and scholarship', and underpins the creation of historical narrative.[44]

The Historical Approach in the Intelligence Studies Context

Broadly-speaking, intelligence history has often been ignored by historians who, Christopher Andrew argues, have been 'discouraged by the difficulty' in researching intelligence, and 'repelled by the inaccurate sensationalism of many best-selling accounts of espionage'.[45] As Michael Warner further explains, historians seeking to understand the intelligence context sometimes 'have to rely on fragments, not files', where 'chronologies are sometimes hazy' and 'rumour and myth are everywhere, often so intertwined with fact that […] truth and fiction can no longer be separated'.[46] However, as Hal Brands and Jeremi Suri argue, such realities are 'no excuse for historians to shirk engagement',[47] particularly in contemporary contexts where historical events have the potential to help contextualise and further illuminate the ongoing events of the present. For example, as Stephen Grey demonstrates within the Northern Ireland context, understanding intelligence history 'provides a template for how spying against terrorists can work, even if modern terrorists are different in important ways'.[48]

Despite potential difficulties, Omand – alongside Andrew and Warner – has stressed the importance of the historical approach, citing it as one of the four most effective approaches to undertake the study of intelligence.[49] By virtue of its nature, access to recorded information can be one of the main hurdles to overcome in the study of intelligence; however,

---

[42] *Ibid.*, 76-77.
[43] Tuchman, 21.
[44] Elton, 77.
[45] Christopher Andrew. *Secret Service: The Making of the British Intelligence Community*. (London: William Heinemann Ltd, 1985), xvi.
[46] Michael Warner. "Sources and methods for the study of intelligence", in *Handbook of Intelligence Studies*. Loch K. Johnson, ed. (London: Routledge, 2007), 22
[47] Hal Brands and Jeremi Suri. "Introduction", in *The Power of the Past: History and Statecraft.* Hal Brands and Jeremi Suri, eds. (Washington, DC: Brookings Institution Press, 2016), 4.
[48] Stephen Grey. *The New Spymasters: Inside Espionage from the Cold War to Global Terror*. (Great Britain: Penguin Books, 2016), 6.
[49] The others identified are the 'functional', 'organisational', and 'public value' approaches. In: David Omand. *Securing the State*. (London: Hurst and Company, 2010), xix.

through an historical approach – specifically in relation to a conflict which has been in resolution since 1998 – much of this concern can be mitigated. While sourcing the appropriate materials required for historical analysis might be tricky, it is far from impossible, and has been rendered easier as the intelligence studies field has grown alongside the increasing transparency of governments regarding their classified documentation over the past thirty years.

Furthermore, the exclusion of intelligence history, particularly in the context of conflicts such as that in Northern Ireland – where the intelligence machinery of the state was so impactful in drawing the conflict to conclusion – ultimately leads to an inaccurate rendering of the historical narrative, one which will lack the nuance required to understand the incredibly complex interplay of the state-combatant-civilian relationship. As Peter Jackson highlights, the study of intelligence through the historical lens is critical, as it provides 'an especially fertile area for scholars seeking to understand the interplay between belief systems, cultural reflexes, and wider structural factors in the making of policy'.[50] Further, it 'can help spark the intellectual curiosity that leads to sharper, textured interpretations of complex situations, integrating attention to details with insights about the relationships between different actors and events'.[51] In this way, intelligence studies through the historical lens offers the opportunity to broaden the historical narrative in a way that is more complex, better informed, and more insightful.

Finally, the historical approach in intelligence studies offers the opportunity for policymaking to be better informed by the experiences of the past. As Brands and Suri highlight, an understanding of history, 'whether accurate or inaccurate', is undoubtedly 'omnipresent' in the creation of policy; however, without complex and nuanced historical analyses, the understandings underpinning policy might be 'facile', or 'selective, uncritical, one-dimensional, and biased'.[52] By folding an intelligence history into the broader historical narrative of understanding, it can help to create a more solid underpinning to policymaking in the intelligence field. Speaking in the context of military intelligence, John Kiszley pushes this argument further: 'Not only should history act as a sounding board for doctrine, against which to test new theories, but also as a catalyst to initiate doctrinal change'.[53] While

---

[50] Peter Jackson. "Introduction: enquiries into the 'secret state'", in *Exploring Intelligence Archives: Enquiries into the Secret State*. R. Gerald Hughes, Peter Jackson, and Len Scott eds. (London: Routledge, 2008), 3.
[51] Brands and Suri, 13.
[52] *Ibid.,* 2.
[53] John P. Kiszley. "The relevance of history to the military profession: A British view", in *The Past as Prologue: The Importance of History to the Military Profession*. Williamson Murray and Richard Hart Sinnreich, eds. (Cambridge: Cambridge University Press, 2006), 30.

determining the lengths to which the historical product should be used is not the purview of this thesis, it is still important to highlight the *value* of its use in the policymaking context, particularly when that product includes a comprehensive analysis from an intelligence studies perspective.

Sourcing – Finding and Defining Remnants of the Secret Past

Given that the research questions in this thesis are rooted in the experiences of the British intelligence establishment in Northern Ireland, the predominance of sources used for analysis will be either directly stemming from, or in relation to, what is commonly referred to in the intelligence studies literature as the 'secret world'. Writing about this secret world and tracing its documentation, Peter Gill has posited, 'might be likened to attempting a large jig-saw puzzle when the picture on the box is incomplete, you have only a fraction of the pieces you need and some of those may well be from another puzzle altogether'.[54] As such, keeping both Gill's warning and the necessity for source-criticism required to undertake effective historical research in mind, it is imperative that the researcher have a thorough understanding of the secret world and the documentation stemming from it.

As Moses and Knutsen highlight, 'it is the responsibility of the historian to choose appropriate sources; and these, in turn, are a reflection of the questions asked – not the other way around'.[55] While this is the primary challenge of the historian, what kinds of added pressure exist – and what types of supplementary scrutiny are required – when the archive[56] being sourced is transparent in some ways, but opaque in others? Although Peter Jackson argues that, in practice, the challenges posed by the intelligence archive are 'no different from those facing historians of all persuasions',[57] he does acknowledge that deception is an inherent characteristic of the secret world, which can make establishing the intent of a document and its validation can pose additional difficulties.[58] Moreover, when one considers the intelligence context alongside the broader context of the Troubles – a highly-politicised

---

[54] Peter Gill. *Policing Politics: Security Intelligence and the Liberal Democratic State*. (London: Frank Cass, 1994), 35.
[55] Moses and Knutsen, 130.
[56] 'Archive', in the context of this thesis, has a particular meaning. It does not refer to the physical collection of documents residing in one place, such as the National Archives at Kew, but rather the *l* of historical records, sources, and documentation accumulated throughout the Troubles. In this sense, the 'archive' should be understood as a 'site' of interrogation which is imbued with certain properties, such a secrecy, that the researcher must navigate in order to create historical truth.
[57] Jackson, 2.
[58] *Ibid*, 3.

and identarian conflict, where memory serves not just as memorialisation, but also propaganda – the complexities faced by the researcher are acute.

Sourcing 'Truth' in the Shadows – Secrecy in the British Context

Over the course of the twentieth century, the concept of the 'secret intelligence service', and the larger idea of 'secrecy' more broadly, has undergone a significant transformation within the United Kingdom. Speaking in 1924, then-British Foreign Secretary Sir Austen Chamberlain articulated that, 'it is of the essence of a secret service that it must be secret and if you once begin disclosure it is perfectly obvious […] that there is no longer any secret service and that you must do without it'.[59] Chamberlain, of course, was not overtly speaking here about the British intelligence services themselves, who by 1924 had come into formal existence in some shape; rather, until the late twentieth century, the British government continued to officially deny the very existence of their intelligence agencies despite public evidence indicating that they did indeed exist. This historical tendency toward utilitarian levels of secrecy, Peter Hennessy argues, 'goes with the grain of our society […] its curtailment, not its continuity, would be aberrational'.[60]

While journalist Ian Cobain has described the ongoing reliance on secrecy during this period as a form of 'history theft',[61] legislative changes in the late 1980s and the early 1990s significantly altered the government's approach to secrecy – for the first time in their history, the British intelligence services were to be placed on statutory footing. Introduced under the government of Prime Minister Margaret Thatcher, the *Security Service Act (1989)* established statutory basis for MI5; following this, the government of Prime Minister John Major passed the *Intelligence Services Act (1994)*, which placed MI6 and Government Communications Headquarters (GCHQ) on a statutory basis as well. In broad terms, this meant that both the human and signals intelligence (HUMINT and SIGINT) agencies of the British government now had publicly articulated mandates and were subjected to the legislative authority of parliament.

Moreover, the legislation of the agencies also coincided with the introduction of Major's Open Government Initiative, the ethos of which was to increase public accessibility to governmental information and restrict access to this information 'only where there were

---

[59] Sir Austen Chamberlain, as quoted in: Scott. "Sources and methods", 187.
[60] Peter Hennessy, as quoted in: Ian Cobain. *The History Thieves: Secrets, Lies, and the Shaping of a Modern Nation*. (London: Portobello Books, 2016), xvi.
[61] Cobain, xvi.

good reasons for doing so'.[62] Overall, the Initiative 'augured a process of change in declassification' of documentation,[63] thereby improving the public's access to classified information in a way never seen before in the United Kingdom. Remarkably, over the course of just a few years, the British government shifted from its longstanding denial of the existence of these agencies, to publicly legislating their mandates. While this shift at the time may have seemed – to use Hennessy's word – 'aberrational', the legislative grounding of the British intelligence services in the late twentieth century is demonstrative of a conscientious turn toward greater transparency.

This increased openness is not without its detractors. Peter Gill, for example, argues that changes in disclosure were 'not a movement along a single dimension from secrecy to openness but, rather, is a variation of information control' that is indicative of a 'shift from a defensive to an offensive strategy' in the flow of information by the British government.[64] Similarly, speaking about liberal democratic states more broadly, Richard Aldrich has written that 'well-packaged programmes of document release have allowed governments to move beyond an old-fashioned "stonewalling" approach […] into a new era in which the authorities set the agenda for archive-based researchers',[65] going so far as to call those researching the archive as 'supplicants of the state'.[66] Many historians, however, feel that Aldrich's arguments are too strong and simplistic in their assumptions. Jackson, for example, highlights that the underlying assumption of Aldrich's claims is that the state is purposefully trying to cover up certain truths, and further argues that 'this seems to attribute an unrealistic level of efficiency to government machinery in the ongoing struggle to maintain secrecy and shape popular perceptions'.[67]

However, in the disclosure of sensitive information pertaining to national security, and the front-facing relationship that an intelligence agency has with the people it serves, complete transparency will never be – and *can* never be – possible. For all his critiques of the intelligence archive, Aldrich has also acknowledged that secrecy, 'in some respects […] is quite proper', as 'secret services are worthless if they do not keep themselves hidden'.[68]

---

[62] Scott, 189.
[63] *Ibid*.
[64] Peter Gill. "Reasserting Control: Recent Changes in the Oversight of the UK Intelligence Community". *Intelligence and National Security* 11 (1996): 314.
[65] Richard J. Aldrich. *Intelligence and the War Against Japan: Britain, America and the Politics of Secret Service*. (Cambridge: Cambridge University Press, 2000), 376.
[66] Richard Aldrich. *The Hidden Hand: Britain, American and Cold War Secret Intelligence*. (London: John Murray Publishers Ltd, 2001), 638.
[67] Jackson, 8.
[68] Aldrich, *Hidden Hand*, 6.

Writing in reflection after his retirement in 1961 as Director of Central Intelligence at the Central Intelligence Agency (CIA), Allen Dulles outlined that 'too much secrecy can be self-defeating just as too much talking can be dangerous';[69] moreover, he stressed that, 'certain information must be given out if public confidence in the intelligence mission is to be strengthened and […] properly appreciated'.[70] Although writing many decades before the British intelligence agencies came in from the cold, the ethos of Dulles' point still stands – disclosure in the national security context is complex, but ultimately it must serve a public good that both upholds the mandates of the agencies and strengthens public trust in their ability to fulfil those mandates.

As such, it is important to stress that disclosure can never be perfect, nor complete, and that secrecy will forever be inherent in the craft of intelligence. However, despite the detractions from those like Gill, what is indisputable is that the changes undertaken in regards to increased transparency and openness over the past thirty years has altered forever not only how the public understands the role of intelligence and its practitioners within the United Kingdom, but it has also drastically altered how historians and other academics are able to engage with classified information that was previously unobtainable to them. In concrete terms, the change has been staggering not only for intelligence material post-legislation, but also historical documents. As Gill Bennett notes, any government document that had even made passing reference to any agencies, or intelligence more generally, was withheld from release for reasons of national security; afterward, 'whole tranches of retained records became eligible for re-review and possible release if their only sensitivity lay in a reference to an agency'.[71] Therefore, it is no coincidence that the field of intelligence studies has made strides over the last thirty years, in tandem with shifting contextual understandings and expressions of secrecy within the British context.

So, what can 'truth' mean in a research environment that stems from secrecy? Sourcing truth in the secret world is about understanding and accepting that the product created from that world must be defined as a 'public truth', or an 'unclassified truth' – that is, intelligence history is written by and for an unclassified audience,[72] using documentation and

---

[69] Allen Dulles. *The Craft of Intelligence*. (New York: Harper and Row Publishers, 1963), 7.
[70] *Ibid.,* 8.
[71] Gill Bennett. "Declassification and release policies of the UK's intelligence agencies". *Intelligence and National Security* 17 (2002), 24.
[72] The author acknowledges that, in very specialised and rare circumstances, an academic may have access to an agency's own archive. These were the circumstances when historian Christopher Andrew was commissioned by MI5 to write a history of the agency for their centenary in 2009. See: Christopher Andrew. *The Defence of the Realm*. (Toronto: Viking Canada, 2009).

information that was either always publicly available, or was once classified and has since been declassified for public consumption. Furthermore, it is a kind of truth that is aware of its own limitations, insofar as its narrative can never include that which remains behind the veil of secrecy; in the Rumsfeldian sense, the historical product created from a public or declassified truth acknowledges that there are both 'known unknowns' and 'unknown unknowns'. In sum, sourcing 'truth' in the shadows, however seemingly incomplete, still provides a critical, previously-unearthed viewpoint on history, which attempts to shed light upon the dark parts of the past with whatever tools it can openly employ.

Understanding the Intelligence Archive and the Selection of Sources

In the same way that an intelligence analyst must distinguish between the signals and noise of raw intelligence when conducting their analysis, the intelligence researcher must apply a similar approach to the intelligence archive. They must weed through the uncertainty of information to put together a coherent picture using what is available to them, all the while ensuring that their source selection is sound, tested, and authentic. The following section will outline both the kinds of sources to be analysed to answer the research questions presented in this thesis, as well as a discussion on the importance of understanding how the intelligence archive manifests within the British context.

Although writing in 1980 from the American perspective, the categorisation of sources outlined by H.H. Ransom is a viable starting point for any intelligence researcher today. Ransom identified four categories of sources from which to glean the most effective analysis in this respect: memoirs of former intelligence officers; whistleblowing exposés; academic secondary sources of analysis based on non-secret sources, and; government/military studies, hearings and reports.[73] Gill has also supported Ransom's categorisation at length,[74] and Warner has built upon it to express more comprehensive source inclusion. In addition to Ransom's categories, Warner also includes: 1) official documents, studies, reports, and official histories; 2) declassified documents; 3) contemporary news reports which, while 'fragmentary and often wrong', also offer 'a certain vitality and immediacy'; and, 4) oral histories, derived from individuals who were involved with the area or event under inquiry.[75]

---

[73] H.H. Ransom. "Being Intelligence About Secret Intelligence Agencies". *American Political Science Review* 74 (1980): 141-2.
[74] Gill, *Policing Politics*, 9.
[75] Warner, "Sources and methods for the study of intelligence", 22-23.

However, generally speaking, just because something is secret does not mean it holds inherent value. Derived from his experiences as former historian to both the CIA and the United States' Office of the Director of National Intelligence (ODNI), when it comes to understanding how declassified sources are produced, and are therefore presented in the archive, Warner stresses that 'intelligence is not some privileged realm where the usual dynamics of organisational and group behaviour do not apply'; rather, 'intelligence agencies are bureaucracies, and thus no exception to the rules of historical scholarship'.[76] As with other historical research, it is imperative that the researcher understand and analyse the value of a document within the broader context to which it belongs; further, they must have a 'fairly comprehensive knowledge of the machinery of policy-making and the specific place of intelligence within this machinery'.[77]

Warner also highlights that 'knowing not only the sequences of activities and events but also the timing of the production and subsequent release of […] information about it helps one judge the value'.[78] Hugh Trevor-Roper pushes the point of production even further, citing that the researcher must not only question whether or not the person producing the document was in a position to know what they were writing about but, more broadly, to question why the document exists in the first instance, and subsequently why it exists in the archive.[79] Source-criticism, in this sense, must therefore be rooted not only in interrogating the provenance of the source in question, but also the intended purpose of its preservation within the broader intelligence archive.

Following this, it is imperative that the researcher understand how and why documents are declassified, and how declassification principles are predicated on the need-to-know essence of espionage and the need to protect sources and methods.[80] In the British context, while some documents will always remain classified for reasons of national security, much can still be gleaned from those released under the *Public Records Act (1967)* stipulated 'thirty year rule', in which yearly governmental documents are declassified thirty years after their creation. Although thirty years have yet to pass since the signing of the Good Friday Agreement, relevant and eligible documents up to at least 1989 have been released to The National Archives – covering two-thirds of the conflict.

---

[76] *Ibid.*, 21.
[77] Jackson, 9.
[78] Warner, "Sources and methods for the study of intelligence", 24.
[79] Hugh Trevor-Roper, as quoted in: R. Geralrd Hughes and Len Scott. "'Knowledge is never too dear': Exploring intelligence archives", in *Exploring Intelligence Archives: Enquiries into the Secret State*. R. Gerald Hughes, Peter Jackson, and Len Scott, eds. (London: Routledge, 2008), 26.
[80] *Ibid.,* 16.

Moreover, since 2013 the British government has been in the process of moving toward a 'twenty year rule' as stipulated in the *Constitutional Reform and Governance Act (2010)*. Although this change is being completed in a phased approach, the first phase includes 'government departments and other bodies that transfer records to The National Archives', of which records pertaining to the Troubles would qualify.[81] Additionally, it must be noted there is value to the researcher in the slower declassification of documents; as Andrew argues, if all intelligence documentation were suddenly released *en masse*, it would create a glut of information and the adequate scrutiny of the documents would not take place, thereby leading to hastily defined narratives to describe and define complex conceptualisations.[82]

But how do the intelligence agencies themselves interpret their declassification obligations? For example, MI5 follows a declassification policy which releases 'as much material of historical interest as it can, taking into account the need to avoid damage to national security',[83] whereas GCHQ has only released records through to the Second World War[84] given the sensitives inherent in the tradecraft of signals intelligence.[85] Unlike its other two fellow agencies, MI6 does not have an official policy for the release of documents and, according to The National Archives, 'no transfer of records are expected in the foreseeable future'.[86] However, as Bennett highlights, information about their cross-agency operations can be found in declassifications by GCHQ and MI5, as well as declassifications by other government bodies.[87] In regards to releases by the Joint Intelligence Committee (JIC), they engage in active disclosures as part of the government's broader declassification of Cabinet papers,[88] which are of significant value to this thesis. Finally, as Bennett further highlights, in order to have a fuller understanding of the available intelligence documentation, it is important to investigate the disclosures of ministries which work closely with the agencies – such at the Ministry of Defence, the Northern Ireland Office, the Foreign and Commonwealth Office, or the Cabinet Office – as their summary notes can sometimes include inter-service

---

[81] The National Archives. "20-year Rule". The National Archives, accessed 19 March 2019, http://www.nationalarchives.gov.uk/about/our-role/plans-policies-performance-and-projects/our-projects/20-year-rule/

[82] Andrew, *Secret Service*, xvi.

[83] Bennett, 25.

[84] The National Archives. "How to look for records of…Intelligence and security services". The National Archives, accessed 19 March 2019, http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/intelligence-and-security-services/

[85] Bennett, 26.

[86] The National Archives, "How to look".

[87] Bennett, 27.

[88] *Ibid.,* 29.

intelligence reports.[89] Overall, understanding how intelligence agencies, and other bodies involved within the larger security establishment, understand their obligations to the declassification of material is critical. Without this knowledge, the source material employed to answer the research questions presented in this thesis would be drawn from an incomplete collection of material.

Limitations of the Intelligence Archive

While this methodology chapter has already engaged in a discussion highlighting some of the arguments presented by detractors of the supposed governmental intent in increasing transparency over the last thirty years, it is still important to note that, like in any historical study, the archive does indeed present some limitations. Secret archives – like all governmental archives – are still, ultimately, controlled material, and everything that has been released has been vetted prior to its declassification. Ultimately, however, this is the only intelligence archive available to the average person not in possession of a security clearance and the need-to-know. As such, the researcher must ensure that they engage in the due diligence of interrogating both the archive and its individual sources, reading the archive 'against the grain', and contextualising source material where applicable and where appropriate.

There is, however, one limitation to the intelligence archive which is insurmountable, and did indeed prove to be for this research project. Much of academic body of work comprising the intelligence studies field deals with the topic of HUMINT. This is particularly true of studies undertaken through the historical context when dealing with events or conflicts that have concluded, as there is a natural end point to be met in regard to the use of human sources. This focus on the HUMINT story is entirely reflective of the documentation available in the archive. However, the glut of studies related to HUMINT is indicative of a scarcity in the declassification of materials and documentation related to SIGINT. This, ultimately, relates to the longevity of tools and tradecraft inherent in the SIGINT field, meaning that declassifications are difficult as the sensitivity surrounding the information found therein remains high. While GCHQ, for example, has declassified documentation relating to the Second World War, much of this has to do with the breaking of the German Enigma codes, a cryptographic technology that is no longer employed. The lack of declassified SIGINT documentation has also meant that greater value has been placed on the

---

[89] *Ibid.,* 30.

importance of HUMINT as a craft by academics, so it is important to acknowledge that SIGINT is often a 'known unknown' within an academic study of intelligence, but that there is very little that can be done to rectify this due to access issues. As such, this thesis will focus exclusively on HUMINT, as this comprises the bulk of the declassified material available to researchers. However, the researcher does acknowledge that SIGINT and its tradecraft did play a role in the conflict, particularly as that tradecraft improved and was customised to combat the threat faced by paramilitary violence.

The aforementioned realities did indeed present themselves as limitations that needed to be effectively navigated through the course of the research project. First and foremost, only documents which had successfully undergone a declassification process could be read and accessed at The National Archives at Kew. While it is impossible to know exactly how many documents were held back from declassification, the researcher was still able to access a number of documents: military strategy reports; policy documents (both in finalised and draft form); daily intelligence summaries; significant amounts of correspondence between ministries and ministers, giving insight into strategic thinking; then-classified (but now declassified) versions of official inquiries into things like deep interrogation; reports from workings groups across the government; British Army assessments, both daily and more long-term; white papers; parliamentary papers; and, many other related documents. It perhaps goes without saying that any liberal democratic government would leave behind a significant cache of documentation over the course of a thirty-year conflict, but despite the difficulties in navigating the secret archive, the documentation available under declassification procedures was still very plentiful, and documents which were not directly intelligence related still provided an excellent and important insight into governmental policymaking and thinking throughout the conflict.

However, certain ministries were more sensitive in their declassification process. For example, documents held in the CAB series – that is, files by the Joint Intelligence Committee (JIC) held within the Cabinet Office – were much more censored than those held by the Northern Ireland Office (NIO) as those held by the former dealt explicitly with intelligence. Files held by the Ministry of Defence (MOD) were also more censored than those held by the NIO. In terms of research scope, this meant that NIO documents relating to the conflict were significantly more plentiful, and the researcher frequently found security or intelligence-related documents within this series that, if held by another ministry, would likely have been withheld or redacted, as their sensitivity – or lack thereof – may not have been similarly framed by those declassifying documents in the NIO. This meant that, for

example, the researcher was able to discover important reports on subversion/collusion and deep interrogation methods that were originally issued by either the JIC or MOD (with original copies presumably detained by those ministries), but copies of which still existed in declassified NIO files.

It is also important to stress that the way in which files were declassified and released to The National Archives was not always immediately clear, nor consistent. For example, while JIC files always remained chronological rather than thematic in their declassification, NIO and MOD files became defined, broadly speaking, by their *thematic* declassification,[90] which presented both difficulties and limitations. What this meant, in practice, was that NIO files would be released according to themes such as 'the Ulster Defence Regiment', covering a broad range of years, and the files would be in multiple folders – indicating, for example, Part I, II, and III of that thematic category – but not listed sequentially in The National Archives' filing system. As such, not only was there a concerted effort required to analyse multiple thematic declassified materials alongside the chronology of the conflict, but it also necessitated that the researcher adequately navigate the archive more broadly in order to piece together the parsed-out files of thematic declassifications.

Furthermore, while the researcher anticipated certain limitations in navigating the secret archive, where these limitations presented themselves most evidently was in relation to temporal time and distance between the conflict's commencement and cessation. What this meant, in practice, is that the secret archive was significantly fuller – that is, the number of declassified documents was much more encompassing – in relation to files covering the critical juncture period. This, most likely, was related to the following realities: that those files covered a period in which Westminster was not in direct control of the province; they included documentation from a government – Stormont – that had been suspended from 1972 onwards; and, they were in relation to security policy decisions, and manifestations of the intelligence machinery, that became defunct once the Way Ahead Policy became the defining strategic approach taken during the conflict. Comparatively, tradecraft used from 1980 onward may indeed still be in use within the intelligence structure in the province or further afield, and may continue to involve, for example, agents and informants who are still in play or decommissioned but living in the province. Therefore, the archive – and the state – has an

---

[90] According to informational slips inserted into the declassified files at The National Archives, the NIO claimed that this transition happened because of asbestos contamination at their holding facility; as such, the files which were declassified for a number of years were copies rather than originals, and some could not, allegedly, be saved due to the asbestos contamination. However, no such similar indication was given amongst MOD files as to their thematic rather than chronological declassification.

obligation to keep its secrets in this respect. As such, the fullness of the early period of the conflict meant that the analysis informing the case studies presented as part of the critical juncture period – those from which, this thesis posits, the lessons learned/not learned came to define intelligence approaches taken during the remainder of the conflict – were deeply based on a detailed and broad selection of declassified documents stemming from the secret archive. While the secret archive may have presented some limitations more broadly, this fullness was a pleasant discovery which aligned rather nicely with the methodological framing of the research project.

Yet, there were silences in the archival material during the critical juncture period which were more noticeable because of the fullness of the material available. For example, for the period covering the immediacy of Bloody Sunday – roughly the end of January 1972 for about three-to-four weeks post-facto – the archive is not only noticeably silent on this topic, but it is also empty in terms of declassified material more generally. Because of the sensitive nature of this topic, it seems that whole swathes of security-related information were retained under Section 3(4) of the *Public Records Act*.[91] As such, part of navigating the secret archive was an effort to fill those kinds of silences in other ways. In this particular instance, it could be done through the analysis of Lord Saville's *Report of the Bloody Sunday Inquiry*. Because of its in-depth access to both the classified archive and affidavits of intelligence figures operating in the province during the critical juncture period, its immense scope allowed for an even broader overview of security and intelligence concerns outside of the immediacy of Bloody Sunday. This, in turn, provided a deeper insight for the researcher than may have been available had the secret archive not been silent on this topic. Filling the silences of the archive in this easy way was an anomaly in the research project, rather than a common occurrence. Such limitations, however, do inspire creativity, and within the critical juncture period and beyond, silences could be filled by a number of other source materials: for example, governmental inquiries and reports such as that above, which frequently had beneficial access to the classified archive that the researcher could never enjoy; and memoirs, interviews, and autobiographies of former intelligence practitioners and/or combatants involved in the conflict, among other such rich source materials. Analysis of such documents

---

[91] Speaking of information held under the *Public Records Act*, the researcher did submit a number of Freedom of Information Act (FOIA) requests to both the Northern Ireland Office and the Ministry of Defence for files covering the latter third of the conflict, to release classified documents using the argument that it would be beneficial to the public good. All such requests were denied, as the retaining departments did not feel that their release passed the public interest test, citing the exemption Section 23(1) of the *Freedom of Information Act*, under the auspices of safeguarding national security.

and sources outside the traditional archive allowed the researcher to understand the experience of those on the receiving end of intelligence policy as well, and not just its creators, thereby allowing alternative voices to be heard alongside the official archive and working to enrich, corroborate, or contradict assumptions made within official documentation.

This reality was a common thread across the archive, in which the silences grew as the declassification process closed in nearer to the present day. In terms of impact on the analytical chapters of this thesis, it meant that the second case studies discussed were less reliant on the archive than those discussed from the critical juncture period. In reality, it became more difficult to identify those later archival silences specifically – as one could with the clear silence related to Bloody Sunday – as they would sometimes occur for months at a time and were not directly or obviously indicative of a controversial happening that dictated such silence. Instead, other archival sources were interrogated in order to fill those silences. One such archive is that kept by the Imperial War Museum, which houses oral histories by servicemen and women who were involved in a breadth of British military engagements. Listening to these oral histories allowed the researcher an insight into, to paraphrase von Ranke, *how it essentially was* for operators on the ground from a first-hand account, something which an official state document could most likely not provide.

In sum, the secret archive is one which a researcher can approach knowing, from a high level, that it poses some unique limitations that the general historian may not necessarily encounter in their research. This by no means suggests that the study of intelligence from an historical perspective should be abandoned; rather, the researcher must learn how to both read and fill silences within the archive, be creative not only in their sourcing but their interrogation of materials and their sources, and be both confident and comfortable with the reality that the findings they present are reflective of a declassified version of the truth of *how it essentially was*. The analytical findings of this thesis, therefore, are a reflection of innovation in piecing together various sources to form a declassified version of that secret truth.

<u>Notes on Terminology</u>

In the way that much surrounding the conflict in Northern Ireland is contested, so too is the terminology used within that milieu. As such, it is important to establish both parameters and definitions within the methodology chapter, particularly for key terms that are

used throughout this thesis, to ensure that both the reader and the researcher are operating from the same level of understanding in the employment of these terms. This is exceptionally important given the sectarian nature of the conflict, in which the careless conflation of related terms can lead to a lack of both clarity and understanding. Therefore, this thesis will use the following definitions of key terms, as outlined in the *Report of the Bloody Sunday Inquiry*.[92].

1) 'Protestant' and 'Catholic':

> Used as a way to identify all or part of the Catholic and Protestant communities in Northern Ireland. This does not ascribe a political identity or particular political leaning to either community. Rather, it is a communal identity.

2) 'Unionism/Unionist' and 'Nationalism/Nationalist':

> Used when discussing those who are taking a constitutional or democratic approach in their political leanings; they do not believe in violence as a means to achieve their ends. Broadly speaking, unionists believe in the continued existence of Northern Ireland within the United Kingdom, whereas nationalists favour an independent, united Ireland (a rehabilitation of a pre-partition Ireland).

3) 'Loyalism/Loyalist' and 'Republicanism/Republican'

> Used when discussing those who generally advocate using political violence to achieve their political ends. As Ruane and Todd define, loyalism 'posits the irreconcilable conflict between Protestant and Catholic, settler and native, loyal and disloyal', which too believes the political aims of unionism;[93] republicanism, conversely, posits at its ideological centre the narrative construction of the history of the Irish nation, of which the armed struggle is a key element in its 'rebirth'.[94]

---

[92] The following three thematic definitions are taken from the *Report of the Bloody Sunday Inquiry*, aside from where otherwise indicated. It should also be noted, as the *Report* stresses, that: 'these labels are imprecise and the meaning ascribed to them have changed over time and according to context' Lord Saville. *Report of the Bloody Sunday Inquiry – Volume 1*. (London: The Stationery Office, 15 June 2010). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/279133/0029_i.pdf, 104.
[93] Ruane and Todd, 84.
[94] *Ibid.,* 87.

CHAPTER 2:   LITERATURE REVIEW

Strong analytical arguments must be firmly based in the bedrock of the assessments, debates, and narratives which came before them. To build this bedrock, this chapter intends to act as an introduction into the key concepts which will form the basis of analysis in the following chapters. This will begin with general concepts relevant to the thesis, from which more particular discussions will trickle down and will provide the reader with a foundation of knowledge from which to view the analytical chapters. This section will begin with a broad discussion on what intelligence *is*, by examining its role, purpose, and function in the national security context, as well as the state's obligation in using it as a means to its end of national security. Building on this, the academic debate surrounding the idea of what constitutes moral conduct in intelligence practice will be examined, pitting the various schools of thought against one another in order to determine where gaps in the literature exist and to provide a narrative basis from which this thesis pulls its conceptualisation of 'moral conduct'. Finally, drawing on both these discussions, this section will engage in a high-level assessment of the value of the intelligence war throughout the conflict in Northern Ireland, and the assessment of academics, practitioners, and combatants on whether or not the intelligence war played a critical role in the eventual cessation of violence and the pathways to peace. And, in its overall conclusions, it will demonstrate how the findings of this thesis will contribute to both the intelligence studies literature and the Troubles' historiography.

I.   What is Intelligence? Its Role, Purpose and Function in the National Security Context

On Intelligence and the Obligations of the State

Before delving into a discussion of what exactly constitutes intelligence and how to define it, it is first critical to examine how intelligence fits into the broader obligations of the state in regard to its delivery of national security.[1] To this end, this section will use the

---

[1] The idea of national security, and security more generally is, of course, an increasingly contested concept. While it is not the purview of this thesis to fall deeply into this debate, the researcher does acknowledge this point but will use the definitions of Omand as outlined going forward.

writings of David Omand, former intelligence practitioner-turned academic, drawing on his ground-breaking and comprehensive treatise on public security, intelligence, and good governance, *Securing the State*. While other works have envisioned the obligations of the state in the national security context, Omand goes one step further and spends a great deal of his analysis looking specifically at what role intelligence plays in the attainment and fulfilment of the state's obligations in that context, and as such is an applicable model to highlight before entering into a deeper discussion about what intelligence actually is.

In talking about the obligations of the state, Omand calls national security the 'first duty of good government'.[2] But before delving into what that duty may look like, it is important to understand what Omand means here by both 'national security' and 'security' more broadly. For Omand, security is 'an "end" that public policy has to secure'; in doing so, disposable to a government are a set of dual 'means', of which intelligence as statecraft is one.[3] This calculation is rooted in the idea that without the effective and appropriate use of a government's 'means', it cannot substantively deliver on its first responsibility – that is, national security. However, national security should not be seen as a static state of affairs; rather, it is that of a fluid relationship between the citizen and the state, and the state's responsibility to its own power-related obligations. As Omand argues, national security is 'defined as a state of trust on the part of the citizen that the risks to everyday life, whether from man-made threats or impersonal hazards, are being adequately managed to the extent that there is confidence that normal life can continue'.[4] In this conception, the citizen engenders a level of trust to the state that the state can provide them with security, and in this way the citizen confers power to the state to attain that end.

Following this, the citizen therefore confers the state to use the means it has available to it to attain that end of national security – including the craft of intelligence. However, as Omand notes, intelligence can bring 'in its wake moral hazards and dilemmas over the methods used to produce it'.[5] As such, the state must make calculations; most importantly, it must establish how its first duty, that of delivering the end of national security, can 'be maintained at a bearable and sustainable cost'.[6] In Omand's conception, just because the state has at its disposal the 'means' of intelligence does not mean that it can wield that power absolutely. Rather, to do so would undermine its own attempts to deliver the 'end' of national

---

[2] David Omand. *Securing the State*. (London: Hurst and Company, 2010), xvii.
[3] The other 'mean' is resilience. *Ibid*., xviii.
[4] *Ibid*., 9.
[5] *Ibid*., xvii.
[6] *Ibid*., xviii.

security, as the state of trust which the citizen confers upon it would be tarnished, thereby preventing the state from fulfilling its first duty to its citizens and the legitimacy of its power may be opened up to questioning.

However, Omand stresses that states cannot shy away from using intelligence as a means toward its national security end due to the potential for moral hazards to arise. As Omand highlights, 'the justification for secret intelligence is in the end an empirical one: it reduces the risks from decisions that governments decide have to be taken in the national interest'.[7] Further, engaging in intelligence as statecraft provides the state with 'the means to do in hidden ways what is judged necessary for the interests of the state but which cannot be admitted to'.[8] Finally, by not engaging in intelligence, the state would be left open to uninformed decision-making, whereas effective engagement can lead to decisions that 'have a higher chance of being favourable and hence can lead to better outcomes'.[9] Seen in this light, the state therefore has a responsibility to use the means available to it to achieve its end of national security, despite the hazards which may potentially accompany their use. By taking an absolutist approach in which the available mean of intelligence is not engaged with due to the potential of moral hazards, the state cannot possibly attain its end of national security and will therefore break the state of trust with its citizens.

Finding a Definition of Intelligence

Religion and intelligence are two sides of the same coin: both are institutionalisations of man's attempts to cope with his fear of the unknown; one in the spiritual realm, the other in the practical.[10]

Now that the role of intelligence has been explored within the obligations of the state toward its people, it is important to engage with a discussion about what intelligence actually *is*. There is a large body of literature discussing this idea, both from a practitioner and academic standpoint, and this has led some within the field to make the argument that there is no such agreed position on what the term means. As such, this section will endeavour to create a usable definition of intelligence which best encompasses the approaches found

---

[7] *Ibid.*, 7.
[8] *Ibid.*, 6.
[9] *Ibid.,* 23.
[10] Hank Prunckun. *Handbook of Scientific Methods of Inquiry for Intelligence Analysis*. (London: The Scarecrow Press Inc., 2010). 3.

within the body of literature. However, what this section will not do is enter into a broad discussion about how each element of the intelligence machinery in Northern Ireland understood intelligence and its role, as this will be discussed within the larger analytical section of this thesis.

'Information' and 'intelligence' are two terms which are often conflated to mean the same thing, seen as interchangeable when discussing the craft of intelligence from a layman's perspective. However, there is a critical difference in how those words are defined, and how those definitions are related to the idea of *process*, which is a key element in developing a working understanding of the craft of intelligence. In his handbook on methods of inquiry for intelligence analysis, Hank Prunckun provides a succinct definition which demonstrates the relationship between information, intelligence, and process. For Prunckun, information is the 'unrefined raw material used to produce finished, focused *intelligence*'.[11] That raw information must go through a process in order to be turned into intelligence; information is therefore that which is collected and then analysed to become a useable intelligence product.[12] Brian Stewart, former Assistant Chief of the Secret Intelligence Service (MI6) and the first former intelligence officer to become Secretary of the Joint Intelligence Committee (JIC), has also described information as a kind of raw material upon which intelligence product is based.[13] Michael Herman agrees that all information must go through a process in order to create intelligence, but the degree of processing depends on the source of the information, and is an effort of putting pieces of information together to create a coherent intelligence picture: 'intelligence is like archaeology; a matter of interpreting evidence as well as finding it'.[14]

Further, as Michael Warner argues, to equate intelligence with information is 'too vague to provide real guidance' in the work of intelligence producers; rather, intelligence is a form of information which has gone through a process, and not all information in its raw form will become intelligence.[15] Finally, as Michael Herman astutely notes, the idea of what information constitutes differs between the intelligence process and that of regular governmental business. Intelligence, as a craft, 'deals with information, but in ways that differ from the information-gathering and information-handling that takes place as integral

---

[11] Emphasis in text. Prunckun, 2.
[12] *Ibid*.
[13] Brian T.W. Stewart and Samantha Newbery. *Why Spy? The Art of Intelligence.* (London: Hurst and Company, 2015), 3-4.
[14] Michael Herman. *Intelligence Services in the Information Age*. (London: Frank Cass, 2001), 10.
[15] Michael Warner. "Wanted: A Definition of Intelligence", in *Secret Intelligence: A Reader*, Christopher Andrew, Richard J. Aldrich and Wesley K. Wark eds. (London: Routledge, 2009), 3.

parts of government and military command-and-control'.[16] Following this, Omand sees this process as 'specialised and hazardous', which again places it outside of the regular information gathering and handling of government machinery.[17] As such, it is possible to see that intelligence, in the form of information that has gone through a process, occupies a unique space within governmental machinery. Intelligence, therefore, can be understood to be an end-product of information that has gone through a process – the process of which will be described in further detail in the following section of this literature review.

However, to understand intelligence as a product is not the same as understanding intelligence as a craft. For Peter Gill, that craft encompasses 'mainly secret activities […] intended to enhance security and/or maintain power relative to competitors by forewarning of threats and opportunities'.[18] This idea of secrecy also flows through Warner's definition, who sees intelligence as 'secret, state activity to understand or influence […] entities'.[19] Elaborating on this point, he also stipulates that intelligence can be seen through two lenses: 'in sum, one definition emphasises intelligence as something that informs decision-making; the second sees it as a clandestine activity that assists both the informing and execution of decisions'.[20] Further, Warner argues, intelligence as statecraft is employed when other options no longer exist – when 'law enforcement is impotent or overmatched, when open diplomacy cannot be employed […] and where overt military power would be counterproductive (or even suicidal) to unsheathe'.[21] Although discussed in different ways, Gill and Warner are describing similar phenomena: intelligence as a craft is inherently secretive – although, it should be noted, that the sources of intelligence need not always be secret, but rather can be open – and serves the purpose of enhancing security.

But aside from being secretive and helping in attaining the end of national security, what purposes does intelligence serve in its role of statecraft? According to Omand, 'the most basic purpose of intelligence is to improve the quality of decision-making by reducing ignorance'.[22] In his assessment, the reduction of ignorance will 'improve the quality of decision-making by statesmen, policymakers, military commanders, or police officers' by providing increased clarity on their operating environment, in which 'better-informed

---

[16] Herman. *Intelligence Services*, 3.
[17] Omand. *Securing*, 22.
[18] Peter Gill. "Theories of Intelligence: where we are, where we should go and how might we proceed?", in *Intelligence Theory: Key Questions and Debates,* Peter Gill, Stephen Marrin and Mark Phythian eds. (London: Routledge, 2009), 214.
[19] Warner, "Wanted", 9.
[20] *Ibid*., 16.
[21] *Ibid.,* 23.
[22] Omand. *Securing*, 22.

decisions lead to better government and a safer and more secure society'.[23] Herman's definition is in line with this, stating that the ultimate role of intelligence is to be 'an information specialist in its relationship with power';[24] however, it does not 'propose decisions, take them or execute them'.[25] Further, Herman stresses that the role of intelligence is to form 'part of the protection mechanism against the ultimate threats to national security'.[26] Ultimately, for Herman, the purpose of intelligence is to 'enable action to be optimised', which can take various forms from diplomacy to direct action.[27] Finally, elaborating on the above-concepts, Mark Lowenthal argues that intelligence as statecraft exists for four high-level reasons: 1) to avoid strategic surprise; 2) to provide long-term expertise; 3) to support the policy process; and 4) to maintain the secrecy of information, needs and methods.[28] Taken together, the existence of intelligence is therefore to aid, at different levels of need, in the maintenance of national security.

Finally, it is important to stress that intelligence can never be perfectly predictive or a representation of the entire truth. As Lowenthal argues, intelligence product should be seen as a 'proximate reality' rather than an absolute truth, with the aim of creating a narrative that is 'reliable, unbiased, and honest'.[29] Writing in reflection of his experience as a Special Branch officer in the Royal Ulster Constabulary (RUC), William Matchett sees this phenomenon as such:

> Less contentious are the qualities of intelligence. It is not fact but a version of the truth. Fact is a legal term. Truth is a moral term. Intelligence is flawed information that will always have unknowns. It comes with a margin of uncertainty. Time degrades its value. At one end intelligence is lies, rumour or innuendo and at the other it is completely honest and accurate. But even the best intelligence only tells part of the story. You never get the full picture.[30]

Matchett, as a former practitioner, is aware of the limitations that intelligence as statecraft can bring, but he importantly does not condemn it for its limitations. This conception harks back to the Rumsfeldian idea of known unknowns and unknown unknowns. It is both an acceptance and realisation that intelligence can never be perfect – a view that must be

---

[23] David Omand and Mark Phythian. Principled Spying: The Ethics of Secret Intelligence. (Washington, DC: Georgetown University Press, 2018), 1.
[24] Herman. *Intelligence Services*, 12
[25] *Ibid.,* 13.
[26] *Ibid.,* 7.
[27] *Ibid*., 140.
[28] Mark M. Lowenthal. *Intelligence: From Secrets to Policy*. (London: Sage Publications, 2012), 3-6.
[29] *Ibid*., 7.
[30] William Matchett. *Secret Victory: The Intelligence War that Beat the IRA*. (Lisburn: Hiskey Press, 2016), 94.

espoused by both practitioners and policymakers alike in order for intelligence product to be most effective – and a truth, however uncomfortable, that intelligence is not a form of divination which can pull predictive narratives from spaces in which no such comprehensive truths can be found.

In conclusion, in providing an overview of the current debates regarding a comprehensive definition of intelligence, it is possible to see that there are a number of commonalities found across the various writings of both practitioners and academics on this subject. First, it seems clear that the craft of intelligence is one which is inherently secretive, used when normal overt forms of governmental statecraft are not applicable. Through the reduction of ignorance, it seeks to improve and inform decision-making and the execution of decisions which serve the purpose of enhancing national security. In doing so, it takes raw information, puts it through a process, thereby turning that information into intelligence which can be used for the purposes listed above. However, the craft of intelligence can never provide a full picture, nor can it be wholly predictive; rather, it is an approximation of the truth, one which acknowledges that there will always be unknowns and that a level of uncertainty can never be entirely extinguished.

The Intelligence Cycle[31]

In defining intelligence, the previous section explained how intelligence is a *process*. But what does that process actually look like? What are the steps through which raw information is turned into an intelligence product that is useful for policymakers and decisionmakers? This section will investigate the body of literature to determine varying approaches to the process of intelligence production that is commonly known as the intelligence cycle and will touch on some of the characteristics and issues found in different stages of that cycle.

Michael Quinlan rightfully notes that in terms of the day-to-day craft of intelligence, there is very little deep knowledge on behalf of the general public about what intelligence operators actually do, and what their aims are in undertaking those daily tasks. As Quinlan highlights:

---

[31] The author acknowledges that there is currently an ongoing debate within the body of literature on the intelligence cycle about its value and whether or not it should be reformed. However, there will be no engagement in that debate – for the purposes of this thesis, it is integral to understand how the intelligence cycle manifested during the timeframe of the conflict in Northern Ireland, so the debates regarding the cycle's suitability in the current intelligence climate are not relevant to that conversation.

> [...] there are mountains of vivid fiction, a certain amount of conjecture and hint, and some wary memoir-writing, but the vast majority of citizens do not know and cannot readily find out in any specific, comprehensive and dependable way precisely what intelligence professionals do in concrete day to day operational terms.[32]

Much of this phenomenon, of course, is due to the inherent secrecy of the craft of intelligence. Before the increasing transparency seen in the late twentieth and early twenty-first centuries, every aspect relating to the practice of intelligence remained behind the shadows, aside from moments of conjecture and hint that Quinlan describes above. As such, a useful starting point in this discussion is to highlight that one of the first public mentions of the intelligence cycle can be found in the Church Committee Inquiry,[33] which marked a watershed moment in terms of how far things could be done in the name of national security whilst remaining entirely in the shadows. From this first mention, many academic analyses of the intelligence cycle were born.[34] Using the Church Committee findings as his starting point, the intelligence cycle can be described as, in the words of American intelligence historian Walter Laqueur:

> [...] the first stage in the intelligence cycle is an indication by consumers of the kind of information needed. These needs are conveyed to senior intelligence officials, who in turn inform the collectors. The collectors then obtain information, then 'raw' intelligence is turned into finished intelligence which is eventually supplied to consumers.[35]

Delving into this more deeply, Herman's analysis of the intelligence cycle provides a useful insight into how Laqueur's description manifests in practice. Drawing on his experiences as a former intelligence officer with GCHQ and his later academic career, Herman defines three stages in the intelligence cycle: 1) collection; 2) analysis and assessment; and, 3) dissemination. For Herman, the purpose of collection is to 'penetrate what is denied to normal information gathering', where a need for secrecy comes not only due to the

---

[32] Michael Quinlan as quoted in: Ross Bellaby. *The Ethics of Intelligence*. (London: Routledge, 2014), 5.
[33] Philip H.J. Davies, Kristian Gustafson and Lt. Col. Ian Rigden. "The Intelligence Cycle is Dead, Long Live the Intelligence Cycle: Rethinking Intelligence Fundamentals for a New Intelligence Doctrine". (London: Brunel Centre for Intelligence and Security Studies, 2013), 3.
[34] This was a United States Senate select committee set up in 1975 that was tasked with looking at alleged abuses perpetrated by elements of the American intelligence community.
[35] Walter Laqueur. *A World of Secrets: The Uses and Limits of Intelligence*. (New York: Basic Books, 1985), 20-21.

information itself, but more predominantly the methods used to collect that information.[36] A key element in ensuring that collection methods remain protected and sound, as well as delivering the type of information required, is source protection; that is, ensuring that collection sources do not fall prey to enemy countermeasures.[37] Once those collection needs are met, that raw information is put through a phase of analysis and assessment. However, that approach differs depending on whether that analysis and assessment is all-source or single-source – that is, for example, whether just information from human intelligence is being used (single-source), or whether information from multiple collection sources is being assessed and analysed (all-source). All-source analysis must not only assess the value of the information collection, but also weigh the value of different intelligence sources against one another, including those drawn from open sources; and, 'they must not give any special weight to secret evidence simply because it is secret'.[38]

Within the analysis and assessment phase, Herman further breaks down this process into sub-phases, drawing from the North Atlantic Treaty Organisation (NATO) model of intelligence analysis. First is collation, which is the organisation of information. This is followed by an evaluation for source reliability and then the analysis of that information – including the identification of facts and the drawing together of conclusions. Finally, that information must be interpreted, in which an analyst must decide what those conclusions mean in the broader intelligence picture and to use that feedback to steer future collection.[39] The purpose of the analysis and assessment phase, therefore, is to achieve one of three aims in the creation of a useable intelligence product: current-reportational (what has happened recently and what is happening now); basic-descriptive (focused on the fixed facts of a situation – e.g. military strength); and, speculative-evaualative, what Herman calls a form of 'futurology'.[40] In sum, the end result of the analysis and assessment phase is the creation of an intelligence *product* which, drawing on the definition of intelligence provided in the previous section, is the end result of raw information going through a *process* in order to create a usable intelligence product. For Herman, a good intelligence product will be able to 'persuade its users […] of a demonstrated trail of evidence, assumptions, and conclusions'.[41] Finally, once that intelligence product is created, it must be disseminated – Herman's third

---

[36] Michael Herman. *Intelligence Power in Peace and War*. (Cambridge: Cambridge University Press, 1996), 88.
[37] *Ibid*., 89.
[38] *Ibid*., 43.
[39] *Ibid.,* 100.
[40] *Ibid.,* 105.
[41] *Ibid*., 10.

phase of the intelligence cycle. The aim of dissemination is to deliver 'useful, user-friendly product at the right time, especially when timeliness is of the essence for decision-making'.[42] Dissemination, however, does not only need to be to policymakers and decisionmakers; rather, it can also be disseminated to other intelligence users – for example, to those who can make single-source intelligence actionable, such as those operating in law enforcement roles.

While Herman's framing of the intelligence cycle is rather detained in terms of defining the importance of each phase of the cycle, others have elaborated further on phases which could come at the beginning and the end of that cycle. For example, Loch K. Johnson and Mark Lowenthal both suggest that there should be a phase before collection in which intelligence requirements should be defined: Johnson refers to this phase as 'planning and direction',[43] whereas Lowenthal refers to this as 'identifying requirements'.[44] Stewart also stresses the importance of setting requirements, and suggests that intelligence communities should not only concentrate on the priorities and targets set our by their respective governments, but they should also leave both space and resources to deal with unexpected needs.[45] Stephen Marrin, similarly, highlights that there are a number of product requirements which can be forwarded by governments during a 'planning, direction, and requirements' stage of the intelligence cycle. These can range from current intelligence on day-to-day needs, research intelligence to support specific operations and decisions, and estimative intelligence, which would allow policymakers to navigate a range and likelihood of outcomes.[46]

As such, including a 'planning, direction, and requirements' phase at the beginning of the intelligence cycle seems to bring value in terms of directing collection in a specific way and creating a more defined intelligence product that meets governmental requirements. Furthermore, while Lowenthal agrees with Herman that the collection phase of the intelligence cycle is the 'bedrock of intelligence',[47] he also suggests that it is important to add a 'feedback' phase to the end of the intelligence cycle, as a way to help further inform intelligence requirements as the phase starts again.[48] However, as Davies et al argue in their analysis of the Ministry of Defence's review of the existing Joint Intelligence Doctrine in

---

[42] *Ibid*., 44.
[43] Loch K. Johnson. "Sketches for a Theory of Strategic Intelligence", in *Intelligence Theory: Key Questions and Debates*, Peter Gill, Stephen Marrin and Mark Phythian, eds. (London: Routledge, 2009), 36.
[44] Lowenthal, 57.
[45] Stewart, 59.
[46] Stephen Marrin. *Improving Intelligence Analysis: Bridging the Gap Between Scholarship and Practice.* (London: Routledge, 2011), 11-12.
[47] Lowenthal, 71.
[48] *Ibid.,* 57.

2009, the traditional British approach toward the intelligence cycle, particularly since the 1970s, has been a blend of the above approaches; it consists of four phases:1) direction; 2) collection; 3) processing (analysis and assessment); and, 4) dissemination (see Figure 1).[49] In practice, the British experience has been deeply reflective of Herman's framework with the addition of a direction phase as the initial step in the cycle. Further, as Davies et al demonstrate in their analysis, this approach would have been that which was in operation during the duration of the conflict in Northern Ireland. While this is a general overview of how the intelligence cycle would have manifested during the conflict, the nuances found therein – particularly the use of intelligence not just at the high governmental level, but also at the grassroots level amongst those intelligence operators and users on the ground – will be discussed a length throughout the analysis chapters of this thesis.

Figure 1: The Intelligence Cycle

The Intelligence Cycle

01 Direction
Understanding priorities, planning, and identifying requirements

02 Collection
Information-gathering through overt and covert means; can be all-source or single-source

03 Processing
Analysis and assessment: collation, evaluation, interpretation and identification

04 Dissemination
Distribution to policymakers and other intelligence users

---

[49] Davies et al., 3.

Finally, it is important to touch on the idea of the politicisation of intelligence when discussing the intelligence cycle, as it can impact upon how that cycle is used for and by policymakers. Put broadly, the politicisation of intelligence 'fabricates or distorts information to serve policy preferences or vested interests'.[50] This can happen at any stage during the intelligence cycle to result in an intelligence product which is politicised. Arguably the most recent and controversial example of this phenomenon in the United Kingdom is the production of the so-called September Dossier in the lead-up to the Iraq War, which critics argue saw the manipulation of intelligence on Iraq's weapons of mass destruction to fit the Blair Government's desire to engage kinetically in the country. While there is an inherent pejorative aspect to the idea of politicisation, Richard K. Betts makes the argument that politicisation is not always a 'malign choice', but rather is sometimes 'a condition' of the craft of intelligence.[51] For example, when intelligence is informing decisions which are controversial or of high import, 'any relevant analysis is perforce politically charged'.[52] However, he does stress that as a starting point, there is 'one simple standard to which intelligence must adhere [...] the irrevocable norm must be that policy interests, preferences or decisions must never determine intelligence judgments'.[53]

Both Omand and Betts highlight that there are traditionally two ways to see the intelligence relationship with policymakers, and how these impacts upon the politicisation of intelligence. These can be described as the Sherman Kent/idealist approach and the Robert Gates/realist approach, both named after prominent and influential practitioners from the American intelligence tradition. The Kent approach is the more stringent of the approaches, in which politicisation is 'an unforgiveable top-down dictation of analytical conclusions to support existing policy'.[54] It has been the historic approach taken throughout the twentieth century by western intelligence communities. Further, it stresses professional objectivity, in which the role of intelligence is to provide objective advice to policymakers 'based on a set of professional ethics that put objectivity and freedom from outside pressure as cardinal virtues'; once assessment is concluded and the intelligence product is delivered, the role of intelligence in policymaking stops.[55] Conversely, the Gates approach envisions the

---

[50] Richard K. Betts. "Politicisation of Intelligence Costs and Benefits", in *Paradoxes of Strategic Intelligence: Essays in Honour of Michael I. Handel*, Richard K. Betts and Thomas G. Mahnken eds. (London: Frank Cass, 2005), 57.
[51] *Ibid*.
[52] *Ibid.*
[53] *Ibid.,* 58.
[54] *Ibid.*
[55] Omand. *Securing*, 178.

intelligence community 'as essential partners in the day-to-day business of government'.[56] Emerging in the late 1980s, those who follow the Gates school believe that in order for intelligence to be useful, it must engage with the concerns of policymakers, and thereby sees 'the earlier orthodoxy as a prescription for irrelevance, and see their own approach not as politicisation, but as contextualisation'.[57] This is a pull approach, in which policymakers suggest where intelligence communities should place their focus on value-added collection, and posits the community as a 'service industry' in which intelligence plays an active role in the formulation of policy.[58] Comparatively, those who adhere to the Kent approach see the Gates school as a 'prescription for politicisation in the prevalent pejorative sense', so much so that this issue was brought up at Gates' confirmation hearing as Director of Central Intelligence in 1991.[59]

So where is the balance to be had? Percy Cradock, former Chairman of the Joint Intelligence Committee, has famously stated that 'the best arrangement is intelligence and policy in separate but adjoining rooms, with communicating doors and thin partition walls, as in cheap hotels'.[60] In his analysis on the subject, Betts concludes that:

> The challenge remains to make intelligence relevant without making it dishonest by pulling punches in a way that lets policymakers believe what they want. In practical terms, if intelligence is to be useful, politicisation will be a continuum from more to less, with the least being the aim for which intelligence professionals strive, but zero being unattainable without denuding analysis of all connection with political reality.[61]

Although Betts admits that he 'has always leaned, with some ambivalence, toward the Gates model',[62] the balance he proposes to strike here does attempt to find a middle ground between Kent and Gates, and does hold with his previous assertion that intelligence should strive, as a rule, not to fall into politicisation. While it is not the purpose of this thesis to fall on one side or the other of this debate, discussing the issue of the politicisation of intelligence is an important part of the narrative surrounding the intelligence cycle and is worth highlighting so that the reader has a full picture of some of the difficulties inherent in the policymaker-intelligence relationship.

---

[56] *Ibid*., 179.
[57] Betts. "Politicisation", 59.
[58] Omand. *Securing*, 180.
[59] Betts. "Politicisation", 59.
[60] Percy Cradock, as quoted in: Omand. *Securing*, 180.
[61] Betts. "Politicisation", 68-69.
[62] *Ibid.,* 59.

<u>Conclusions</u>

By analysing the available body of literature, this section has endeavoured to engage with key debates regarding how to define intelligence, the obligations of the state in its use, its role in statecraft, and the process through which intelligence must go in order to be effectively used by policymakers and decisionmakers. In doing so, it is possible to see how the state is obliged to use the craft of intelligence as a means to achieve its end of national security. To aid in this effort, information is put through a process in order to create useable intelligence product, and that process is manifested through the intelligence cycle. Furthermore, in its role, intelligence acts as a means to reduce ignorance and improve decision-making, while navigating some of the issues that can arise through the potential politicisation of intelligence product. Providing the reader with a clear overview of these debates is integral in creating a strong bedrock of understanding from which the key narratives surrounding moral conduct in intelligence practice can be posited. As it is the intention of this thesis to investigate these issues at different stages of the intelligence cycle, it is important for the reader to be able to engage in the analysis of those debates with keen understanding of the role, purposes, and manifestations of intelligence as statecraft.

II.   Moral Conduct and Ethics in Intelligence Practice – An Academic Debate[63]

I abhor this dirty work, but when one is employed to sweep chimneys, one must black one's fingers.[64]

There is, undoubtedly, both a place and a need for a discussion regarding the appropriate lengths to which the intelligence community of a liberal democratic state can go in the maintenance of effective national security. Scrutiny of action and decision-making

---

[63] As mentioned in the methodology chapter of this thesis, the academic language surrounding this topic flips between the use of the terms 'ethics' and 'morality' quite interchangeably, although there is a greater propensity for the use of the term 'ethics' in literature that offers either a proscriptive or framework approach to the debate. To reiterate, the author has chosen to use the term 'moral conduct' throughout this thesis, but this section will refer to 'ethics' when directly referencing quotes by authors who use that terminology in their own work.

[64] British ambassador, writing in 1785, to the Secretary of State in London about his involvement in running secret agents. Omand. *Securing*, 265.

must be at the heart of accountability, but finding the balance between striking a sufficient level of accountability and maintaining essential levels of secrecy can make the question of what constitutes 'appropriate' moral conduct inherently difficult. This is a relatively new discussion in the intelligence studies field, and one which lacks in-depth case study analyses where questions of moral conduct can effectively be examined in the context in which those operational and policy decisions were being discussed, developed, and deployed. As Jon Moran has argued, prior to this development in the intelligence studies literature, questions of defining moral conduct were often seen as an 'appetizer before the main course' of an intelligence discussion, 'to be quickly disposed of before proceeding to the "big plate"'.[65]

Former heads of intelligence organisations have been known to touch on this subject from time to time, both in the United Kingdom and further afield. For practitioners at this level, a question of moral conduct is one that is not always as nuanced as an academic assessment would like it to be. This is particularly true when speaking about former heads who held their positions throughout the twentieth century, frequently touted as the 'golden age' of covert action. While the conversation surrounding intelligence action accountability and transparency has expanded in the post-9/11 era, the secrecy surrounding the intelligence world in the twentieth century is palpable, and the opinions of those former heads who existed in that period reflect that mentality. Take, for example, Allen Dulles, former Director of Central Intelligence (DCI) at the Central Intelligence Agency (CIA) from 1953 to 1961. Writing in his memoirs a few years after his retirement from the CIA, he assessed that 'it is not our intelligence organisation which threatens our liberties […] the danger is rather that we will not be adequately informed of the perils which face us […] the last thing we can afford to do today is to put our intelligence in chains'.[66] George Tenet, another DCI at the CIA from 1997 to 2004 follows in this tradition of steadfast support for intelligence action: 'let's be blunt about what we do. There is no dishonour in it. We steal secrets for a living. If we do not steal secrets for a living then we ought to shut the doors and do something else for a living'.[67] From a British perspective, Stella Rimington – the first female head of MI5, the Security Service – has expressed a less robustly American approach, but nonetheless strongly supports the primacy of intelligence when the severity of the threat calls for it.[68]

---

[65] Jon Moran. *From Northern Ireland to Afghanistan: British Military Intelligence Operations, Ethics and Huma Rights*. (Farnham: Ashgate Publishing Limited, 2013), 16.

[66] Allen Dulles. *The Craft of Intelligence.* (New York: Harper and Row Publishers, 1963), 264.

[67] George Tenet, as quoted in: Charles E. Lathrop. *The Literary Spy*. (New Haven: Yale University Press, 2004), 207.

[68] Stella Rimington. *Open Secret*. (London: Arrow Books, 2002), 105.

However, where former high-level practitioners speaking from the vantage point of the twentieth century have been less inclined to delve into more detailed discussions on the topic, as the craft of intelligence has increasingly come in from the cold, there has been an acknowledgement from practitioners and academics alike that 'answering ethical questions is just as important to the profession as answering pragmatic ones'.[69] In an attempt to navigate some of the more nuanced waters of the moral conduct debate, academics within the intelligence studies field – including many current academics who started their careers as intelligence practitioners – have been attempting to develop a variety of theories, frameworks, and approaches.

The body of literature can be defined by a number of sometimes-overlapping characteristics wherein the main debates fall. For example, the literature tends to only examine the collection phase of the intelligence cycle and does not engage with issues of moral conduct elsewhere in the cycle, citing that the collection phase holds the greatest potential for facing moral hazards. As this thesis will come to show, that assumption does not necessarily hold true. Furthermore, there is a tendency for some of the academic works to offer a prescriptive or framework approach, frequently building upon some of the characteristics found in the Just War tradition in an effort to create a kind of Just Intelligence Theory. Contrary to this, other academics offer a broader discussion regarding how liberal democratic societies should come to think about their moral obligations vis-à-vis the necessary actions of the secret world, leaving a nuanced approach that purposefully does not engage with prescriptive language with the acknowledgement that hard-fast frameworks may have no realistic operational value on the ground. Finally, there are those in the academic debate who specifically focus on framing questions of moral conduct within the counterterrorism context, and much of this literature stems from the problematic actions taken by intelligence communities during the Global War on Terror (GWOT).

Overall, however, the body of literature tends to hold with David Omand's conclusion that the 'rules we hope to govern our private conduct as individuals in a society cannot fully apply' in the intelligence context;[70] but, there is significant debate within the remaining grey area as to what that exactly means. This section will therefore engage with the key debates regarding moral conduct in the intelligence studies field. However, what it will not do is

---

[69] Tony Pfaff. "Bungee Jumping off the Moral High-Ground: Ethics of Espionage in the Modern Age", in *Ethics of Spying*, Jan Goldman ed. (Plymouth: Scarecrow Press, Inc., 2006), 68.

[70] David Omand. "The Dilemmas of Using Secret Intelligence for Public Security," in The New Protective State, Peter Hennessy ed. (London: Continuum, 2007), 156.

delve into the academic debates regarding specific operational action – such as the use of torture for collection purposes – as these issues will be further discussed as they are encountered throughout the case study analysis in the body of the thesis.

From Just War to Just Intelligence?

A critical starting point in this debate must begin with Michael Quinlan, former Permanent Under-Secretary of State at the Ministry of Defence, who was the first to introduce the potential pathway of using the Just War Theory to create a kind of Just Intelligence Theory based on similar conceptual principles. Writing in 2007, Quinlan's prolegomena to establishing a Just Intelligence Theory focused solely on the collection phase of the intelligence cycle. Although Quinlan died in 2009, one gathers from his short but hugely influential academic article that this concept would have been further developed beyond this initial critical investigation to include other phases of the intelligence cycle.[71] While Quinlan highlighted that the moralist cannot be rendered silent even in the face of discussing intelligence, he also acknowledged that intelligence's 'effective practice seems unavoidably to entail doing some things that are plainly and seriously contrary to the moral rules accepted as governing most human activity'.[72] But, as Quinlan stresses, while there can be a strategic need to bend those moral boundaries, leaving the bending of those boundaries unchecked must not equate to foregoing them altogether:

> […] it would be absurd to disqualify wholesale the use of mendacious deception to penetrate sinister organisations like […] the Provisional Irish Republican Army or its "Loyalist" counterparts, so as to enhance the chances of preventing lethal violence. It by no means follows that absolutely anything goes in achieving and sustaining such penetration.[73]

For Quinlan, finding that balance is very much about defining acceptable levels of intervention, and attempting to calculate 'where the breach of normal moral rules is more severe than the importance of the legitimate objective reasonably warrants'.[74] However,

---

[71] Quinlan notes in the concluding paragraphs of his work that significant moral hazards can also arise in the *use* of intelligence product, not just in the collection of information which forms that product. Michael Quinlan. "Just Intelligence: Prolegomena to an Ethical Theory", in *The New Protective State*, Peter Hennessy ed. (London: Continuum, 2007), 139.

[72] *Ibid.*, 124.

[73] *Ibid.*, 131.

[74] *Ibid.*, 132.

Quinlan ends his work by concluding that '…any purist demand for perfectly clean hands, both directly and at one remove or more, is not easy to square with practical realities'.[75] In this way, Quinlan works to acknowledge both the genuine need for high-level guidelines on the conduct of moral intelligence action with the practical realities of operating in a murky and secret world.

And so, what are the guidelines that Quinlan establishes in an effort to bridge those two concerns? Borrowing from the Just War Theory's *jus ad bellum* (the right to go to war) and *jus in bello* (the right to conduct war), he establishes the intelligence practice-specific categories of *jus ad intelligentiam* (limits on the selection of targets) and *jus in intelligentia* (the choice of collection methods).[76] In discussing the former, Quinlan acknowledges that 'it is inescapable that any general principle, however skilfully shaped, will always leave a large middle ground within which there have to be judgements made'; effectively, space is being left here for the murky middle ground, in which the potential for 'serious damage' must be weighed against the targets selected for collection and 'on which side of the permissibility boundary' those targets fall.[77] The latter, *jus in intellgentia*, refers to defining the permissibility of collection methods, establishing 'who we are not entitled to harm' – a concept he pulls directly from the Just War tradition – but all the while maintaining that such a calculation cannot always be black and white.[78] In this conception, while a collection method may seem suitably appropriate from a moral standpoint when examined in a vacuum, that calculation may change depending on who the collection target is. Once again, Quinlan seeks to balance not only the concerns for ensuring that moral intelligence action meets with the practical realities of intelligence practice, but he also seeks to balance the difficulty in ensuring the selection of targets is in line with the collection methods used upon them.

Aside from acknowledging the uniqueness of Quinlan's contribution to the intelligence studies field by being the first true attempt to bridge and remodel the Just War Theory to fit the practice of intelligence collection, it is difficult to comprehensively critique his work as it is so clearly in its infancy and it is evident that Quinlan had intended to contribute much more on this topic before his death. Rather than understanding Quinlan's contribution as 'incomplete', it should be seen as 'interrupted'. Moreover, what is critical here is to stress that Quinlan's contribution is an attempt to *start* a Just Intelligence tradition

---

[75] *Ibid.*, 137.
[76] *Ibid.*, 133-135.
[77] *Ibid.*, 134.
[78] *Ibid.*, 135.

where one did not exist previously; and, when looking at the Just War tradition, it is important to remember that it has evolved over centuries and over many civilisations, with contributions from theologians, historians, ethicists, policymakers, and military leaders. Comparatively, a Just Intelligence tradition is therefore very much in its infancy, and Quinlan's contribution must therefore be seen as the first step of many toward establishing a body of work that is much more robust and longstanding.

Building upon – and borrowing from – Quinlan's approach is the work of Ross Bellaby, who similarly only chooses to focus on the collection phase of the intelligence cycle. His starting assumption is that 'if liberal democracies are to be seen abiding by the rules, norms and ideals to which they subscribe, then so must their intelligence communities'[79] and simultaneously stresses that 'to argue that intelligence is just an oxymoron is to ignore the very significant ethical role intelligence can play in the political community'.[80] In sum, Bellaby argues that 'there needs to be a limitation on the activities employed by the intelligence community, but that this limitation must be qualified in relation to the ethical good that intelligence can do in its role as protector of the political community'.[81] Bellaby acknowledges the need for intelligence practice, but believes that a prescriptive approach based on a functional framework is the most effective way to ensure moral conduct in its implementation of collection targeting and methods.

In seeking to outline what intelligence collection activities are morally permissible, he introduces what he calls the 'just intelligence principles', which takes Quinlan's *jus ad intelligentiam* and *jus in intelligentia* concepts and develops these by further borrowing from the Just War tradition. In his conception, under each of the above categories, one must consider the following in their assessment of whether the target selection or methods being employed are 'just' and reflect an acceptable level of harm: just cause; authority; right intentions; last resort; proportionality; and, discrimination.[82] 'Harm', in Bellaby's definition, is 'the violation of an individual's most vital interests', but that harm is not binary;[83] rather, there are degrees to which harm can affect vital interests.[84]

---

[79] Ross Bellaby. "What's the Harm? The Ethics of Intelligence Collection". *Intelligence and National Security* 27 (2012): 95.
[80] Bellaby, *Ethics*, 2.
[81] *Ibid.*, 3.
[82] *Ibid.*, 25.
[83] *Ibid.*, 17.
[84] 'Vital interests', for example, are concepts such as mental and physical integrity, autonomy, liberty, privacy, and *amour propre*. *Ibid.*, 18-22.

However, Bellaby acknowledges that using these principles alone are not sufficient when analysing action related to intelligence collection, as they do not reflect *scale*. As such, he has created an additional assessment concept he calls the 'Ladder of Escalation' to address this inadequate representation of scale and degrees of harm. The Ladder of Escalation takes into consideration 'what is being threatened, who is making the threat and how far away the threat is in terms of timescale', in which these concepts must be considered within the framework of the just intelligence principles he has modified from the Just War tradition.[85] While Bellaby takes great care and consideration in attempting to build his framework through which harm can be measured, this remains a high-level conceptual piece. Aside from engaging in intellectual exercises through which the principles can be envisioned at work – for example, using them to assess the validity of torture in principle as a collection method – Bellaby has not attempted to apply his principles to any real-life case studies to both judge how those principles may manifest in practice facing on-the-ground realities. As such, while Bellaby's contribution is one which is prescriptive and based on a theoretical framework, it is difficult to assess its validity from the approach of a functional or practical framework for operators 'in the thick of it'. Furthermore, while Bellaby's decision to focus only on the collection phase of the intelligence cycle is, as he argues, a practical one in which it would be difficult to assess the full scope of all phases, it nonetheless means that there is a gap in the literature regarding the potential moral hazards facing the rest of the intelligence cycle.

On the Limitations of a Just Intelligence Theory

According to the literature, there are a number of areas in which the current approaches to the formation of a Just Intelligence Theory are limited in both their scope and real-life applicability. First, as mentioned above, a focus on the collection phase of the intelligence cycle means that any attempts to theorise Just Intelligence is incomplete and too narrow in its focus. As Michael Andregg highlights, different operators in different parts of the intelligence cycle would require different approaches and guidelines, particularly in an effort to streamline a codification of moral conduct.[86] In the introduction to *Ethics of Spying*, the first collaborative work aimed at investigating the concept of moral conduct in intelligence practice, Jan Goldman notes that while the bulk of work conducted by

---

[85] *Ibid.*, 33.
[86] Michael Andregg. "Do Intelligence Bureaucracies Fear Ethics, and if so, Why?". *International Journal of Intelligence Ethics* 3 (2012): 102.

intelligence professionals does *not* incur moral quandaries, it is still imperative that all phases of the intelligence cycle are investigated to ensure an effective analysis of the issue.[87]

Second, there are questions surrounding the practical validity in attempting to create a theoretical framework that operators would be expected to follow stringently in their day-to-day operations. Although Quinlan's contribution to the field *is* a kind of prescriptive approach, he himself was wary of creating something that was too theoretical as a framework by which intelligence actors must stringently abide by on the ground. Frameworks, in Quinlan's assessment, provide an opportunity for strategic misstep: 'There might be a real disadvantage […] in having governments make to potential adversaries and wrongdoers a public presentation of extensive and detailed knowledge about exactly what public authorities will and will not be prepared to do in gathering information'.[88] Quinlan concludes by stressing that while Just War can provide some guidance on how to inform the establishment of an intelligence theory relating to moral conduct, its development must go beyond the Just War framework and be reflective of the unique needs and expectations of the secret world.[89]

Following this, Jon Moran argues that the focus on absolutist approaches or steadfast rules in a framework conception 'do not advance an understanding of what should be possible in practice'.[90] He warns that 'false oppositions' must be avoided, as they might produce an inaccurate dichotomy based on suppositions: the first being the belief that 'what works is ethical', and the second being what he describes as 'the standard liberal approach, that the ethical techniques are the most effective […] both are rhetorical devices rather than rigorous approaches, and are dependent on differing views on ethics in any case'.[91] Andregg, speaking rather more bluntly on this point, highlights that 'nearly everyone with deep experience knows it is impossible to codify all the bizarre scenarios that real spies encounter'.[92] Further, Andregg stresses that the study of moral conduct in intelligence practice must be more than the creation of 'just lists of rules or laws […] the world of official intelligence involves

---

[87] However, despite this acknowledgement, much of the collaborative work presented in this volume and volume two of *Ethics of Spying* mostly still focus on the collection phase of the intelligence cycle, which might suggest the difficulty inherent in attempting to theorise all phases of the cycle at a high-level without engaging in case study analysis. Jan Goldman. "Introduction", in *Ethics of Spying*, Jan Goldman ed. (Plymouth: Scarecrow Press, Inc., 2006), xii.

[88] Quinlan, 127.

[89] *Ibid.*, 139.

[90] Moran. *From Northern Ireland to Afghanistan*, 18.

[91] *Ibid.,* 19-20.

[92] Andregg. "Bureaucracies", 102.

activities in many grey areas of moral thoughts, and generates perplexing dilemmas where agents must balance the national interest in security'.[93]

James Olson also notes in his own experiences as an intelligence officer in the CIA that there is difficulty in attempting to codify moral conduct in intelligence practice due to 'the murkiness of the spy world and the shifting attitudes of […] government decision-makers and the public'.[94] Stephen Marrin, also formerly of the CIA in an analyst capacity, suggests that the only way an applicable codification of moral conduct could be maintained in a way that mitigates Olson's concerns is if practitioners were the ones to develop a code in a way that 'balances their obligations to the decisionmaker as well as to the society at large'.[95] However, codification through a theoretical framework also runs the risk of stagnating definitions of moral conduct, despite the fact that those definitions, as Olson alludes to, can change over time. Mark Lowenthal, in this way, questions the value of placing new standards on old intelligence action and, vice versa, highlights the danger of not allowing codified definitions to change and alter over time, thereby impacting what can and cannot be done in the pursuit of national security.[96]

Finally, there is a debate that the use of the Just War tradition is an insufficient tradition to draw upon the in creation of a Just Intelligence Theory. Adam Diderichsen and Kira Vrist Rønn argue that while the employment of Just War is useful for a 'sub-set of intelligence activities' such as self-defence, its applicability is insufficient for what they refer to as 'pre-emptive' activities.[97] Using Just War as an exact framework for Just Intelligence 'fails to recognise that many intelligence activities aim to manage risks and identify *emerging* threats […] rather than act as responses to aggressors or *imminent* threats'.[98] Additionally, they warn that when intelligence activities are considered within the Just War framework, they are 'often reduced to a one-size-fits-all concept', where 'little attention is being paid to their substantial differences in nature and scope'.[99] While Bellaby, for example, attempts to mitigate the concern of scale through his addition of the Ladder of Escalation as a criteria of assessment, it still does not adequately address the issues that Diderichsen and Rønn highlight.

---

[93] Michael Andregg. "Intelligence ethics: Laying a foundation for the second oldest profession", in *Handbook of Intelligence Studies*, Loch K. Johnson ed. (London: Routledge, 2007), 52.
[94] James Olson. *Fair Play: The Moral Dilemmas of Spying*. (Washington, DC: Potomac Books Inc., 2006), ix.
[95] Marrin. *Improving Intelligence*, 137-138.
[96] Lowenthal, 311.
[97] Adam Diderichsen and Kira Vrist Rønn. "Intelligence by consent: on the inadequacy of Just War Theory as a framework for intelligence ethics". *Intelligence and National Security* 32 (2017): 480.
[98] Emphasis in text. *Ibid.*
[99] *Ibid.*, 493.

Furthermore, Hans Born and Aidan Wills – drawing on an awareness that the intelligence ethics field has predominantly emerged in the dust of a post-9/11 world – argue that those who attempt to employ Just War as a foundation for Just Intelligence are producing those assessments through the lens of the GWOT. As such, 'it is likely that it has been heavily influenced by the role of intelligence services in supporting military operations and their direct involvement in interrogating so-called enemy combatants'.[100] When this point is considered alongside the reality that all formulations of a Just Intelligence Theory focus exclusively on the collection phase of the intelligence cycle, their assessment of the GWOT's influential role on the popularity of drawing on the Just War tradition does begin to ring rather true. Finally, Mark Phythian makes the important point that intelligence activity is a constant state of affairs, whereas war is exception; therefore, 'the extension of the principles could […] confer a legitimacy that is unwarranted' and the creation of a Just Intelligence tradition requires its own language.[101]

In sum, while the recent attempts to create a Just Intelligence Theory which draws upon the Just War tradition is a sign that the ethics conversation in intelligence is becoming increasingly prominent, there is clearly a long way to go. As mentioned previously, Just War as a tradition has had multiple centuries and multiple civilisations working toward developing its principles in a robust and sound way. Just Intelligence, conceptually, is still in its infancy, and while the approaches thus far have touched on select phases of the intelligence cycle and have taken into consideration certain needs of intelligence as a practice from a theoretical level, the greatest weakness of the debate thus far is the lack of practical analysis and applicability outside of intellectual academic exercises.

'Roadmaps' to Operating a Non-Civilian Morality

Another significant approach being undertaken in an attempt to further enhance the discussions surrounding moral conduct in intelligence practice has been what can be described as the 'roadmap' approach. This approach has most frequently been developed and propagated by former practitioners who now occupy academic roles, and thereby are more reflective of practical experience whilst also taking into account more high-level academic considerations. The most prominent developer and proponent of the roadmap approach is

---

[100] Hans Born and Aidan Wills. "Beyond the Oxymoron: Exploring Ethics through the Intelligence Cycle", in *Ethics of Spying Vol. 2*, Jan Goldman ed. (Plymouth: Scarecrow Press, Inc., 2010), 41.
[101] Omand and Phythian, 85.

David Omand, former director at GCHQ and current visiting professor at King's College London, amongst his other roles. This approach has been developed through a number of Omand's academic articles, his monograph on the topic, *Securing the State*, as well as his most recent work with Mark Phythian, *Principled Spying: The Ethics of Secret Intelligence,* which takes the form of a debate between Phythian and Omand on approaches to moral conduct in intelligence practice.

As quoted previously in this thesis, Omand's premise begins with the idea that the 'rules we hope to govern our private conduct as individuals in a society cannot fully apply' in the intelligence context.[102] This is not a blank cheque for any action in the name of national security, but rather acknowledges that by the very nature of what is required in intelligence practice – for example, stealing state secrets – involves actions which are inherently 'immoral' in the civilian context. This 'other' morality has limits, and as Omand highlights: 'If, as I believe, states do need to have secret agencies able to reach out and take actions in the dark that they cannot be seen taking in the light, then there need to be some red lines of conduct drawn that are not crossed'.[103] Building on this, and drawing on the British experience, Omand argues that intelligence practice has traditionally operated under the doctrine of *jus cogens* – pre-emptory norms – in which 'certain types of conduct are regarded as generally prohibited regardless of any domestic law'.[104] However, the streamlining of those pre-emptory norms needs guidance. The roadmap approach, therefore, is one which creates what Omand and Phythian call a *vade mecum* – a guide – on how to conceptualise moral norms in intelligence.[105] Most importantly, this approach does not rest on the analysis of one phase of the intelligence cycle, but rather seeks to be applicable to all.

In his body of work, Omand – with the aid of Phythian in *Principled Spying* – devotes significant time to examining the question of how to guide those moral norms from a variety of vantage points. For example, he engages in an historical analysis of philosophical arguments of what may or may not constitute moral conduct from a civilian standpoint as a way to demonstrate why a 'different morality' is required in the intelligence context. He sets out what responsibility the state has to the individual in the maintenance of national security, how the state derives that power, and how intelligence is a 'means' to that 'end' of national security; and, he uses some case study examples to discuss deeper questions regarding

---

[102] Omand. "Dilemmas", 156.
[103] Omand. *Securing*, 271.
[104] *Ibid.*, 281.
[105] Omand and Phythian, 4.

guideline applicability. In trying to build his *vade mecum*, Omand seeks to create a robust, detailed, and multi-disciplinary thought-environment in which practitioners and academics alike can think about how to approach what is and is not moral intelligence conduct.

Furthermore, being aware of the debates surrounding some of the current approaches to borrowing from the Just War tradition to inform a kind of Just Intelligence Theory, Omand attempts to formulate his roadmaps approach to counter these issues. While Omand acknowledges that there is some value in looking at the Just War tradition, he stresses that there are significant limitations in doing so. Moreover, both he and Phythian disagree with the amount of emphasis placed by some academics on drawing from the Just War tradition. As they conclude, Just War can be:

> […] useful in separating the ethical considerations to take into account at a strategic level and should have a role at the operational and tactical levels, since they can help intelligence officers and overseers alike balance the different components of ethical thinking that need to be applied. These concepts must however be regarded as general tools for clear thinking and not be reduced to a set of moral tick boxes.[106]

To clarify this, Omand argues that it is useful to consider some applicability of *jus in bello* into thinking about how to strike the right balance – for example, by thinking about whether there is just cause, the right intentions, and a reasonable prospect of success.[107] However, Omand stresses that while these are useful to think about, they cannot be codified into steadfast rules for fear of, as mentioned above, those criteria being turned into a set of moral tick boxes. Additionally, Omand acknowledges the importance of not just thinking about what constitutes moral conduct at a high level, but also engaging in historical analysis of how previous engagement has manifested on the ground; as he argues, 'only through the clash of ideas informed by a consciousness of historical experience will the best approach for the moment appear'.[108] Finally, he also notes that in thinking about how intelligence action is assessed, it is not sufficient to only engage in that assessment from the perspective of modern-day definitions of what constitutes moral engagement: '…we can only assess the ethical choices of a generation by the standards of their time, not by retrospectively applying our own, shaped as they are by very different circumstances'.[109] In this way, Omand stresses

---

[106] *Ibid.*, 109.
[107] *Ibid.*, 78-79.
[108] *Ibid.*, 5.
[109] *Ibid.*, 35.

the importance of acknowledging that definitions and interpretations change over time, and that a steadfast codification of ethical practice lacking that acknowledgement is not reflective of practical realities.

While Omand is the most prominent proponent of the roadmap approach, there are also others who ascribe to similar approaches – or aspects found therein – which aim to guide pre-emptory moral norms in the conduct of intelligence practice. Moran, for example, calls for what he has dubbed 'situational ethics', in which decisions regarding the appropriateness of moral conduct are both contingent upon and entwined with the particular context in which they are occurring.[110] To further illustrate his point, Moran undertakes a historical analysis using a handful of thematic case studies to examine, for example, the appropriateness of using deep interrogation methods during internment in Northern Ireland in the context of the contemporary intelligence needs in which that decision was made. From a higher level of analysis, Jennifer Morgan Jones agrees with Omand on the idea that civilian morality is not applicable in the intelligence context, as the intelligence community 'must sometimes act in ways that are considered unacceptable in a civilian context'.[111] Further, she argues, abiding by Omand's iteration of a non-civilian morality 'supports the moral conclusions and aspirations of the idealist, while recognising that nations cannot be expected to sacrifice their vital interests to legitimate security threats'.[112] In both the analyses of Moran and Jones, the act of striking a balance between national security needs and ensuring that a level of effective moral conduct is maintained is critical in their contributions to the roadmaps debate.

Perhaps one of the most longstanding, and arguably controversial, examples in the roadmaps debate – and one which Omand himself draws from – is that first introduced by Admiral Stansfield Turner, former DCI at the CIA and Supreme Allied Commander NATO Southern Europe, among other notable roles throughout his career. For Turner, his roadmap approach was outlined as a kind of test; as Turner states: 'there is one overall test of the ethics of human intelligence activities. That is whether those approving them feel they could defend their decisions before the public if their actions became public'.[113] Turner elaborates on this point further:

> This guideline does not say that the overseers should approve actions only if the
> public would approve of them if they knew of them. Rather, it says that the

---

[110] Moran, *From Northern Ireland to Afghanistan*, 18.
[111] Jones, Jennifer Morgan. "Is Ethical Intelligence a Contradiction in Terms?", in *Ethics of Spying Vol. 2*, Jan Goldman ed. (Plymouth: Scarecrow Press, Inc., 2010), 26.
[112] *Ibid.*
[113] Admiral Stansfield Turner. *Secrecy and Democracy*. (London: Sidgwick and Jackson, 1986), xvii.

overseers should be so convinced of the importance of the actions that they would accept any criticism that might develop if the […] actions did become public, and could construct a convincing defence of their actions.[114]

This guideline, amongst the literature, has come to be known as the 'Turner Test'. The argument can be made that much of the intelligence action undertaken in the twentieth century by western governments traditionally abided by the spirit of the Turner Test. This is a result of the reality that most intelligence agencies were still completely in the dark, so to speak, with very little acknowledgement by their respective governments of their actual existence, never mind the actions they were undertaking in the name of national security. As such, the only public litmus test – an early form of accountability, one might argue – occurred retroactively, once action had been taken and in the rare circumstances that said action became public. While western governments have moved beyond the kind of roadmap presented in the Turner Test by virtue of bringing increased transparency and oversight of their intelligence communities as a policy prerogative, highlighting the Turner Test is nonetheless an important insight into how the evolution of moral accountability has occurred since the so-called 'golden age' of intelligence operations in the twentieth century.

Finally, within the roadmaps discussion is a sub-debate regarding the intelligence officer as a moral actor, and the role that the individual can play in guiding moral practice on the ground. As R.V. Jones argues, 'the only safeguard [against unethical action] is a firm sense of ethics among its operators'; however, this analysis comes from only examining the collection phase of the intelligence cycle.[115] There are many academics who support this stance, and there is a belief that operators should be selected based on their higher moral standards, although few authors go into great detail about what those 'higher moral standards' actually entail.[116] However, where there is consensus is on the idea that the hiring of those with higher moral standards has a bearing on the success of operations. As Lowenthal highlights, without a conscious selection of such officers, the:

---

[114] *Ibid.*, 178.
[115] R.V. Jones. "Intelligence Ethics", in *Ethics of Spying*, Jan Goldman ed. (Plymouth: Scarecrow Press, Inc., 2006), 67.
[116] This includes authors such as Stefan Brem, Tony Pfaff, Toni Erskine and Virendra Sahai Verma. For more, see: Michael Andregg, ed. "A Symposium on Intelligence Ethics". *Intelligence and National Security* 24 (2009) and Toni Erskine. "'As Rays of Light to the Human Soul'? Moral Agents and Intelligence Gathering". *International and National Security* 19 (2004): 259-381.

> [...] nature of some aspects of intelligence – primarily collection and covert action – combined with the fact that they are undertaken in secret may lower an intelligence official's inhibitions to commit questionable actions.[117]

Building on this, John Coyne et al argue that moral leadership is critical in ensuring that the action and/or direction of operations is morally sound. As individual operators on the ground 'may not have the cognitive sophistication to make the right decision', so leaders must provide 'the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships' – although similarly to the above, they do not go into detail about what those 'normatively appropriate' actions are.[118]

This idea of the moral actor, moreover, is a debate that can be seen amongst practitioners and other intelligence professionals, although there is less robust consensus on the value of such an approach. For example, Kevin Tebbit – former Permanent Under-Secretary of State at the Ministry of Defence and a former Director at GCHQ – has stated that: 'when you think about it, intelligence professionals are likely to be moral because they have to face those issues in a rather more stark way than most of us do thinking about them academically'.[119] From a practitioner perspective, a senior Special Branch officer from the RUC – speaking from his own experiences during the Troubles – has stressed the importance of ensuring that one is working amongst other morally inclined actors: 'you are relying on people themselves, their own upbringing and respect for life – to do the right thing for people'.[120] However, as is very evident in the case of Northern Ireland, the definitions of what constitutes the 'right thing' and acting on behalf of which 'people' exist in a much greyer area than would likely be appropriate when relying on one's intelligence operators to establish an entire intelligence community's moral baseline.

While this sub-debate argues that the entire moral standards of an intelligence community must be defined by that of its individual actors, which can be seen as a kind of grassroots approach in the promotion of moral conduct, does this actually manifest in practice? Olson, speaking from his experiences in the CIA, has argued that leaving moral decisions up to individual actors can be problematic; it is a 'recipe for disaster, confusion,

---

[117] Lowenthal, 308.
[118] John Coyne, Peter Bell and Shannon Merrington. "Exploring Ethics in Intelligence and the Role of Leadership". *International Journal of Business and Commerce* 2 (2013): 32.
[119] Kevin Tebbitt. "Ethics in Intelligence", in *The New Protective State*, Peter Hennessy ed. (London: Continuum, 2007), 171.
[120] Unnamed senior RUC Special Branch officer, as quoted in: Matchett, 199.

abuse, and cover-up'.[121] Further, he stresses that 'no profession, particularly one that can hide behind of veil of secrecy, should police itself'.[122] Moreover, as a CIA study conducted by Kent Pekel in 1998 demonstrates, the idea of the moral actor, as seen by those who are defined as such, is open to interpretation and is interlinked to that actor's belief in the role they are playing within the intelligence machinery. Pekel interviewed fifty CIA professionals, and an overarching view expressed by them was that espionage is amoral and/or 'ethically neutral'.[123] Pekel also found that their own feelings toward acting morally was rooted in 'the belief in an awareness of the moral purpose of the Agency mission'.[124] However, Pekel's findings also indicated that the social construct of threats, closely intertwined with the Agency's mission, played a role in legitimising 'not just the collection of intelligence on a particular target, but the extension of permissible methods to embrace some that – shorn of this justification – would be regarded as ethically impermissible'.[125] Although this is but one such study, the findings do highlight that while the 'moral actor' roadmap guidance may have some use, it is not reflective of the varying mitigating internal assessments of those actors in relation to their own individual roles and their roles within the broader intelligence machinery. In sum, the variables appear too great in ensuring effective and consistent moral action over time, and again bring into question the value of relying on intelligence actors to establish normative boundaries without some high-level engagement.

To conclude, while there are multiple contributors to the 'roadmaps' debate on moral conduct in intelligence practice, including sub-debates on the value of having moral intelligence actors defining the baseline of moral conduct, the most significant, robust, and well-rounded contribution to the debate is that of David Omand. Through his body of work, Omand has worked to develop a comprehensive discussion and thought-environment in which practitioners and academics alike can use his *vade mecum* to envision the most effective moral engagement for intelligence practice, applicable to all phases of the intelligence cycle. Moreover, this approach acknowledges that a regular civilian morality cannot functionally apply in the intelligence context without rendering the effectiveness of that practice impotent to some degree, but simultaneously wishes to ensure that any practice which is undertaken finds an acceptable balance between security and moral conduct.

---

[121] Olson, ix.

[122] *Ibid.*

[123] Mark Phythian. "The Ethics-Intelligence Tension: Sources and Bypassing Strategies". *International Journal of Intelligence Ethics* 3 (2012): 13.

[124] *Ibid.*

[125] *Ibid.,* 14.

Moral Conduct in the Counterterrorism Context

Stemming from some of the intelligence action taken by western governments during the GWOT, particularly in relation to collection methods, there has been an increasing amount of literature which has emerged in the post-9/11 period which deals explicitly with moral conduct in intelligence practice in the counterterrorism context. While these bodies of work do not always actively engage in broader discussions regarding moral conduct in intelligence practice as a whole, it is nonetheless very useful to examine and analyse this general body of literature given the case study analysis being undertaken at the heart of this thesis. Furthermore, the counterterrorism context does bring with it increasingly difficult questions about what moral conduct should look like, as the threat to individual life and liberty of the citizen is threatened directly in a way that is not necessarily the case in situations where intelligence is employed to support a state's broader geopolitical national defence objectives. As Isaac Taylor notes, 'it is because terrorists often threaten to impose such large moral costs on innocent people that absolute prohibitions […] might rightly be set aside'.[126] And, as is the case in Northern Ireland, when a state's intelligence structure must be used against its own citizens in the pursuit of counterterrorism, the moral murkiness of that engagement becomes ever more acute. Striking such a balance is inherently difficult and brings with it the potential of facing moral hazards which, when not navigated properly, have direct consequences for the very people whom the state is trying to protect.

Drawing on the roadmaps debate, the crux of Taylor's argument is that states must follow two guidelines when thinking about how to manage moral conduct in intelligence practice in the counterterrorism context. The first is to think about what he calls 'fundamental normative principles' which are 'general principles that orientate our moral thinking about courses of action'.[127] When seen from above, this does not differ significantly from Omand's approach of pre-emptory moral norms based on the *vade mecum* model. Second, Taylor argues that one must think about rules of regulation, which he states 'offer more practical guidelines about how we can best serve fundamental principles'.[128] However, regardless of the calculations undertaken through these two concepts when conceptualising engagement, Taylor concludes that, 'given terrorists are *indiscriminate*, setting aside some civil liberties in counterterrorist operations, while undoubtedly reducing various individuals' liberty, is

---

[126] Isaac Taylor. *The Ethics of Counterterrorism.* (New York: Routledge, 2018), 9.7.
[127] *Ibid.*, 9.9.
[128] *Ibid.*, 9.10.

justified because it increases everyone's security'.[129] As such, Taylor acknowledges that some level of non-civilian morality is necessary to meet the threat of terrorism.

On the point of domestic terrorism introducing some increasingly challenging moral manoeuvres, both Lowenthal and Paul Wilkinson have highlighted the burden in striking that balance. Lowenthal argues that intelligence campaigns against domestic terrorists can occupy a difficult middle ground between peace and war.[130] As he notes, that which would be applicable and morally acceptable in a pure war scenario – such as the targeted killing of enemy combatants based on actionable intelligence – may occupy a less acceptable narrative in the domestic counterterrorism context, particularly as those domestic terrorists are often also citizens of the state which is engaging in that kinetic action. Also speaking on this issue of war versus peace, Wilkinson argues that 'the forces of the state have to be empowered to take war measures, to go over the offensive and to use all military means necessary to defeat a direct challenge to the survival of the state'.[131] Furthermore, Wilkinson stresses that:

> […] the doctrine of minimal force is only really effective in circumstances where there is a relatively high degree of political consensus and social cohesion, co-operation and discipline. It fails to work where large sections of the population deny the legitimacy of the state, and where many view the police and army as alien, hostile and oppressive.[132]

While Wilkinson here is not directly referring to intelligence action only, his argument suggests that domestic terrorism threatscapes need to be interpreted as a specifically pure war scenario as they represent an existential threat to the state. However, do *all* domestic terrorism campaigns represent an existential threat to the state, and if they do in theory, are they always interpreted as such by the state itself? Moreover, as in the case of Northern Ireland, Wilkinson's point on the difficulty of maintaining a doctrine of minimum force if the legitimacy of the state is denied by sections of the population, the issue of how to engage in a morally sound way becomes ever more acute. This is, once again, a difficult concept to navigate as the domestic terrorism scenario offers no real concrete realities from which to guide moral action.

Perhaps the most significant contribution to the discussion of moral conduct in intelligence practice in the counterterrorism field comes from Michael Ignatieff who, in his

---

[129] Emphasis in text. *Ibid.*, 12.4.
[130] Lowenthal, 309.
[131] Paul Wilkinson. *Terrorism and the Liberal State*. (London: The Macmillan Press Ltd., 1997), 43.
[132] *Ibid.*, 44.

treatise on the idea of 'political ethics' in the post-9/11 world, attempts to chart a middle ground in terms of how states should engage with terror. This middle ground is one which seeks to bridge the grey area between an absolutist view that violence is never justified with the more pragmatic approach which judges counterterrorist action solely on its effectiveness. To this end, he conceptualises the idea that states should seek 'the lesser evil', in which he argues that 'necessity may require us to take actions in defence of democracy which will stray from democracy's own foundational commitments'.[133] Any action undertaken which may be seen as morally problematic must therefore be applied in the strictest measures. As such, it is critical to:

> […] maintain a clear distinction in our minds between what necessity can justify and what the morality of dignity can justify, and never allow the justifications of necessity – risk, threat, imminent danger – to dissolve the morally problematic character of necessary measures.[134]

Taken thusly, what Ignatieff is striving for here is not entirely dissimilar to Omand's roadmap approach defined through a non-civilian morality, which is contingent upon striking a just balance between security needs and moral action. Moreover, similarly to Omand again, Ignatieff undertakes an intellectual exercise in which he analyses, from a historical standpoint, the philosophical arguments of what constitutes moral action and the responsibilities of the state toward its citizenry in an effort to navigate how his supposition of the lesser evil will best serve states when engaging in counterterrorism.

Part of this effort is an attempt to define why, like Wilkinson and Lowenthal, the terrorist threatscape presents such unique challenges in the effort to engage morally from a security standpoint. In Ignatieff's assessment, 'what makes security appear to trump liberty in terrorist emergencies is the idea – certainly true – that the liberty of the majority is utterly dependent upon their security. A people living in fear are not free. Hence the safety of the majority makes an imperative claim'.[135] However, he further stresses, the imperative claim does not give carte blanche for kinetic action, and striking that elusive balance is key. As Ignatieff argues, the lesser evil concept attempts to do this, as it is:

> […] designed for sceptics, for people who accept that leaders will have to take decisive action on the basis of less than accurate information; who think that

---

[133] Michael Ignatieff. *The Lesser Evil: Political Ethics in an Age of Terror*. (Edinburgh: Edinburgh University Press, 2015), 8.
[134] *Ibid.*
[135] *Ibid.*, 6.

some sacrifice of liberty in times of danger may be necessary; who want a policy that works but are not prepared to make what works the sole criterion for deciding what to do. Such ethics is a balancing act: seeking to adjudicate among the claims of risk, dignity, and security in a way that actually addresses particular cases of threat. An ethics of balance *cannot privilege rights above all, or dignity above all, or public safety above all*. This is the move – privileging one to the exclusion of the other – that produces moral error.[136]

Ignatieff's concluding sentence here is critical. His assessment of where the potential for moral error to occur is one which demonstrates that the skewing of priorities – the lack of desire to balance security with rights – seems obvious but is nonetheless fundamental. Without striking that right balance, or without a volition to strike that right balance, the selection of Ignatieff's lesser evil can never be adequately fulfilled.

Finally, and perhaps most importantly, Ignatieff acknowledges that no predictive assessment of the moral hazards of potential action can ever be completely accurate. It is the nature of both the terrorist threatscape and the need for timely and robust action in a context where not all engagement can be black and white. As Ignatieff argues, it *is* possible to accurately predict a moral hazard related to engagement, but in some cases that calculation can lead to greater harm than was predicted or expected. He stipulates that 'in a war on terror, I would argue, the issue is not whether we can avoid evil acts altogether, but whether we can succeed in choosing lesser evils and keep them from becoming greater ones'.[137] Acknowledging that no predictive assessment of moral hazards can ever be perfected is simply an acknowledgement of reality. Just as the terrorist context is one which is murky and grey, assessments of potential engagement can never be clear. What is critical, however, is that any assessment that is undertaken is reflective of this reality but does not use it as an excuse to undertake action which is demonstrably immoral with the caveat that the fallout of such action could not possibly be known. Rather, engaging in the selection of Ignatieff's 'lesser evil' is an act of both striking as best a balance as possible and acknowledging that necessary but morally ambiguous action must sometimes be taken in the name of national security.

In conclusion, while the body of literature which questions what constitutes moral action in the face of a counterterrorist campaign has almost entirely grown out of problematic collection methods undertaken in the immediate post-9/11 threatscape, there are still valuable

---

[136] Emphasis added. *Ibid.,* 9.

[137] *Ibid.,* 18.

things to be learned from the debates taking place in that academic space. As the literature has come to show, those issues can become increasingly acute in the domestic counterterrorism context, in which states need to think critically about how to engage in a morally sound way when those on the receiving end are citizens of that state. Although much of that general body of literature, like that of the Just Intelligence tradition, looks only at the collection phase of the intelligence cycle, contributions from academics such as Michael Ignatieff – who, although not looking at intelligence issues specifically but rather engagement more generally – offer deeply insightful ways of thinking about this problem from a high-level vantage point and add broadly to the literature of how liberal democratic states should be engaging in the uniquely difficult context of terrorism.

Conclusions

This section has endeavoured to demonstrate three key approaches in the body of literature regarding moral conduct in intelligence practice. This has focused on the use of the Just War tradition to help formulate a kind of Just Intelligence Theory; the roadmaps approach, which attempts to create guidelines for how states and intelligence operators should conceptualise moral engagement in the craft of intelligence; and, the counterterrorism literature which, although not always directly in relation to intelligence specifically, offers a valuable discussion on how liberal democratic states should be engaging from a moral standpoint in the counterterrorism space. This is, as discussed, a relatively new sub-field within the broader intelligence studies field, that has predominantly emerged in the post-9/11 period in response to actions undertaken during the GWOT. As such, there is a great deal of contribution which can be made, especially when undertaking a large-scale historical case study analysis which analyses all phases of the intelligence cycle. This is a gap within the literature, particularly that of the Just Intelligence Theory school, which does not engage in case study analysis and which does not move its analysis beyond the collection phase of the intelligence cycle. While there have been attempts to establish a kind of Just War Theory, there is also a strong school of critique regarding the value of that effort and its applicability in the intelligence context. Further, the 'roadmaps' approach, too, is broad, but the writings of David Omand provide a comprehensive roadmap in terms of how states and intelligence operators should conceptualise moral conduct in intelligence practice based on an iteration of non-civilian morality. Finally, while the counterterrorism body of literature is not a sufficient roadmap on its own in the intelligence context, the writings of Michael Ignatieff –

specifically, his articulations on the concept of a 'lesser evil' – are highly applicable to the intelligence context, and are of particular relevance to the conflict in Northern Ireland.

III.   The Intelligence War in Northern Ireland – A Critical Element in the Road to Peace?

Finally, it is important to engage in a brief discussion about what value the body of literature places on the intelligence war had on creating an environment capable of allowing a peace agreement to be developed and sustained. Although this thesis will investigate this concept in greater detail throughout its lengthy analysis – and, in particular, how the value of the intelligence war changed as the conflict protracted – this section will provide a high-level overview of how academics, practitioners, and combatants have assessed the impact of the intelligence war in Northern Ireland.

On the whole, there seems to be overwhelming consensus that the intelligence war came to play a significant role in the outcome of the Troubles, particularly as that intelligence machinery improved, expanded, and proliferated as the conflict wore on. One of the key arguments in this narrative is the acknowledgement that while the intelligence machinery was incredibly out of date at the start of the conflict, particularly before the implementation of Direct Rule in 1972 and the wholesale use of informants to infiltrate paramilitary organisations from 1980 onwards, its drastic improvement came to play an incredibly important role in the cessation of violence. For example, Rory Finegan argues that although there was a high operational cost at the beginning of the conflict due to a lack of coordination amongst the different elements of the intelligence machinery, this ultimately improved dramatically as the conflict went on and impacted positively on both the cessation of violence and the pathway to peace.[138] Richard English, in his analysis of the armed struggle against the Provisional Irish Republican Army (PIRA), comes to this assessment by examining this phenomenon against the intelligence war's direct effectiveness against PIRA from the start of the conflict to its end.[139] Bradley Bamford draws a similar conclusion, as well as John Bew et

---

[138] Rory Finegan. "Shadowboxing in the Dark: Intelligence and Counter-Terrorism in Northern Ireland". *Terrorism and Political Violence* 28 (2016): 501.
[139] See: Richard English. *Armed Struggle: The History of the IRA*. (London: Dan Macmillan, 2004).

al, Christopher Andrew, Michael Burleigh and Andrew Sanders.[140] These are just to name a few of the authors who discuss this point and agree that the improvement of the intelligence machinery, despite its initial and problematic shortcomings, came to play a significant role in the cessation of violence.

Further, the intelligence war not only aided in bringing down the levels of violence and augmenting paramilitary attrition rates, but it also allowed for a political environment to be created in which competing sides could meet at the bargaining tables. In its self-assessment of its engagement in Operation BANNER – the operational name given to the British Army's engagement in Northern Ireland from August 1969 to July 2007 – the British Army concludes that the:

> […] intelligence importance is hard to underestimate. The insurgency could not have been broken, and the terrorist structure could not have been engaged and finally driven into politics without the intelligence organisations and processes that were developed. [141]

While it would naturally be in the Army's best interest to present the intelligence war in the best light, there is consensus amongst the academic literature of the integral role that the intelligence war played. As Moran highlights, because intelligence operations focused on both the operational and political pictures, this made an avenue toward peace possible; in doing so, intelligence 'became key to the long-term constriction of republican and loyalist paramilitary operations', an approach that, Moran argues, is reflective of British adeptness in counterinsurgency operations throughout the twentieth century.[142] Moreover, as Eliza Manningham-Buller – former Director General at MI5 – demonstrates, there ought to be one over-arching lesson taken from intelligence engagement in Northern Ireland. She makes a compelling argument in stating that there was a starting belief during initial engagement in the province that:

> […] the divisions in Northern Irish society, manifested in terrorism, could not be solved militarily. Nor could intelligence and police work, however successful in

---

[140] See: Christopher Andrew. *The Defence of the Realm*. (Toronto: Viking Canada, 2009); Bradley Bamford. "The Role and Effectiveness of Intelligence in Northern Ireland". *Intelligence and National Security* 20 (2005); John Bew, Martyn Frampton and Inigo Gurruchaga. *Talking to Terrorists: Making Peace in Northern Ireland and the Basque Country*. (London: Hurst and Company, 2009); Michael Burleigh. *Blood and Rage: A Cultural History of Terrorism*. (London: Harper Perennial, 2009); Andrew Sanders. "Northern Ireland: The Intelligence War, 1969-1975". *The British Journal of Politics and International Relations* 3 (2011).
[141] Ministry of Defence (MOD). *Operation BANNER: An Analysis of Military Operations in Northern Ireland*. London: Her Majesty' Stationery Office, July 2006, 8-5.
[142] Moran. *From Northern Ireland to Afghanistan*, 12.

preventing attacks and informing governments, resolve those divisions, although that work could buy time for a political process.[143]

However, she concludes, that assumption was incorrect; rather, 'intelligence was critical in helping ministers manage that process, the aim of which was to reach long-term political resolutions with those who had prosecuted the terrorist campaign'.[144] Finally, as Stephen Grey also argues, the intelligence war was integral, as it was a 'situation that was drastically affected' by how the intelligence war played out over three decades:[145] 'if it had not been for British intelligence and traitors among Irish Republicans, British rule in Ulster would have come to an earlier end, overwhelmed by the sheer ruthlessness and professionalism of what the Provisional IRA became'.[146]

Although the practitioner and combatant perspective will be discussed at further length during the analysis of this thesis, it is important to note here the strong belief in the importance and impact of the intelligence war. This can be seen from those who were actively engaged in those efforts, as well as those individuals who were on the receiving end of those efforts. For example, from a practitioner perspective, speaking to Peter Taylor, "Frank", a former handler of informants, states:

> It got to the stage where [PIRA] couldn't come outside their front door without being put under surveillance and tracked. We knew where they were going, what vehicles they were using, where they were getting their weapons from and where they were hiding them. By the end of the 1980s, they didn't know which way to turn because we were there all the time.[147]

Similarly, Raymond White – former head of RUC Special Branch – assesses that the 'intelligence world […] played an immense part in bringing about, shall we say, a realisation within the Provisional IRA that they had passed the post in terms of the armed conflict'.[148] White's assessment, importantly, is completely in line with how members of the Provisional IRA felt about the impact of the intelligence war on their own capabilities and ability to

---

[143] Eliza Manningham-Buller. *Securing Freedom*. (London: Profile Books, 2012), 26.
[144] *Ibid*., 26-27.
[145] Stephen Grey. *The New Spymasters: Inside Espionage from the Cold Ward to Global Terror*. (Great Britain: Penguin Books, 2016), 50.
[146] *Ibid.,* 81.
[147] Peter Taylor. *Brits: The War Against the IRA*. (London: Bloomsbury, 2001), 1.
[148] Raymond White, as quoted in: BBC Spotlight. "Spotlight on the Troubles: Episode 4 – Secret Intelligence War Against the IRA". *British Broadcasting Corporation*, 1 October 2019.

sustain the long war. Kieran Conway, a former head of intelligence in the Provisional IRA, notes that due to the intelligence war being waged against them:

> The attrition rate was just so appalling. The SAS, you know, the British intelligence services were in a position to, you know, intercept most operations. It was absolutely clear that we were losing, if we hadn't already lost the war – and that it was time to cash in the chips.[149]

Although not as high-ranking as Conway, former PIRA member Anthony McIntyre also felt the impact of intelligence war on their capabilities: '[PIRA], it did as best as it could, I suppose, in fighting the intelligence war. But they hadn't a chance – they were effectively scuppered from within and confronted officially from without'.[150] While it is easy to make the argument that practitioners would be in a position to augment the importance of the intelligence war in which they were engaged, the reality that former combatants have assessed the impact of that war on their own capabilities in line with the assessments of former practitioners is strongly indicative of the critical impact that the intelligence war had on the overall cessation of violence and pathways to peace.

Simultaneously, however, many also agree within the body of literature that the success of the intelligence war did come with a palpable cost, and this is where in the conversation there is space to question what does or does not constitute moral action in the name of the greater aim of national security. As Bamford argues, the use of intelligence in Northern Ireland was ultimately very effective, 'but at the price of employing some highly dubious methods'.[151] Grey, in his assessment, also acknowledges that the use of intelligence did come with some 'compromises and dangers', although remains steadfast that those were acceptable lines to be crossed in light of the threat being faced.[152] Finegan also argues that although the intelligence machinery was effective on the whole in Northern Ireland, it was 'most effective whenever it crossed the boundaries of the criminal justice model'.[153] Further, as Lord John Stevens has shown through the course of his three investigations into alleged collusion between the security forces and loyalist paramilitary groups, there is only a surface-level amount of information on potentially 'highly dubious methods' which have been made

---

[149] Kieran Conway, as quoted in: *Ibid.*
[150] Anthony McIntyre, as quoted in: BBC Spotlight. "Spotlight on the Troubles: Episode 7 – The End Game". *British Broadcasting Corporation*, 22 October 2019.
[151] Bradley Bamford. "Intelligence and Northern Ireland", in *Secret Intelligence: A Reader*, Christopher Andrew, Richard J. Aldrich and Wesley K. Wark eds. (London: Routledge, 2009), 259.
[152] Grey, 81.
[153] Finegan, 507.

publicly available. As Lord Stevens describes it, regarding his request to access all intelligence documentation relevant to his inquiries:

> We've got something like a million documents, tonnes and tonnes of paper; but there is a large cache of intelligence and other documentation held elsewhere in Derbyshire which we have never seen. No one had ever told us about it, and it will take this story further – and if it does, it needs to be exposed.[154]

What Lord Stevens touches upon here is an integral part of the 'highly dubious methods' story – one of Rumsfeldian known unknowns – and how it fits into the larger narrative of the effectiveness of the intelligence war in Northern Ireland. While these 'highly dubious methods' will be discussed at length and in great detail throughout the course of this thesis, it was nonetheless important to touch upon this subject here in the literature review to demonstrate the level of consensus which exists amongst academics that the intelligence war played an integral role in the cessation of the conflict but that said intelligence action may have employed some questionable methods in the attainment of that end.

Conclusions

As the body of literature has demonstrated, there is a strong sense that the intelligence war in Northern Ireland contributed significantly and impactfully to the cessation of violence and the pathways to peace. This is a sentiment shared not only amongst the academic analysis, but also that of former practitioners and combatants. However, it is clear that alongside the success of that intelligence war was the potential employment of Bamford's 'highly dubious methods'. The murkiness of that balance, moreover, is a difficult one to navigate. As such, it is the purpose of this thesis to contribute to the historiography of the conflict in Northern Ireland by examining not only the impact of the intelligence war in that conflict, but also enter into a discussion of what some of those methods were, their intended impact, and their overall contribution to bringing about a cessation of violence.

---

[154] BBC Spotlight. "Spotlight on the Troubles: Episode 7 – The End Game".

IV.   Overall Conclusions

Fundamentally, a liberal democratic state must be committed to both the security of the majority and the rights of the individual – but finding that balance is difficult. As demonstrated in the first section of this literature review, the obligations of the state in providing that 'end' of national security means that it has within its statecraft arsenal the 'means' of using intelligence as a way to achieve it. However, with that means comes the potential for moral hazards to occur in the conduct of intelligence practice. To bring this to a more particular context, the debates regarding moral conduct in intelligence practice are relatively new additions to the broader body of intelligence studies literature, predominantly emerging in response to the intelligence actions taken during the post-9/11 period. As such, this section of the literature review has worked to engage with some of the key debates that have emerged in that body of literature regarding the role, purposes, and manifestations of moral conduct in intelligence practice, and has focused on three areas of debate: the efforts to create a Just Intelligence Theory based on the Just War tradition; the 'roadmaps' approach, which seeks to create a *vade mecum* on how to conceptualise pre-emptory moral norms in intelligence; and, the narratives which have emerged regarding moral conduct within the specific counterterrorism context.

In reviewing the literature, it is evident that while there is clear ambition in borrowing from the Just War tradition to create a kind of Just Intelligence Theory, there are key deficiencies thus far in making this a comprehensive approach in discussing moral conduct in intelligence practice. Its focus on the collection phase of the intelligence cycle brings into question its applicability for the rest of that cycle, and its framework approach brings with it concerns of being only a moral tick box for engagement and is not reflective of realities faced by intelligence operators on the ground. Furthermore, it has not attempted to engage in historical events to test its theory, and many academics have questioned the validity and applicability of borrowing from the Just War tradition to engage with the specific needs of intelligence practice. As such, its high-level engagement in the debate seems, at the moment, an inadequate approach for analysing moral conduct in intelligence practice throughout the conflict in Northern Ireland, although it will certainly be interesting to see how the debate develops as time goes on.

Following this, the 'roadmaps' approach can be seen as a more viable way for thinking about how to conceptualise moral conduct in intelligence practice, particularly in

drawing from the work of David Omand. Omand's approach is one which argues that guidelines for how to think about moral engagement in intelligence practice is a more practical way of thinking about this issue, and works to envision a *vade mecum* through the creation of a robust, detailed, and multi-disciplinary thought-environment in which practitioners and academics alike can think about how to approach what is or is not moral intelligence conduct, throughout all phases of the intelligence cycle. This is based on the premise that there are, inherently, moral issues which encompass the craft of intelligence, and Omand – in line with the general consensus in the literature – argues that these issues must be viewed through the lens of non-civilian morality.

Moreover, where Omand's approach looks at providing a guideline-based thought environment, Michael Ignatieff's development of the 'lesser evil' concept – drawn from the counterterrorism literature – adds another level of conceptualisation for how moral conduct in intelligence practice can be examined. Ignatieff's approach stresses that the balance of moral conduct cannot privilege right, dignity, or public safety above all, for it is in that act where the greatest potential for moral error may occur. Choosing of the lesser evil, therefore, is an act of striking as best a balance as possible with the acceptance that undertaking necessary but morally ambiguous action must sometimes be taken in the name of national security – actions which, in the defence of democracy, may stray from democracy's foundational commitments.

When taken together, the Omand/Ignatieff approach is the one which is most accurately a reflection of the realities faced by intelligence operators on the ground. Moral conduct, therefore, is the act of choosing Ignatieff's lesser evil, acknowledging that the practice of intelligence requires a level of non-civilian morality to be effectively conducted, and is not based on a prescriptive framework of what constitutes moral action, but rather Omand's *vade mecum* which allows for practical realities to be navigated and assessed while keeping in mind higher-level pre-emptory norms. With this approach in mind, the purpose of this thesis is to therefore examine how the British interpretation of this approach changed as the conflict in Northern Ireland protracted over the course of thirty years.

Furthermore, in examining how the interpretation of the above approach changed over time, it is necessary to do so through all phases of the intelligence cycle. This is an effort of contributing to the broader literature by analysing action from the ground-up rather than applying high-level concepts such as a Just Intelligence Theory. To bring this narrative back to Leopold von Ranke's concept of *wie es eigentlish gerwesen*, the purpose here is to demonstrate, from an intelligence practice perspective, 'how it essentially was' – to

understand what some of the practical issues are in the face of a protracted domestic conflict.[155] As such, in taking the Omand/Ignatieff approach of looking at the calculations of lesser evils based in a non-civilian morality, this thesis therefore proposes a practical rather than theoretical examination of the moral quandaries encountered throughout the conflict in Northern Ireland, which helps to fill the case study gap that the Just Intelligence Theory school fails to engage with. As such, in the spirit of Omand's iteration that 'only through the clash of ideas informed by a consciousness of historical experience will the best approach […] appear',[156] the contribution that this thesis seeks to make is one that adds to the moral conduct body of literature in the intelligence studies field using the lived experience of that engagement as operationally expressed throughout the conflict in Northern Ireland.

Finally, as demonstrated in the third section of this literature review, there is consensus amongst the body of literature – including the viewpoints of academics, former practitioners, and combatants – that the intelligence war in Northern Ireland played a critical role in the cessation of violence and the creation of pathways toward peace. However, where there is also consensus in that the intelligence war's success came at the cost of some 'highly dubious methods'. As such, it is this thesis' intention to bring some light to the known unknowns of the cost of these methods. Without question, the investigation of how and where those lesser evils, as discussed above, were encountered, analysed and balanced is a critical element of the success story of the intelligence war in Northern Ireland and what legacy the impact of that success has on ongoing post-conflict period. In this way, this thesis will contribute not only to the overall historiography of the Troubles literature by offering new insights into the more shadowy aspects of the conflict, but by engaging in a case study analysis it will also address some of historical analysis gaps in the intelligence studies body of literature that engages with the relatively new discussions regarding moral conduct in intelligence practice.

---

[155] Leopold von Ranke, as quoted in: Richard J. Evans. *In Defence of History*. (London: Granta, 1997), 17.
[156] Omand. *Securing*, 5.

CHAPTER 3:   THE CRITICAL JUNCTURE PERIOD, 1968-1972

This name we give it, the Troubles, it was war. There's no other way to put it. This was war.[1]

A conflict presented through statistics – that of recorded deaths, injuries, and displacements – can be staggering, but it does not, of course, tell a complete picture. And yet, statistics are a good place to start in the development of scope. Throughout the course of the Troubles, about 2% of the entire Northern Irish population was either killed or injured as a result of the conflict; if this percentage is analysed as a per capita representation of the whole of the United Kingdom, it is the equivalent of 100,000 lives extinguished over the course of thirty years.[2] Put plainly, 3,532 people would lose their lives and more than 50,000 would sustain injuries throughout the conflict, and whilst around 52% of those deaths were civilians, 31.5% were individuals belonging to the security forces in the province – the army, police, and intelligence services.[3] The human cost of maintaining security in Northern Ireland was incredibly high, and violence directed toward the security forces would form a key strategic *modus operandi* of republican paramilitary groups throughout the conflict.

Moreover, between July and September 1969 alone, 1,505 Catholic and 315 Protestant families were forced to flee their homes.[4] Between that summer and the end of 1972, 60,000 people were forcibly displaced due to the increasing levels of violence, with many finding temporary accommodation in the refugee camps set up south of the border by the Irish Republic.[5] It seems, retrospectively, a staggering fact: that citizens of the United Kingdom were forced to flee the United Kingdom as refugees, their homes burnt out from rioting, their families violently intimidated out of their long-standing communities as sectarian barricades – 'peace walls', as they have somewhat ironically been named – popped up all over the province. Forced displacement as sectarian action, in its simplest form,

---

[1] A quote from Derry resident and participant in the Battle of the Bogside, Carmel McCafferty. She was twenty-one years old at the time of the riot. Freya McClements. "Battle of the Bogside 'like a conveyor belt system making petrol bombs'". The Irish Times, 13 August 2019. https://www.irishtimes.com/news/politics/battle-of-the-bogside-like-a-conveyor-belt-system-making-petrol-bombs-1.3984064.
[2] John Newsinger. *British Counterinsurgency: From Palestine to Northern Ireland.* (Basingstoke: Palgrave, 2002), 151.
[3] Malcolm Sutton. "Sutton Index of Deaths from the Conflict in Ireland". *Conflict Archive on the Internet (CAIN).* Accessed 20/07/2020. https://cain.ulster.ac.uk/sutton/tables/Status_Summary.html
[4] Tim Pat Coogan. *The Troubles: Ireland's Ordeal 1966-1996 and the Search for Peace.* (London: Arrow Books, 1996), 91-92.
[5] *Ibid.*

became a manner of purifying neighbourhoods to ensure that they were fully Protestant or Catholic. All this, on British soil. North Belfast would become one of the most dangerous parts of Northern Ireland during the conflict, in which nearly one-fifth of murders recorded since 1969 happened in just one part of one city in the province.[6] Although nearly impossible to authenticate, it is said that, due to the close-knit nature of Northern Irish society, nearly every family knew someone throughout the conflict who was either killed or injured as a result of the violence – an unfathomable level of grief across communities; an incomprehensible level of loss.

But as these statistics continued to pile up, for those living across the Irish Sea on the British mainland, Northern Ireland was 'at best on the margins of the British moral consciousness' – that which happened 'across the water', as the colloquial phrasing goes was, broadly speaking, interpreted by mainland Britons as sadness toward general suffering, but not the suffering of kith and kin.[7] This was fundamentally true of the British political establishment in Whitehall as well at the beginning of the conflict, in which the brewing trouble was seen as being 'peculiar to Ireland and the Irish', which was linked to preconceived notions of the 'Irish character' as being 'passionate, uncivilised, unreasonable and – in any case – incomprehensible to the English mindset'.[8] Since the *Government of Ireland Act (1920)* partitioned the island of Ireland, Northern Ireland – under the legislative jurisdiction of its own devolved parliament seated at Stormont Castle – was fundamentally left to its own devices by Westminster; and Westminster, occupied by the immediately-ensuing Irish War of Independence, the Second World War a decade-and-a-half later, and the subsequent post-war crumbling of empire, did not find itself in a position to pay any particular machinations to the goings-on of a devolved parliament across the Irish Sea. And so, when violence did begin to break out in 1968, Westminster found itself neither expecting nor prepared for long-term intervention from both a security and political perspective. Yet, within just a handful of years, it would resume full legislative control of the province.

---

[6] Jack Holland and Susan Phoenix. *Phoenix: Policing the Shadows.* (London: Hodder and Stoughton, 1996), 59.
[7] Joseph Ruane and Jennifer Todd. *The Dynamics of Conflict in Northern Ireland.* (Cambridge: Cambridge University Press, 1996), 255.
[8] Peter R. Neumann. *Britain's Long War: British Strategy in the Northern Ireland Conflict 1969-98.* (Basingstoke: Palgrave Macmillan, 2003), 21.

Overview

The critical juncture period – that is, the period stemming from the first civil rights marches to the imposition of Direct Rule in 1972 and the months that followed it – is defined in this thesis as 'critical' for three key reasons. First, it is the period in which Stormont, the Northern Irish Government, lost hold of the situation and their continued governance became untenable, leading to Westminster taking full and direct control – both from a political and security standpoint – of the province. Second, it was also the bloodiest phase of the conflict. While other atrocities and significant losses of life would occur throughout the rest of the Troubles, 1972 would stand out as the most violent year of the conflict's entire three decade span, and would see shocking loss of life from – and perpetrated by – both paramilitary groups and the security forces. Some of the events from this period, such as Bloody Sunday and Bloody Friday, perpetrated by the British security forces and the Provisional Irish Republican Army (PIRA) respectively, remain deeply seeded within the historical memory of the conflict. It is, moreover, this early period from which many of the accusations of brutality against the British security establishment stem, and from which the mythology of lethal state action was born.

Finally, and most relevant to this thesis, it was during this period that Westminster engaged in a series of security approaches, the lessons from which would come to define, dictate, and direct its future engagement in the province in the post-1972 period. These approaches posed some difficult scenarios in the moral conduct in intelligence practice space, and can be seen as having manifested in three areas of the intelligence cycle: direction, collection, and the use of intelligence product. While direct examples of these approaches will be analysed as case studies across all three analytical chapters, the purpose of this chapter is to provide the reader with a developed understanding of the historical, political, and security contexts which led to the implementation of these approaches and, in this way, understand the extenuating factors which contributed to the 'lesser evil' calculations the British security establishment had to make within the moral conduct in intelligence practice space. In doing so, this chapter will begin by providing an historical and political overview of the factors leading to the implementation of Direct Rule; the security context, including the key security actors operating during this phase; and, it will finish by discussing some of the overall considerations that Westminster was faced with during this critical juncture of the conflict.

I.   The Historical and Political Context

Londonderry, or Derry,[9] holds a particularly symbolic place in the hearts of both the Protestant and Catholic communities. It is a place where history runs deep, like much of Northern Ireland; but, unlike the rest of the province, the city is viscerally symbolic of the defeat of one community and the triumphant victory of another. The city was the scene of what has come to be known as the Siege of Derry, from 1688-89. This was an event in the larger Williamite war, which saw Williamite supporters of Prince William of Orange pitted against Jacobite supporters of the King James II, in which the Williamite supporters successfully defended the city from the Jacobites.[10] Mythologised at the ground level, it is seen as a victory for Protestants over Catholics and 'has provided a parable and a vocabulary for describing the Ulster Protestant condition'.[11] The commemoration of this event has become a religious and political tradition for unionists, and plays a significant role in the formation of collective identity.[12] But, for nationalists, it plays a role, too; in juxtaposition, it represents defeat and, in its broadest terms, a longstanding historical sense of subjugation felt by the Catholic community. In this way, Derry can be seen as a microcosmic manifestation of the larger sectarian grievances felt across the province – it is a place where historical division is deeply felt, and a place where there is a fear that 'the enemy is forever at the gate, waiting for the sentry to fall asleep'.[13] A place where battles are lost and won; a place where peaceful civil rights movements are begun and then transformed into a three-decades-long conflict. It seems only fitting, then, that Derry should be the place where this story starts.

Billy McVeigh was seventeen years old when three days of rioting consumed the Bogside area of Derry in 1969, a heavily Catholic enclave within the city. The rioting was, in its immediacy, sparked by the Apprentice Boys' parade, a unionist-led march held annually

---

[9] The ongoing debate and controversy surrounding the name of the city of Londonderry/Derry could, in and of itself, be the theme of its own PhD thesis. However, to avoid delving deeply into this debate, and to avoid potential arguments that the researcher has taken a political position on the city's name, this thesis has decided to ascribe by the BBC's news style guide, which states that: "The city should be given the full name at first reference, but Derry can be used later". As such, hereafter throughout the remainder of the thesis, the city shall be called "Derry". For more, see: BBC. "BBC News Style Guide". 14 August 2020. Accessed 27/10/2020. https://www.bbc.co.uk/newsstyleguide/d.
[10] William Kelly. "The Sieges of Derry". *Conflict Archive on the Internet (CAIN).* Accessed 15 July 2020. https://cain.ulster.ac.uk/issues/commemoration/walker/walker01a.htm
[11] Brian Lacey, as quoted in: *Ibid*.
[12] Kelly, "The Sieges of Derry".
[13] David McKittrick, as quoted in: *Ibid*.

on 12 August to commemorate the aforementioned Siege of Derry.[14] It is still contested as to whether the Bogsiders struck first by throwing rocks at the marchers, or whether the Bogsiders were provoked by loyalists also marching within the parade structure. Regardless, what resulted was three days of intense rioting and violence that has come to be known as the Battle of the Bogside. 'Everybody started building barricades', remembers McVeigh, 'and it was like a conveyor belt system making petrol bombs. There were people gathering bottles, people bringing crates, people coming with flour and sugar and petrol, all doing their bit and then passing them down to us on the front line'.[15] McVeigh was one of many youngsters who participated in the riots. For them, it seemed as if a match had been lit which could not be extinguished; and, as the hastily constructed barricades went up in Rossville Street – the same place where a mural of McVeigh still stands, a portrait of a young rioter with a stone in his hand[16] – it was impossible to know at that moment just how many more matches would be lit across the province in the coming decades.

This springboard to violence was reflective of tensions that had been boiling and rising in Derry since October of the previous year, when one of the first civil rights marches was held in the city, mounted to protest the unequal allocation of houses between Protestant and Catholics, job inequality, and limited franchise faced by the Catholic community due to gerrymandering.[17] The Stormont Government – that is, the devolved legislature of Northern Ireland – banned all marches and parades on 3 October; when the Apprentice Boys announced they would hold a march on the same day, the organisers of the Derry civil rights march met and decided to go ahead anyway on 5 October.[18] The civil rights marchers were met by the Royal Ulster Constabulary (RUC), the province's police force, who baton-charged the protesters and used CS gas[19] on British citizens, not for the last time[20] – its repeated use

---

[14] The Marching Season, as it is known in Northern Ireland, traditionally runs from Easter Sunday into September, and predominantly sees marches from Unionists, although Nationalist factions do engage in their own marches, albeit in much smaller numbers. Some marches are more controversial than others, but regardless, these marches form an important part of culture in Northern Ireland. According to the Parades Commission's annual report for 2019, of the 4,229 marches held in 2018-19, 2,523 were held by Unionists, whereas only 107 were held by Nationalists. Parades Commission for Northern Ireland. *Annual Report and Financial Statements for the year ended 31 March 2019*. Belfast: Her Majesty's Stationery Office, 2019. https://www.paradescommission.org/getmedia/70962581-d187-4ab4-bacc-039c9f67c59c/NorthernIrelandParadesCommission.aspx, 9.

[15] McClements. "Battle of the Bogside 'like a conveyor belt system making petrol bombs'".

[16] *Ibid*.

[17] Raidió Teilifís Éireann (RTÉ) Archives. "Civil Rights in Northern Ireland: 04 – Derry, 5 October 1968". *Raidió Teilifís Éireann (RTÉ)*. Accessed 15 July 2020. https://www.rte.ie/archives/exhibitions/1031-civil-rights-movement-1968-9/1034-derry-5-october-1968/

[18] *Ibid*.

[19] This shorthand is traditionally used to name the gas, but its full chemical name is 2-chlorobenzalmalononitrile. In other words, tear gas.

[20] Raidió Teilifís Éireann (RTÉ) Archives. "Civil Rights in Northern Ireland".

would come to define many people's memories of the early years of the conflict. Images of police brutality were broadcast worldwide[21] and, even in the moment, it seemed as though something irrevocable had been broken – not by police baton or a rioter's stone, but rather, by the physical and subsequently violent manifestation of unaddressed sectarian grievances and cleavages which could no longer be held beneath the surface. So, it would come to no surprise, then, that the potential for large-scale rioting to take hold just a few months later would continue the escalation that had begun the previous year.

Ultimately, the rioting resulting from the Battle of the Bogside had three immediate results: first, it acted as a catapult for unrest which spread to Belfast and other areas of the province over the next couple of days, leading to deaths and the burning-out of entire streets; second, it led to the establishment of 'Free Derry', an effectively self-autonomous region of the city surrounded by barricades defined by its 'no-go' status to British security forces, encompassed by both the Bogside and the Creggan Catholic-majority areas of the city; and third, it acted as the final touchpoint in which it was deemed necessary that the British government actively intervene in a rapidly unravelling situation. British Army boots touched the ground on 14 August 1969 and would remain firmly planted there for over thirty-eight years – almost a decade after the Good Friday Agreement,[22] the peace treaty which ended the conflict, was signed. It was to be the British Army's longest continuous deployment ever experienced in its history, and it occurred entirely on British soil.[23]

Perhaps most importantly, however, the Battle of the Bogside would come to both functionally and symbolically mark the beginning of the Troubles.[24] The city where the civil rights movement had seen one of its first manifestations would not be without its further share of critical moments in the collective memory of the conflict. Derry would be the locale for one of the most contested and emotionally charged moments of the Troubles – Bloody Sunday in January 1972, in which twenty-six unarmed civilians were shot by the British Army, fourteen of whom died.[25] For Billy McVeigh and others of his generation, what started off as a force for change in late 1968 – symbolised by the simplicity of youthful revolution,

---

[21] *Ibid.*

[22] More formally, *The Belfast Agreement*.

[23] Ministry of Defence (MOD). *Operation BANNER: An Analysis of Military Operations in Northern Ireland.* London: Her Majesty' Stationery Office, July 2006, 1-2.

[24] Paul Bew, Peter Gibbon and Henry Patterson. *Northern Ireland 1921-2001: Political Forces and Social Classes*. (London: Sherif, 2002), 26.

[25] Thirteen were killed on the day, and one died later after succumbing to their injuries. Lord Saville. *Report of the Bloody Sunday Inquiry – Volume 1*. (London: The Stationery Office, 15 June 2010). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/279133/0029_i.pdf, 45.

of a rock in the hand of a teenaged protester – had quickly transformed into a conflict marked by bombs, bullets, and barricades by 1972, in which a rapidly deteriorating situation was appropriated by terrorists who saw violence as a means to achieve their political aims. But how, over the course of just a handful of years, did the conflict shift from legitimate civil rights concerns to political violence? And how did the British state's security approach, particularly its intelligence machinery, respond to this shift from civil rights to terrorism, in which British citizens became enemies of the state?

'From Civil Rights to Armalites': The Nascence of a Conflict[26]

From its inception, and throughout the period covered by this thesis, Northern Ireland has had a Protestant majority population which had effectively retained a political hegemony based on unionist principles,[27] as expressed through successive Northern Irish prime ministers representing the Ulster Unionist Party (UUP). The Catholic population was only reflective of one third of the 1.5 million people living in the province at the start of the Troubles,[28] but despite being a sizeable part of the population, the UUP had enjoyed 50 years of political dominance in which 'the application of Westminster-style majoritarian democracy guaranteed that hegemony'.[29] As such, this unequal representation of political power, entrenched by partition, stayed 'essentially unaltered' until the advent of the civil rights movement.[30] Furthermore, such hegemony ultimately resulted in Stormont's inability 'to curb the worst excesses of prejudice against the minority community'.[31]

As Pamela Clayton argues, the sectarian divisions seen between the Protestant and Catholic communities are a reflection of its history of settler colonialism, which features five characteristics: each side is seen as a distinct entity with their political interests opposed; an economic gap which favours one over the other; a security/control apparatus predominantly run by one community; attempts at disenfranchisement; and, non-sectarian political parties which only attract a small number of votes.[32] The main complaints expressed through the

---

[26] Section title taken from: Niall O Dochartaigh. *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles.* (Cork: Cork University Press, 1997).
[27] Saville. *Report of the Bloody Sunday Inquiry – Volume 1,* 107.
[28] *Ibid.*
[29] Bew et al. *Northern Ireland 1921-2001,* 21.
[30] Saville. *Report of the Bloody Sunday Inquiry – Volume 1*, 111.
[31] Bew et al. *Northern Ireland 1921-2001*, 22.
[32] Pamela Clayton. "Religion, Ethnicity and Colonialism as Explanations of the Northern Ireland Conflict", in *Rethinking Northern Ireland: Culture, Ideology and Colonialism*, David Miller ed. (London: Longman, 1998), 59.

civil rights movement, as predominantly represented by the Northern Ireland Civil Rights Association (NICRA), can be viewed through this lens. For example, gerrymandering had ensured 'the demographic and political ascendancy of the Protestant population', thereby effectively disenfranchising the Catholic population.[33] Political parties were based on ethnic and religious divisions between the two communities, in which there was very little room for smaller, non-aligned parties to take any significant political footing. Rates of unemployment in the Catholic community were almost three times that of the Protestant community by 1970, and discrimination faced by Catholics from both public and private employers was high – for example, at the Harland and Wolff shipyards in Belfast, only 5% of employees were Catholics, despite being the single-largest employer in the province.[34] Further, and perhaps most problematically, the security apparatus was sectarian in nature as well; the overwhelming majority of those in the RUC were Protestant,[35] as well as those in the Ulster Special Constabulary (USC) – a group known as the B-Specials – who were an armed, quasi-paramilitary special police force created in 1920 and used in 'emergency' situations.[36]

Moreover, the advent of the civil rights movement itself can be seen as a reflection of changes to Catholic politics in the 1960s. At this juncture, from the Catholic community emerged 'an increasingly aspirational, grammar-school educated Catholic middle class'[37] which was 'less ready to acquiesce in the situation of assumed (or established) inferiority and discrimination than was the case in the past'.[38] Further, it is also important to contextualise the rise of the civil rights movement in Northern Ireland alongside the global push for civil rights reform during the late 1960s, as also evidenced by the civil rights movement in the

---

[33] See: Saville. *Report of the Bloody Sunday Inquiry – Volume 1,* 107 and Bew et al. *Talking to Terrorists*, 22.

[34] Bob Rowthorn. "Northern Ireland: An economy in crisis". *Cambridge Journal of Economics* 5 (1981): 6.

[35] The Scarman Report notes that by July 1969, a "fateful split" between the Catholic community and the RUC had occurred, which ultimately resulted in the RUC's inability to perform its function as a regular policing force, particularly in Catholic communities. The Hon. Mr Justice Scarman. *Government of Northern Ireland: Violence and Civil Disturbances in Northern Ireland in 1969: Report of Tribunal of Inquiry*. Belfast: Her Majesty's Stationery Office, 1969. https://cain.ulster.ac.uk/hmso/scarman.htm

[36] According to the Cameron Report, which sought to understand and analyse the rise of civil disturbances in Northern Ireland in late 1968, the recruitment of the B-Specials in particular is, "for traditional and historical reasons, is in practice limited to members of the Protestant faith […] Though there is no legal bar to Catholic membership, it is unlikely that Catholic applications would be favourably received even they were made". Further, in his analysis, Cameron found that the B-Specials played "a considerable part among the grievances felt particularly among the Catholic section of the community". Lord Cameron. *Disturbances in Northern Ireland: Report of the Commission Appointed by the Governor of Northern Ireland*. (Belfast: Her Majesty's Stationery Office, September 1969). Accessed 5/5/2020. https://cain.ulster.ac.uk/hmso/cameron.htm, Chapter 12 (145).

[37] John Bew, Martyn Frampton and Iñigo Gurruchaga. *Talking to Terrorists: Making Peace in Northern Ireland and the Basque Country*. (London: Hurst and Company, 2009), 24.

[38] Bew et al. *Northern Ireland 1921-2001*, 141.

United States and the student revolts in Europe.[39] Finally, in his examination of the underlying causes of the civil disturbances occurring in late 1968, Lord Cameron assessed that many of the grievances expressed through NICRA, particularly relating to housing, discrimination, gerrymandering, and disenfranchisement 'were justified in fact',[40] and the Report was found to 'disagree profoundly, having heard much evidence, with the view which professes to see agitation for civil rights as a mere pretext for other and more subversive activities'.[41] As such, the legitimacy of the civil rights grievances can be seen as stemming from the historical composition of Northern Ireland, and was not a direct cause of the terrorism which followed in the subsequent years as the political and security contexts began to unravel.

The first civil rights march was held on 24 August 1968, with around 2,000 people in attendance, marching from Coalisland to Dungannon.[42] This was proceeded by the aforementioned housing protest in Derry on 5 October, which resulted in the marchers being baton-charged by the RUC. But, it was the march held on 16 November by the Derry Citizens' Action Committee (DCAC), in which 15,000 people were in attendance, and marked a turning point in terms of violent engagement, as from this point on, marches going forward always resulted in violence between marchers, the security forces and/or loyalist groups.[43] During this period, the Northern Irish Prime Minister was Captain Terrence O'Neill, who 'took the view that in the long-term Northern Ireland's position rested on assimilating Catholics into unionism'.[44] Attempts had been made by the Stormont Government to investigate the causes of what were described as the 'civil disturbances', administered in the form of two inquiries during the latter half of 1968 and early 1969.[45] One of these inquiries, colloquially known at the Scarman Report, provides an important assessment into what the situation looked like on the ground:

---

[39] See: Bew et al. *Talking to Terrorists*, 24 and Cameron, Chapter 12 (145).

[40] Cameron, Chapter 12 (146).

[41] *Ibid.* Chapter 12 (147).

[42] It has been suggested that members of the Irish Republican Army – a precursor to the Provisional variant responsible for the main thrust of the terrorist campaign during the Troubles – was in attendance at this march. However, this was representative of the members who, when the IRA split into the Originals and the Provisionals, were more representative of the former, and at this juncture had already begun to espouse a more political rather than violent approach to republicanism. Patrick Bishop and Eamon Mallie. *The Provisional IRA*. (London: William Heinemann Ltd, 1987), 32-54.

[43] *Ibid.,* 59.

[44] Thomas Hennessey. *Northern Ireland: The Origins of The Troubles*. (Dublin: Gill and Macmillan, 2005), 2.

[45] These were the Cameron Report and the Scarman Report, formally known as *Disturbances in Northern Ireland: Report of the Commission Appointed by the Governor of Northern Ireland* and *Violence and Civil Disturbances in Northern Ireland in 1969: Report of Tribunal of Inquiry*, respectively.

> …but the riots are a different matter. Neither the IRA nor any Protestant organisation nor anybody else planned a campaign of riots. They were communal disturbances arising from a complex political, social, and economic situation. More often than not they arose from slight beginnings: but the communal tensions were such that, once begun, they could not be controlled. Young men threw a few stones at some policemen or at an Orange procession: there followed a confrontation between police and stone-throwers now backed by a sympathetic crowd. On one side people saw themselves, never "the others", charged by a police force which they regarded as partisan: on the other side, police and people saw a violent challenge to the authority of the State.[46]

While O'Neill acknowledged that modernisation was required and had attempted some reforms to appease NICRA grievances, his 'policies bore no relation to inter-communal relations'[47] as 'the tactical concerns of unionism were a central component' of his policy-making.[48]

The Burntollet Bridge incident, which stemmed from a four-day People's Democracy march starting on 1 January 1969, proved to be a decisive moment for both O'Neill and the civil rights movement, in which neither really recovered. When the march reached Burntollet Bridge, near Derry, marchers were attacked by around 200 loyalists, including some off-duty members of the RUC and B-Specials, and the incident led to days of rioting.[49] Just a few months later, O'Neill would resign on 28 April, to be replaced as prime minister by James Chichester-Clark. From this juncture, the security situation had become 'increasingly unmanageable',[50] and by the time the Battle of the Bogside had occurred in mid-August 1969, it was clear that the situation was no longer tenable for Stormont to handle on its own. It also became increasingly clear that by the summer of 1969, the Protestant and Catholic communities were entering into a belligerent phase, in which 'local remedies' were inspired to deal with community injustice that was perceived or otherwise.[51] Normal law and order practices were breaking down, and the Stormont Government was no longer in a position to sustain peace by its own accord. As such, coinciding with the Downing Street Declaration[52]

---

[46] Scarman.
[47] Bew et al. *Northern Ireland 1921-2001*, 131.
[48] As an insight into O'Neill's thinking during this period, he is quoted as saying, in 1969, that: "If you give Roman Catholics a good job and a good house, they will live like Protestants". Bew et al. *Talking to Terrorists*, 22-23.
[49] *Ibid.*, 27.
[50] *Ibid.*, 27.
[51] Bew et al. *Northern Ireland 1921-2001*, 148.
[52] The Downing Street Declaration, issued after a two-day meeting held between British Prime Minister Harold Wilson and Northern Irish Prime Minister James Chichester-Clark, sought to provide assurances to both nationalists and unionists by affirming that Northern Ireland would not stop being a part of the United Kingdom unless the Northern Irish population consented, and that every citizen of the province was expected to receive

on 19 August, troops were deployed to the streets of Northern Ireland and the British government had no recourse but to entrench itself in a situation to which it had neither the expertise nor enthusiasm.

Brewing, simultaneously, was a battle for existence and direction within the Irish Republican Army (IRA), and two new groups would emerge as a result of this struggle for power. Some parts of the IRA, who were increasingly espousing more Marxist ideologies in their struggle for political change, saw the civil rights movement as an opportunity to shift the group away from political violence as a *modus operandi* and more toward political action as the vehicle for change, including removing a previous stance on abstentionism from politics.[53] However, old guard traditionalists within the IRA, particularly those who had participated in the failed Border Campaign of 1956-62, saw this approach as too 'soft' and interpreted it as an abdication of responsibility in protecting the Catholic community through the armed struggle, as it had historically done.[54] As such, an irrevocable break in the IRA occurred, one which saw the birth of the Original Irish Republican Army (OIRA) and the Provisional IRA, in which the former chose a more political path, and the latter which embraced militarism and violence as the key drivers of traditional republican goals. As Richard English highlights, 'the dynamics that produced the Provos may have been contemporary and urgent, but such immediate events fitted into a longstanding republican framework'.[55] By the end of 1969, fourteen PIRA units would be set up, ready for action.[56] And so, coinciding with Westminster's somewhat forced engagement in the province came the birth of the Provisionals, and the relationship between terrorist group and legitimate state authority would come to define the remainder of the conflict.

---

equal treatment regardless of religious or political affiliation. It also allowed Westminster to affirm its belief in Stormont's ability to handle the ongoing civil disturbances. Her Majesty's Government. *Northern Ireland – Text of a Communique and Declaration issued after a meeting held at 10 Downing Street*. (London: Her Majesty's Stationery Office, August 1969).

[53] Richard English. *Armed Struggle: The History of the IRA*. (London: Dan Macmillan, 2004), 82.

[54] Bishop and Mallie (1987), 90.

[55] English, 128.

[56] Bishop and Mallie (1987), 109.

'Disbelief, uncertainty, and above all – reluctance':[57] Westminster's Foray into Northern Irish Affairs

What a bloody awful country. Bring me a large whiskey[58]

British Prime Minister Harold Wilson, in office since 1964, was at the helm of power in Westminster when the conflict began brewing, and defined initial British intervention until June 1970, when he was replaced with Conservative Prime Minister Edward Heath. Both prime ministers took similar approaches to engagement, insofar as those approaches were defined by a lack of knowledge about the province and reluctance to engage the British state too deeply into a conflict which it did not see itself as having a primary role to play. Seen from a high level, this engagement can be defined as 'cautious crisis management' rather than an offensive policy stature that was 'informed by a strong sense of aims and objectives'.[59] Prior to the implementation of Direct Rule, the approach was one which saw Westminster attempt to posit itself as a broker, working to bring all sides together to find a solution themselves. It was, in effect, a policy of containment, in which the overall objective was to prevent the issues of Northern Ireland from affecting mainland citizens and the politics of Westminster.[60] Recalling the Westminster mentality at the time, Richard Crossman – Cabinet member in Wilson's government – noted that 'from the point of view of the Government [the conflict] had its advantages. It had deflected attention away from our own deficiencies and the mess of the pound. We have now got into something we can hardly mismanage'.[61] Throughout this initial phase of the conflict, as British engagement became increasingly entrenched in the province, Crossman's 'hardly mismanage' phrasing would come to hang over Westminster like a spectre.

Furthermore, the Wilson Government's initial engagement was not one which, so to speak, saw Westminster 'hit the ground running' in its policy approaches to the province. In the first serious analysis of British government policy throughout the breadth of the Troubles, Peter Neumann argues that:

---

[57] Neumann, 16.

[58] Reginald Maudling, Home Secretary during the Heath Government, is said to have uttered these words upon arriving in Northern Ireland for the first time in 1970. As quoted in: Kenneth Bloomfield. *A Tragedy of Errors: The Government and Misgovernment of Northern Ireland*. (Liverpool: Liverpool University Press, 2007), 26.

[59] Mike Tomlinson. "Walking Backwards into the Sunset: British Policy and the Insecurity of Northern Ireland", in *Rethinking Northern Ireland*, David Miller ed. (London: Longman, 1998), 94.

[60] Neumann, 22.

[61] Richard Crossman, as quoted in: Coogan, 93.

> The start of the Troubles had not been anticipated by the British government. London's initial reaction to the street marches, protests, and civil disturbances in the second half of the 1960s was a mixture of disbelief, uncertainty and – above all – reluctance.[62]

It is evident that Westminster did not want to intervene in the brewing conflict, and it feared that it lacked the knowledge to actively engage in a way that would provide a positive outcome. Speaking to the House of Commons on 22 April, Home Secretary James Callaghan said:

> Never was born the Englishman who understood the Irish Problem. The Government's approach has sprung from the simple conception that these problems are most likely to be solved successfully and permanently if the people of Ireland solve them. They have the institutions. They have a parliament and a government.[63]

Further, as Neumann argues, the conflict was being analysed through an historical lens, in which British intervention in Ireland had historically not gone positively for the British government, and that this institutional memory was an important driver in determining policy at this juncture.[64] Callaghan also noted in 1969 that British members of parliament 'know less about Northern Ireland than we know about our distant colonies, on the far side of the earth'.[65] And somewhat to Callaghan's credit, this was true: the British state had been engaged in a series of colonial campaigns for nearly a quarter of a century by the time the Troubles had started, including the Malayan Emergency, the Mau Mau uprising in Kenya, and the Aden Emergency. Where not focused on the Cold War, British security approaches – including its intelligence machinery – were being honed within the colonial context, and particularly within the counterinsurgency context. This mentality, too, would come to dictate Westminster's engagement in the conflict during this period.

Westminster departmental responsibility for Northern Ireland was conducted through the Home Office. After the deployment of troops in August 1969, Westminster only sent two senior civil servants to the province, stationed at Stormont Castle, in which one was the official United Kingdom Representative.[66] The introduction of the British Army saw the

---

[62] Neumann, 16.
[63] TNA: CJ 3/52 – Speech by Home Secretary James Callaghan in the House of Commons, Verbatim Service VS 107/69, 22 April 1969.
[64] Neumann, 44.
[65] *Ibid.*, 44.
[66] Saville. *Report of the Bloody Sunday Inquiry – Volume 1,* 145.

Ministry of Defence (MOD) also take a responsibility in the conduct of affairs in the province. However, it is critical to stress that during this period, Westminster stuck to what Joseph Ruane and Jennifer Todd refer to as the 'post-imperial principle', in which the 'constitutional preference of the majority' – that is, the Stormont Government – was respected,[67] and Stormont retained policy primacy from a political standpoint, although this became slightly more complex in the security context.

While this will be discussed at greater length in the following sections, it is important to note here that Wilson's Downing Street Declaration also made the British Army's General Officer Commanding (GOC) Sir Ian Freeland responsible for *all* operations in the province related to the anti-terrorist context and security; this included Army operations and those conducted by the RUC Special Branch, although incidents related to ordinary crime still fell under the purview of the RUC.[68] Although the Army was intended to be deployed to the province in a classic aid to civilian power capacity, Freeland's breadth of responsibility 'stood upon its head the accepted principle underlining military aid to the civilian power'.[69] This meant, in practice, that because the GOC was responsible to the MOD,[70] Westminster was in actual fact far more entrenched in the province than their political strategy of 'broker' was suggestive. This would have far-reaching implications, particularly on the ground, in terms of how Northern Irish citizens interpreted British engagement in the province. Actions taken by the Army, for example, would be seen as actions taken by the British state and not that of Stormont – through the eyes of both the Protestant and Catholic communities – and this analysis of action would impact upon levels of radicalisation on the civilian population. Outside of the security context, however, Westminster's engagement in the province prior to Direct Rule was one which was dependent upon the decision and policymaking of devolved powerholders, and sought to maintain the integrity of Stormont's ability to disentangle the conflict's increasingly complex web of political, social, and security breakdowns. For Westminster, it seemed that the correct course of action was to 'base […] policy on a sense of confidence that Northern Ireland will cure its own ills'.[71]

---

[67] Ruane and Todd, 227.

[68] Her Majesty's Government. *Downing Street Declaration*.

[69] Bloomfield, 35.

[70] The confidential version of the Declaration stipulates this, and notes that the GOC will "be responsible directly to the Ministry of Defence but will work with the closest co-operation with the [Northern Ireland Government] and the [Inspector General] of the RUC. For all security operations the GOC will have full control of the deployment and tasks of the RUC". TNA: CJ 4/46 – Downing Street Declaration (Confidential Version), 19 August 1969.

[71] TNA: CJ 3/52 – Northern Ireland: Notes for the Home Secretary, April 1969.

By the time Heath became prime minister in June 1970, since the start of the marching season that year the Provisionals had actively been engaged in the pre-planning of riots and set-pieces which brought British security forces in direct conflict with the Catholic community:[72] 'through acts of provocation, the republican leadership sought to goad the state into a spasm of over-reaction, in order to undermine its moral legitimacy'.[73] However, it appears that as PIRA was ramping up its campaign, the British government was still trying to come to terms both with what was happening in the province and what, in fact, the complexities of the Northern Ireland situation were. As Paul Bew et al argue, British policy in the early days of the Heath administration was on the back foot and continued to be 'modified by events' rather than pre-emptive of them.[74] Reflecting on this change in government, Robert Ramsay, former Deputy Secretary of the Northern Ireland Civil Service recalls that Heath, like Wilson, lacked strategic vision, and that the Heath Cabinet had an 'alarming ignorance' about what was happening in the province when he took office.[75] Further, Ramsay recalled that in a conversation with the new Defence Secretary Lord Carrington, he was 'fuzzy about the difference between a terrorist and a freedom fighter'.[76]

This, in practice, manifested as a lack of comprehensive strategy, which meant that Westminster's main physical stake in the province – the Army – was given very little direction on how the government's strategic vision should be implemented or manifested, thereby impacting upon the Army's ability to engage proactively in the province.[77] Speaking under anonymity, a former high-ranking Army officer deployed to Northern Ireland recalled working with Reginald Maudling, Callaghan's successor as Home Secretary, and being quite aghast at the Secretary's approach to handling the Northern Irish situation:

> Reggie Maudling had no idea. He would never go out [when visiting Northern Ireland]. We would get people to meet him and he would wander around and say things like, 'Are you going to Ascot?'. He was hopeless talking to community leaders on the streets. After his first visit here, he sat in my office with his head in his hands and said, 'Oh, these bloody people! How are you going to deal with them?'. Well, I said, 'Secretary of State, we are not going to deal with them. It's

---

[72] See: Bew et al. *Northern Ireland 1921-2001*, 32; Coogan, 124; Rod Thornton. "Getting it Wrong: The Crucial Mistakes Made in the Early Stages of the British Army's Deployment to Northern Ireland (August 1969 to March 1972)". *Journal of Strategic Studies* 30 (2007): 81.
[73] Bew et al. *Northern Ireland 1921-2001*, 32.
[74] *Ibid*., 157.
[75] Robert Ramsay. *Ringside Seats: An Insider's View of the Crisis in Northern Ireland*. (Dublin: Irish Academic Press, 2009), 42.
[76] Bew et al. *Talking to Terrorists*, 37.
[77] Thornton, 77.

you – your lot who have to deal with them. We have got to have a policy'. But we never did have a policy. That was the problem.[78]

Just one month into Heath's administration, one of the largest strategic missteps in terms of the Army's 'hearts and minds' effort was shown in the form of the Falls Road Curfew, starting on 3 July 1970. The Curfew was intended to be a search operation conducted on the Falls Road in Belfast, a Catholic part of the city, in the aim of recovering republican paramilitary arms and ammunition. Although items were recovered,[79] the manner in which the Curfew was handled acted as the final breaking point between the Catholic community and the Army, who had initially been welcomed by the community.[80] Four civilians were killed by the Army[81] but, perhaps most problematically, the use of CS gas was extensive, and it worked to radicalise moderate Catholic opinion against the security forces – 'the Army never grasped how radicalising in its effect CS gas was […] A weapon so general produces, inevitably, a common reaction among its victims: it creates solidarity where there was none before'.[82] It is clear, through the actions of the Curfew, that the Army did not know whether its strategic purpose was to act as an aid to the civilian power or to engage kinetically in a civilian context, and is a direct indictment of Westminster's failure to secure and communicate an effective, proactive strategy in Northern Ireland prior to the implementation of Direct Rule.[83]

By October 1970, PIRA had officially begun its bombing campaign and, by early 1971, it had engaged in a fully-fledged terrorist campaign in which there were five bombs a night going off in Belfast alone.[84] The aim of the Provisionals was to make the province

---

[78] Desmond Hamill. *Pig in the Middle: The Army in Northern Ireland 1969-1984*. (London: Methuen London Ltd, 1985), 36.

[79] These were mostly items from old OIRA stockpiles, so PIRA stockpiles were not necessarily impacted negatively by the actions undertaken during the Curfew. Coogan, 129.

[80] As mentioned previously, the Catholic community had a longstanding distrust of the RUC and the B-Specials because of their sectarian nature. When the Army was deployed, they were initially seen to be an honest broker between the communities by Catholics, and their presence on the streets of Belfast, for example, was seen as playing a role in protecting them from Protestant incursions and evictions. See: Bew et al. *Talking to Terrorists*, 30; Thornton, 81.

[81] Three were shot and one was run over by a tank. Thornton, 76.

[82] *Ibid*., 83.

[83] There were, by this juncture, attempts to intimate to Westminster that the Army was operating in a political vacuum. Writing in August 1970 to the Permanent Under Secretary of State at the Home Office. RUC Chief Constable Sir Arthur Young stressed: "The British Army have reached a position similar to that of the RUC a year ago. The application of military force has no permanent effect […] the British Army are unable to extricate themselves from the position of being primarily responsible for public safety. All indications are that nothing they can do will improve the situation which will become progressively worse. Nothing is left save political initiative. This cannot come from Northern Ireland but only from Westminster". TNA: CJ 3/85 – Letter from Sir Arthur Young to Sir Philip Allen, Including a Short Appreciation, 5 August 1970.

[84] Thornton, 89.

ungovernable, deplete Army resources as comprehensively as possible, and make the Army more unpopular.[85] Neumann argues that it took Westminster up until this juncture to realise that the violence and riots were no longer an aberration, but were indicative of both the norm and of future action.[86] Up until this point, Westminster were continuing to allow space for Stormont – still under the prime ministership of Chichester-Clark – to prove its legitimacy and right to govern in the eyes of Northern Irish citizens. Yet, Westminster continued to distance itself away from political policy, while still being deeply entrenched in the security context due to the Army's broad engagement in the province;[87] and, within this strategic vacuum, it was 'therefore largely for the troops on the ground to resolve the dilemma of what […] was appropriate in a given situation'.[88] However, from 1971 onwards – in particular, from the resignation of Chichester-Clark and the ascension of Brian Faulkner as the Northern Irish prime minister that March – there is clear shift in Westminster's engagement, which sees it, for better or worse, prepare itself for the potential imposition of Direct Rule.

Critical Junctures and their Fallout: The Implementation of Direct Rule and the Proliferation of Violence

The Stormont Government would be dissolved and Direct Rule would formally be implemented in March of 1972, but not before the last six months of a devolved Northern Ireland would demonstrate to an averse Westminster that the province was becoming ungovernable, and not before one of the conflict's most notorious atrocities – that of Bloody Sunday – would set the conflict on fire. However, the road to Direct Rule was not a smooth one for Westminster, nor an outcome that they relished in making haste. Although some discussions about contingency planning for a potential Direct Rule scenario had begun in late 1970,[89] when Westminster acquiesced to the fact that violence was no longer an aberration in

---

[85] For example, in this effort, children were often used as petrol bombers in the hope that the Army would shoot them "and thus alienate further moderate Catholic opinion". *Ibid*.

[86] Neumann, 54.

[87] *Ibid*., 55.

[88] *Ibid*., 56.

[89] The first recorded discussion of a potential Direct Rule scenario is in September. Although still in its infancy regarding planning, a meeting held at the Home Office discusses preliminary ideas of what direct intervention may look like and where contingency planning should go. (See: TNA: CJ 3/86 – Note of a Meeting Held at the Home Office on 9 September 1970). Further, it is evident that this initial discussion gets significant motion from October onwards. At a meeting of the Joint Intelligence Committee (JIC), discussion indicates that at this juncture, the MOD were already preparing their own assessment of a Direct Rule scenario, and that the JIC were now tasking assessments on what the intelligence machinery might look like under such a scenario. (See: TNA: CAB 185/4: JIC(A)(70) – "Northern Ireland: Intelligence Planning": Confidential Annex to Minutes of 38th Meeting Held on Thursday, 1 October 1970).

the province, direct intervention by the British state was not seen as an inevitability, but rather a highly undesirable outcome. Even as late as November 1971, two 'fundamentally different' scenarios were being discussed as part of contingency planning, one in which Westminster could decide at which juncture Direct Rule would be implemented, as opposed to a situation 'where force of circumstances compels' – but the planning focus remained on the former option.[90]

It is perhaps unsurprising that this handwringing over the increasing likelihood of Westminster taking control over the province continued, as the government had other, more immediate issues with which it chose to grapple. In August 1971, a policy of internment without trial had been implemented in the province, and with it came a series of investigations into allegations of torture perpetrated by the security forces during the interrogation element of the internment policy, which was being used as a method of intelligence collection. Although one of the reports stemming from these investigations, the so-called Compton Inquiry,[91] had been presented to the government in November of that year, another – chaired by Lord Parker of Waddington – began its investigations after Compton's publication and would not be delivered until the same month that Direct Rule was implemented.[92] As the declassified archive shows, and as will be discussed in greater detail in Chapter 5, Westminster was much more preoccupied during the six months preceding the implementation of Direct Rule with defending its use of interrogation methods than with the impending potential of taking over full control of the province.

Further, as indecision reigned in Westminster regarding over what next steps were to be taken, violence on the streets of Northern Ireland continued to proliferate from late 1971 into 1972. For example, over *one week* in mid-December 1971, there were 97 shootings, 54 explosions, and 49 nail bombs detonated across the province – and this week was not an aberration, but reflected what was quickly becoming the norm.[93] That same week, PIRA's strength was assessed to be 600 men, with another 300 involved in other violent paramilitary

---

[90] TNA : CAB 185/7 : JIC(A)(71) – "Northern Ireland: Contingency Planning": Confidential Annex to Minutes of 43rd Meeting, Held on Thursday 11 November 1971.
[91] See: TNA: CJ 4/99 – Report of the enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out the events on 9th August 1971 (Compton Inquiry), November 1971.
[92] Parker's investigation, in fact, resulted in two separate reports – the Majority and Minority reports – as the investigatory team could not come to a consensus on the findings. For more on this divide, see: TNA: PREM 15/1035 – "Northern Ireland: Report of Lord Parker's Committee on Interrogation Procedures". Report Prepared by Sir Burke Trend for the Prime Minister, 8 February 1972.
[93] TNA: DEFE 24/210 – Ministry of Defence Northern Ireland Policy Group, Note of a Meeting Held in the Secretary of State's Office on Monday 13 December 1971.

activity; moreover, the Army was 'wounding' an average of 15 terrorists a week,[94] which was reflective of rising levels of violence on both sides of the divide. But it would be the following month – January 1972 – which would prove to be a definitive point of no return, when soldiers from the Parachute Regiment contentiously opened fire on a civil rights march in Derry, killing 14.[95] It was a radicalising moment for the Catholic community, and one which marked the greatest number of people killed in one single shooting incident throughout the entirety of the conflict.[96] Yet, despite this, Westminster was slow to come to terms with the inevitable. As late as February 1972, according to Ramsay, Brian Faulkner was still being given face-to-face assurances by Heath himself that it could not come to a Westminster takeover[97] – the same time that the graves of the Bloody Sunday dead remained unsettled.

As John Bew et al argue, the Heath government 'refused to grasp the nettle of full intervention' at this decisive moment in 1972 – rather, it was not until faced with the 'total collapse of the province' that direct intervention seemed like the only possible pathway left for Westminster.[98] As such, in March 1972, Westminster finally dissolved the Stormont Government and took full control of the province, a control which they would not cede until nearly three decades later. However, it must be noted that Westminster's imposition of Direct Rule would not coincide with an immediate reduction in violence. Rather, it had much the opposite effect, with 1972 marking the greatest loss of life suffered throughout the conflict's three decades.[99] That year alone, 472 people died as a result of the violence, 321 of whom were civilians with no direct involvement in the conflict.[100] It also marked PIRA's most significant attack on civilians to that point in the Troubles. On 21 July, the Provisionals exploded 22 bombs in the space of 75 minutes across Belfast, resulting in the deaths of nine people and injuring of 130 others[101] – an event which has come to be known as Bloody Friday.[102] Although Westminster had been deeply – albeit begrudgingly – involved in the

[94] TNA: CJ 4/188 – Note of Home Secretary's Discussion with GOC and Senior Officers at Lisburn on Tuesday, 14 December 1971.

[95] For a definitive recount of Bloody Sunday, see: Saville. *Report of the Bloody Sunday Inquiry – Volume 1*.

[96] Fionnuala McKenna and Martin Melaugh. "List of Significant Violent Incidents". *Conflict Archive on the Internet (CAIN)*. Accessed 28/10/2020. https://cain.ulster.ac.uk/issues/violence/majinc.htm.

[97] Ramsay, 42.

[98] Bew et al. *Talking to Terrorists*, 38.

[99] McKenna and Melaugh. "List of Significant Violent Incidents".

[100] *Ibid*.

[101] Martin Melaugh. "Bloody Friday – Summary of Main Events". *Conflict Archive on the Internet (CAIN)*. Accessed 28/10/2020. https://cain.ulster.ac.uk/events/bfriday/sum.htm.

[102] One attending RUC officer, as quoted, recalled the carnage as such: "When we got to Oxford Street, I saw this woman. I can't even tell you what she looked like because there was no way of knowing…she had her back up against the wall and she quite literally had lost her chin, the bottom half of her face. She was standing there against the wall, no other marks on her. She was gurgling and screaming, trying to breathe with her chin sliced off. I tried to get her stuck back together as best as I could. I was holding pieces in and tried to bandage it in a

province over the last few years, particularly from a security standpoint, it was this context, and these unparalleled levels of violence, which would come to define its first full and solitary engagement in the province. There would, of course, be other atrocities and unresolved violence that would come to pass before the conflict's end in 1998. Yet, the patterns and approaches established during these critical four years, between 1968 and 1972, would come to mark not only key points in the collective memory of the conflict for civilians, perpetrators, and the security forces alike, but also the touchpoints from which policymaking – particularly security-related – would be conducted going forward.

II. The Security and Intelligence Context

With the historical and political context in mind, the following section will delve more deeply into the associated security and intelligence context through which Westminster, and the British security establishment more broadly, were navigating as violence arose and proliferated through the critical juncture period. This effort will be threefold: it will examine the intelligence machinery and picture at the outset of the Troubles and associated attempts at reform; within this theme, it will then highlight the key actors operating in the security space and their impact on the intelligence picture, who would continue to be active in the post-critical juncture phase of the conflict; and, it will analyse the experiments in methods and tradecraft which defined the latter years of the critical juncture period. The purpose in examining these three themes is to ensure that the reader comes away from this chapter with a thorough understanding not only of the political and historical factors impacting policymaking during this period but, most critically, the security and intelligence context as well. The themes to be examined all impacted upon the decisions made more broadly within the security context, but particularly in the intelligence context, and having detailed knowledge about these themes will help illuminate to the reader what influenced the lesser evil calculations made in the moral conduct space – a critical background to bring into the following three analytical chapters.

---

very primitive way to get the pieces to where they should be, until I could get one of the ambulance men". As quoted in: Ken Wharton. *Torn Apart: Fifty Years of the Troubles, 1969-2019.* (Stroud: The History Press, 2019), 137.

'Hopelessly out of date': The Intelligence Picture at the Outset of The Troubles[103]

One of the most important truisms of the conflict in Northern Ireland is that both the intelligence machinery and the intelligence picture at the outset of the Troubles was in no way equipped to deal with a terrorist campaign. At its heart, this was predominantly a problem of collection, and this collection deficiency would come to dictate what security policy decisions were made in the intelligence space throughout this phase of the conflict. Some of these decisions would prove to be highly questionable from a moral conduct standpoint – in particular, the use of interrogation methods during internment, as well as experiments in kinetic engagement through the use of 'counter-gangs' like the Military Reaction Force (MRF). However, collection issues were not the only problem. The policy decisions made to improve the intelligence machinery were also impacted by issues related to targeting within in the direction phase of the intelligence cycle – that is, focusing purely on republican paramilitarism and not loyalist paramilitarism – and this was intimately linked to how perceptions of loyalty and sectarianism within the security force structures themselves permeated.

Poor engagement in the counterterrorism space in Northern Ireland, however, is not historically an aberration. The first civilian agency in the United Kingdom to have an intelligence capacity in the counterterrorism context was the Metropolitan Special Branch who, in March 1883, had been set up explicitly to deal with 'Irish Feninan terrorism'.[104] Writing to Prime Minister William Gladstone in April that year, Home Secretary William Harcourt stressed that republican terrorism was 'not a temporary emergency requiring a momentary remedy. Fenianism is a permanent conspiracy against English rule which will last far beyond the term of my life'.[105] Despite this acknowledgement and genuine effort to set up a long-term counterterrorism body, the initial manifestation of the Metropolitan Special Branch was not particularly successful, and the issues found therein were repeated from 1968 onwards. As Christopher Andrew argues, 'the lack of coordination between different branches of the intelligence community in Northern Ireland during the Troubles […] vividly recalled the confusion of British intelligence-gathering in Ireland over half a century

---

[103] Edward Heath, reflecting upon the state of the intelligence picture when he took office in 1970. Edward Heath. *The Course of my Life.* (London: Hodder and Stoughton, 1998), 429.

[104] Stephen Twigge, Edward Hampshire and Graham Macklin. *British intelligence: Secrets, Spies and Sources.* (Richmond, London: The National Archives, 2008). 10.

[105] William Harcourt, as quoted in: Christopher Andrew. *Secret Service: The Making of the British Intelligence Community.* (London: William Heinemann Ltd., 1985), 18.

earlier'.[106] And, although those initial forays into counterterrorism and counterinsurgency had set the British state on a path to successfully evolve that capacity during the colonial wars of the post-war period,[107] these lessons learned were not applied in an effective capacity at the outset of the Troubles.

Granted, Northern Ireland as an operational milieu did have both its advantages and its disadvantages. From a positive aspect, Northern Ireland had many means of access: its community was small, tight-knit, and divided along certain lines, in which it was possible to pinpoint what specific streets, pubs, or tower blocks were frequented by which community.[108] However, similar aspects made it an ideal place for urban guerrilla warfare to really take hold – small narrow streets that were densely populated and Victorian and Edwardian homes with high walls made it so that the city's 'featureless anonymity' made it 'simple for the terrorist to evade patrols and merge into its surroundings'.[109] As such, three broad issues existed at the beginning of the conflict: 1) the intelligence held by the RUC was problematically outdated; 2) the Army had little-to-no local knowledge, which made their collection capacity limited, and; 3) no centralised mechanism to direct or coordinate the flow of intelligence existed even between local actors, a problem which only exacerbated once mainland actors joined the fore. This poor intelligence picture, in reality, translated to collection and direction efforts that were indiscriminate rather than targeted, and this ultimately had a radicalising factor on local communities – and particularly the Catholic community. As Kate Martin argues, it is difficult to investigate terrorism in an intelligence vacuum:

> …without targeting those who may share the religious or political beliefs or the ethnic background of the terrorists […] It is easier for an agency to identify those who share the political goals or religious fanaticism of terrorists than to identify and locate those actually plotting harm.[110]

Seen within the Northern Ireland context, it is not surprising that entire communities were broadly targeted in the absence of actionable intelligence which could direct intelligence actors toward more surgical collection targets. Complications regarding differing perceived loyalties to the state only further exacerbated targeting/direction and collection realities.

---

[106] *Ibid.,* 499.
[107] Stephen Grey. *The New Spymasters: Inside Espionage from the Cold War to Global Terror*. (Great Britain: Penguin Books, 2016), 60.
[108] Grey, 64.
[109] Paul Wilkinson. *Terrorism versus Democracy: The Liberal State Response*. (London: Routledge, 2006), 28.
[110] Kate Martin. "Domestic Intelligence and Civil Liberties", in *Secret Intelligence: A Reader*, Christopher Andrew, Richard J. Aldrich and Wesley K. Wark, eds. (London: Routledge, 2009), 361.

Furthermore, the central machinery of British state intelligence was 'extremely slow to come to grips with what was happening in Northern Ireland from the late 1960s'.[111] Under Wilson's tenure as prime minister, Cabinet member Richard Crossman had called on the government to develop a better collection capacity for the province as early as May 1969, but Callaghan, supported by Wilson, resisted the suggestion.[112] In particular, Crossman had stressed the importance of improving the collection of political intelligence, noting that improving such a capacity would be most beneficial: 'if we were faced with a civil war we should know what it was all about'.[113] In reply, Callaghan is said to have responded: 'I don't think we really need that. After all, I am seeing Chichester-Clark every day'.[114] This attitude is very much in line with Westminster's overall security approach in the province, and as a result, the intelligence machinery took a long time to come into its own once its deficiencies were acknowledged.

Key Intelligence Actors: Impacts on the Intelligence Picture and Attempts at Reform

As such, the period from 1969 to 1970 can be described as an intelligence-gathering vacuum. To demonstrate in detail what the intelligence machinery looked like at the outset of the conflict, the following section will provide an overview of the key actors in the intelligence space – operating both in Northern Ireland and the mainland – and will discuss their role and impact on the intelligence picture. Further, it will investigate the key issues and deficiencies faced by these actors, and what impact these had on the intelligence cycle. Engaging in this discussion is a critical element whereby the reader will be afforded a deep understanding of the issues facing the intelligence machinery as violence began to accelerate, and it will help to develop the strategic setting from which intelligence-related actions and decisions were made and their place within the moral conduct in intelligence practice conversation.

---

[111] Eunan O'Halpin. "The Value and Limits of Experience in the Early Years of the Northern Ireland Troubles, 1969-72", in: *Learning from the Secret Past*, Robert Dover and Michael S. Goodman, eds. (Washington, DC: Georgetown University Press, 2011), 174.

[112] David A. Charters. *Whose Mission, Whose Orders? British Civil-Military Command and Control in Northern Ireland, 1968-1974.* (Montreal and Kingston: McGill-Queen's University Press, 2017), 55.

[113] Richard Crossman, as quoted in: O'Halpin. "The Value and Limits", 196.

[114] James Callaghan, as quoted in: *Ibid*.

Civilian Intelligence Actors: The Royal Ulster Constabulary and the Disbandment of the B-Specials

At the start of the conflict, the main security operators in the province were the RUC and the B-Specials. Responsibility for security fell entirely under the purview of the Stormont Government, and Westminster would not begin to inject its own security and intelligence actors into the province until mid-1969. Importantly, these local security forces had roots in Protestant communal defence organisations. For example, the B-Specials had emerged out of the Ulster Volunteer Force (UVF), a loyalist paramilitary group, in 1920.[115] The UVF itself had originally formed in the 1910s as a response to rising Irish nationalism, yet despite it also engaging in political violence at the time, the British government 'had made no response' from a security perspective in reponse to their actions.[116] The RUC, formed in 1921, was overwhelmingly Protestant in its composition as well and, as mentioned previously, they were not seen to be an unbiased force by the Catholic community. Furthermore, although the RUC and the B-Specials were two separate entities, they had, historically, seen an overlap in membership; for example, by summer of 1969, it is estimated that around 800-900 RUC members were former B-Specials.[117] The sectarian nature and history of both bodies, without question, had an impact on their ability to provide a comprehensive intelligence picture which covered all potential avenues of political violence. However, the RUC and B-Specials were not unique in this respect. As Paul Wilkinson argues, the development of effective policing and intelligence work is difficult when the agencies in question suffer from a sectarian composition:

> The development of a reliable high-quality intelligence service is not easily accomplished […] the police may lose confidence and cooperation of certain key sections of the population. This is especially probable where the police has been controlled, administered and staffed predominantly by one ethnic or religious group, and hence is regarded as partisan by rival groups. In such conditions, it often becomes impossible for the police to carry out normal law enforcement functions, let alone develop high standards of criminal investigation and intelligence work.[118]

---

[115] Ruane and Todd, 121.
[116] Coogan, 21.
[117] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: M. John McKay, H.M. Inspector of Constabulary Attached to NIC, 1 August 1969.
[118] Wilkinson. *Terrorism versus Democracy,* 136.

As such, the roots of the local security forces in Northern Ireland were reflective of the deep sectarian divisions found within the province. This would, invariably, impact upon their ability to adequately engage in a level of intelligence practice that would meet both a loyalist and republican threat.

As rioting increased across the province, the RUC found it increasingly difficult to engage themselves in regular policing duties, but their issues in the intelligence realm far predated this upsurge of violence at the beginning of the Troubles. Furthermore, the insufficiencies of their machinery are evident in all phases of the intelligence cycle. Speaking from a high level, in a report by the Chief of the General Staff (CGS) in May 1969 on the security situation in the province, a rather grim picture was painted regarding the RUC's intelligence capabilities. In sum, the CGS noted that 'there is no doubt that the RUC is behind the times, poorly led and administered, and with a sadly inefficient Special Branch', in which the latter would be most difficult to rectify quickly in relation to the escalation of the threat faced because of how long the machinery had been left to decay.[119] Further, he assessed that Special Branch – who held the primary intelligence responsibility for the RUC, particularly in relation to terrorism – was 'badly organised and run, with the result that speculation and guesswork largely replace intelligence', which had consistently resulted in the 'inadequacy of […] intelligence products'.[120] In reporting back to the Home Office in July 1969, the Security Liaison Officer (SLO) – a high-ranking officer in MI5, who had been sent to the province at the beginning of the conflict to liaise between local forces and Westminster – had described the RUC's intelligence capacity as a 'bad piece of machinery', a sentiment which was further reinforced by the Military Intelligence Liaison Officer (MILO) as well.[121]

From a direction perspective, the RUC had historically analysed their targeting needs through a sectarian lens, in which loyalist paramilitary violence was largely ignored. Providing evidence to the Hunt Committee, the MILO described the RUC as 'looking at everything through IRA-tinted spectacles' and that coverage of other non-republican subversive groups was 'limited'.[122] Further, the nature of the dissemination machinery between county Special Branch stations and their headquarters only worked to compound this issue, which provided 'two levels of operation of the IRA-tinted spectacles'.[123] Furthermore,

---

[119] TNA: CJ 3/55 – Report of the Chief of the General Staff on Northern Ireland, 19 May 1969.
[120] *Ibid.*
[121] TNA: CJ 3/55 – Letter from the Home Office to Sir Philip Allen, 31 July 1969.
[122] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: D.Y. wright, Military Liaison Officer (Originally Attached Royal Artillery), 1 August 1969.
[123] *Ibid.*

as Aogán Mulcahy argues, within the creation of the RUC was the expectation for them, and particularly Special Branch, to place 'a correspondingly large emphasis […] on issues of state security, and from the outset this played a fundamental role in the RUC's ethos and activities'.[124] Seen from an intelligence perspective, stressing a focus on state security would see the RUC place an stronger emphasis on targeting those seen more traditionally as enemies of said state, leaving very little manoeuvrability for the inclusion of targeting loyalist paramilitarism which was, at its core, pro-state violence. As such, the lack of coverage of loyalist paramilitary violence cannot be divorced from neither their history nor their sectarian composition.[125]

From a collection perspective, access from both a community and geographic standpoint was a key issue for the RUC. The erection of no-go areas in 1969 throughout Catholic enclaves in Derry and Belfast had effectively cut off the RUC from those communities, thereby completely destroying their collection capacity. RUC County Inspector Johnson stipulated that 'no actual Special Branch officers were serving inside the IRA' in 1969, which in practice meant the RUC would have had no foreknowledge of the ideological split that was occurring within the IRA at the time,[126] putting them completely on the back foot in terms of PIRA access, once the group emerged. The CGS' report noted similar issues, stipulating that Special Branch did not have 'the remotest idea' about what was happening within the pre-split IRA.[127] The loss of access to these areas – particularly to that of the Bogside in Derry, which housed 15,000 of Derry's 60,00 inhabitants – meant that the RUC had zero collection capacity within areas that PIRA was now able to recruit and train without interference.[128] While the RUC were operating with some informants, many of these were individuals who provided passing background information rather than operational information, and very few were individuals who had access to areas of the province in which

---

[124] Aogán Mulcahy. *Policing Northern Ireland: Conflict, Legitimacy, and Reform*. (London: Routledge, 2005), 119.

[125] Even in regard to something as innocuous as pirate radio stations, a background paper produced for Wilson's government noted that "The RUC consider the Catholic stations to be a greater threat to security than the Protestant stations but it is doubtful whether this belief is justified". TNA: CJ 4/319 – Paper: Illegal Broadcasting Stations in Northern Ireland, 4 September 1969.

[126] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: County Inspector Johnson, Royal Ulster Constabulary Crime Special Branch, 1 August 1969.

[127] TNA: CJ 3/55 – Report of the Chief of the General Staff on Northern Ireland, 19 May 1969.

[128] See: TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: D.Y. Wright, Military Liaison Officer (Originally Attached Royal Artillery), 1 August 1969; TNA: CJ 4/46 – Note of the Prime Minister's Meeting with the Prime Minister of Northern Ireland at 10 Downing Street on Friday 17 July 1970; TNA: CJ 4/46 – Luncheon Discussion with the Prime Minister of Northern Ireland on Friday 17 July 1970.

the RUC was blocked.[129] The presence of uniformed RUC men in these no-go areas was so unacceptable by the local population that, in one instance, 'it was not even possible to collect evidence for a coroner's inquest'.[130] But, it should be noted that while the set-up of no-go areas obviously had a dramatic impact on the RUC's collection capacities, this was not necessarily a new problem. For example, in the Bogside, the area 'had not been adequately policed for sixteen years', in which the local Special Branch office had been closed for some time.[131] Other local and county stations had been closing in high numbers, particularly in more 'touchy' areas, which had 'deprived' the RUC 'of the local knowledge so necessary for the proper performance of [its] policing duty'.[132] This is further indicative of not only the RUC's insufficient and incomplete collection capacity, but also its longstanding inability to penetrate areas which were inhabited by the community it saw as its main source for targeting.

Further, Special Branch officers lacked specialised training in intelligence analysis;[133] as such, even when intelligence was coming in, a lack of professionalism on behalf of analysts meant that any product created would be incomplete and insufficient in its scope. Where there was an analytical capacity, it frequently was not turning over intelligence product at a quick rate; analytical roles were very understaffed, to the point that there was a 'year's backlog' of unprocessed information, meaning that any product created was very out of date.[134] Also, analysis was not happening solely in one place due to the way that raw information was being disseminated across the RUC's intelligence machinery. As alluded to above, there was a system in which information would be received by county Special Branch offices, analysed for its value, and then disseminated where deemed appropriate to Special Branch headquarters.[135] Where there used to be regular intelligence reviews that were

---

[129] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to RUC Belfast City Headquarters, 12 September 1969.
[130] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to Londonderry – Bogside, September 1969.
[131] *Ibid.*
[132] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Suggestions for the Re-Organisation of the RUC from the Down County Consultative Board for Presentation to the Hunt Committee and Central Representative Body, September 1969.
[133] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: County Inspector Johnson, Royal Ulster Constabulary Crime Special Branch, 1 August 1969.
[134] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: D.Y. Wright, Military Liaison Officer (Originally Attached Royal Artillery), 1 August 1969.
[135] See: TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: D.Y. Wright, Military Liaison Officer (Originally Attached Royal Artillery), 1 August 1969.; CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Country Inspector Johnson, Royal Ulster Constabulary Crime Special Branch, 1 August 1969; TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: County Commandant Anderson, 9 September 1969.

produced at these county offices to be sent upward, the production of these had also been missing for some time.[136] Special Branch headquarters, too, had historically produced intelligence assessments to be disseminated downwards to county stations, but by the start of the conflict these assessment had not been received for some time.[137] In both directions, it was clear that dissemination issues were rife, leaving both county stations and Special Branch headquarters in the dark about what was happening across the province.

       Finally, in addition to intelligence-specific issues, the RUC had become out of practice in dealing with terrorism, as the last instance of political violence – manifested through the failed Border Campaign by the IRA from 1956 to 1962 – had occurred some years ago. Furthermore, by the time the Troubles had commenced, there was no policing guidance from an intelligence perspective available, either in Northern Ireland or on the mainland, because nothing similar had ever occurred. The former head of RUC Special Branch, Raymond White, spoke to the BBC about this very issue after the conflict ended, calling it a 'steep learning curve'.[138] Further, White acknowledged that it took the RUC, and particularly its intelligence machinery, a number of years to develop into the kind of structure that could adequately face the task in front of it.[139] This steep learning curve was further compounded by the RUC's top leadership at the commencement of the conflict, in the form of Chief Constable Sir Arthur Young. Young was English, which pleased few,[140] and he was cut from the cloth of colonial experiences. Speaking in anonymity, an Army officer working in Northern Ireland at the time argued that his appointment was 'quite inexcusable' and that in taking an approach without an intelligence focus was 'totally predictable […] he made the same mistake in Malaya and Kenya'.[141] Similarly, Faulkner was no proponent of Young's approach, also calling him 'too colonial' for the soft, information-led response required by the threat faced.[142] As such, at the moment when the RUC was forced to face its greatest challenge yet, it found itself both without guidance and leadership to get the job done.

---

[136] This was also an issue faced by the B-Specials, which will be discussed further below. See: TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Intelligence – Londonderry, September 1969; TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: County Commandant Anderson, 9 September 1969; TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to Fermanagh Crime Special and Crime Ordinary 10 September 1969.

[137] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to RUC Belfast City Headquarters, 12 September 1969.

[138] Raymond White, as quoted in: BBC Radio 4 – "Enemies Within", 14 November 2008

[139] *Ibid*.

[140] TNA: CJ 4/153 – Narrative Extracts from Personal Diary of Sir Arthur Young, 26 September 1969.

[141] Anonymous Army officer, as quoted in: Hamill, 29.

[142] Brian Faulkner. *Memoirs of a Statesman*. John Houston, ed. (London: George Weidenfeld and Nicolson Ltd., 1978), 71.

With these deficiencies self-evident, it was clear that the RUC – and particularly Special Branch – needed to undergo significant changes to meet the threat it now faced. These changes came in the form of recommendations outlined in the Hunt Committee Report, delivered in October 1969. The report provided significant reforms to policing in Northern Ireland, in which the recommendations sought to rebuild the RUC as a 'civic-oriented force and thereby secure widespread public support for it'.[143] Most importantly, Hunt recommended that the RUC 'should be relieved of all duties of a military nature' and their role 'should be limited to the gathering of intelligence, the protection of important persons, and the enforcement of the relevant laws'.[144] The direct response to the Hunt recommendations was the *Police Bill (Northern Ireland) 1969* which, mostly importantly to the intelligence picture, included 'provisions for closer association' with security forces from the mainland.[145]

The Hunt Committee Report also impacted upon the USC, known colloquially as the B-Specials. The main recommendation coming out of the Report was that the B-Specials – a 10,000-strong force[146] – needed to be disbanded, and it was suggested that their replacement should be formed as a 'locally-recruited part-time force, under the control of the GOC'.[147] This force would come to be known as the Ulster Defence Regiment (UDR), placed under the control of the MOD, but would not come to have any form of intelligence capacity until later in the conflict.[148] Moreover, although Special Branch held the primary intelligence responsibility in the province, the B-Specials, too, held an intelligence capacity. On the surface, therefore, their disbandment could be seen to impact upon the overall intelligence picture in the province; however, in examining the role and capacities of the force from an intelligence perspective, it is unlikely that their disbandment had a particularly significant impact, the ramifications of which will be discussed below.

The disbandment of the B-Specials was not straightforward, and not without its own controversies. Westminster was very supportive of the disbandment,[149] and sought to replace

[143] Mulcahy, 119.

[144] Baron Hunt. *Report of the Advisory Committee on Police in Northern Ireland.* (Belfast: Her Majesty's Stationery Office, October 1969). Accessed 5/5/2020. https://cain.ulster.ac.uk/hmso/hunt.htm, Summary of Recommendations, 183 (1).

[145] TNA: CJ 3/62 – Note on the Police Bill (Northern Ireland) by D.R.E. Hopkins, 18 December 1969.

[146] Thornton, 75.

[147] Hunt, Summary of Recommendations, 183 (47).

[148] MOD. *Operation BANNER*, 5-1.

[149] Even before the Hunt Committee released its report, it is clear that the GOC was no fan of the force. Speaking at meeting held at 10 Downing Street in the lead-up to the Downing Street Declaration, GOC Freeland 'was of the opinion that the B-Specials had used excessive force, including use of arms, and had thus aggravated

the B-Specials with the UDR 'as quickly as possible'.[150] Despite wanting the changeover to happen quickly, Westminster did acknowledge and allow that the deployment of the B-Specials may still need to happen on occasion before the UDR was officially stood up;[151] and, in fact, the B-Specials were used in this way a handful of times, but this was under the purview of the GOC and they were only deployed in Protestant areas so as to avoid any major confrontations.[152] However, Stormont on the whole was not as receptive to the call for their disbandment. Many of these issues are reflective of the pre-existing sectarian biases inherent in the Stormont governmental structure, which had a significant impact on what was deemed appropriate, proportional, and justifiable conduct in the security space. In a meeting with Heath leading up to the Downing Street Declaration, Chichester-Clark was strongly opposed to their disbandment, calling it both 'inflammatory' and 'unwise', citing that Protestants would 'feel that their safety would be endangered'.[153] This sentiment of seeing the B-Specials as the bastion against the scourge of subversive forces in the province was also shared across sections of the Northern Irish pro-unionist community, and bolstered by the political class. For example, Chichester-Clark, quoted in an opinion piece in *The Irish Times*,[154] stated:

> That response to a national emergency gives the lie to the gross slander that the [B-Specials] has been a sectarian force, raised and maintained to suppress opposition to the Northern Ireland Government. The men of the [B-Specials] have been ready all down the years to meet any challenge, I repeat any challenge, to the liberties of all Ulster people. They made no distinction between the IRA gunmen and the Nazi storm trooper. Ulster's enemies were their enemies.[155]

---

the problems faced by the British forces in restoring law and order'. TNA: CJ 4/46 – Note of a Meeting Held at 10 Downing Street on Tuesday 19 August 1969.

[150] TNA: CJ 3/62 – "Date of Disbandment of the USC", Letter from D.R.E. Hopkins to P. Thomson, Esq., 14 November 1969.

[151] The transition period between B-Specials disbandment and UDR creation was 1 January – 1 April 1970. TNA: CJ 3/62 – UDR Steering Group: Draft Report on the Overlap of UDR and USC, 15 December 1969.

[152] It was, admittedly, an interesting choice to deploy the B-Specials in the first place. Their control had been given to the GOC as part of the security controls introduced in the Downing Street Declaration, but it is surprising that – given the GOC's acknowledgement of their misconduct and sectarianism – he would choose to deploy them at all. However, it seems that the argument for the use was as such: were they not deployed, the Army would have been called in instead, and 'there is no doubt this would have been less effective since the troops are not popular at the present time with the more extremist Protestants'. Seen on its surface, there was a strategic decision made to deploy the B-Specials, who were known to be problematic for and toward the entire Catholic community, rather than running the risk of upsetting the more extreme elements of the Protestant community. This is a good example of the delicate balance that the security forces were trying to make during this early stage, in which the use of knowingly problematic techniques or forces needed to be balanced with the need to keep pro-state communities on side. See: TNA: CJ 4/46 – Note of a Meeting Held at 10 Downing Street on Tuesday 19 August 1969; TNA: CJ 4/46 – Downing Street Declaration (Confidential Version), 19 August 1969; TNA: CJ 3/56 – Letter from the Rt. Hon/ Denis Healy to the Rt. Hon. James Callaghan, 3 October 1969.

[153] TNA: CJ 4/46 – Note of a Meeting Held at 10 Downing Street on Tuesday 19 August 1969.

[154] It is important to note here that during this period, *The Irish Times* was the voice of British unionism in Ireland. For more, see: Mark O'Brien. *The Irish Times*. (Dublin: Four Courts Press Ltd., 2008).

[155] TNA: CJ 3/62 – "North's 'Immense Debt' to B-Men". Extract from *The Irish Times,* 23 March 1970.

This type of statement by Chichester-Clark was, invariably, a 'dog whistle' to the supporters of both the force and the means they used to achieve their security ends. Faulkner, too, was surprised at the recommendation, but couched this surprise in a concern for security ramifications. He suggested in his memoirs that their disbandment was an opportunity for PIRA to 'use the gap [between B-Specials disbandment and the creation of the UDR] to move arms and explosives around the country unhindered'.[156]

In reality, however, the B-Specials' situation from the intelligence perspective was even more grim than that of the RUC, and Faulkner's suggestion that the disbandment of the B-Specials had a significant effect on PIRA capabilities is without consideration of this reality. In analysing multiple submissions of evidence to the Hunt Committee, it is clear that any intelligence capacity that the B-Specials may once have once enjoyed was no longer operational by the time the conflict started. While it was noted that the B-Specials headquarters had previously produced 'regular intelligence reviews', there 'had been none for some time'; this was a finding which appeared across multiple regional stations, and was further indicative of a complete lack of intelligence-sharing not only between B-Specials branches, but also between the B-Specials and the RUC.[157] In summing up their role, Commandant Captain Moore stressed that the B-Specials were 'not really a police force at all', but rather 'an anti-IRA guerrilla force' who were 'unsuited for ordinary police work'.[158] Where collection happened, it was done on a 'face-to-face basis', in which there was 'no central point for collection and collation of information'.[159] Speaking rather candidly about the collection situation, County Commandant Anderson noted with honesty that 'in a "loose way" information does come in', but that formal arrangements to satisfy all phases of the intelligence cycle were effectively non-existent.[160]

There were also practical concerns regarding the allegiances of B-Specials members, which is reflective of the historical accommodation of the sectarian preferences and

---

[156] Faulkner. *Memoirs of a Statesman,* 69.
[157] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to RUC and USC, County Antrim, 2 September 1969; TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Intelligence – Londonderry, September 1969; TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to Fermanagh Crime Special and Crime Ordinary, 10 September 1969; TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to RUC Belfast City Headquarters, 12 September 1969.
[158] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Commandant Captain Spence and County Adjutant Mr Moor, 8 September 1969.
[159] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: County Commandant Anderson, 9 September 1969.
[160] *Ibid.*

predilections of the force. And this, invariably, would have impacted upon their intelligence machinery, at all phases in the cycle. On submitting evidence to the Hunt Committee, Her Majesty's Inspector of the Constabulary M. John McKay noted his concerns about disbandment, in which there was clearly a potential that those who left would be joining illegal organisations, 'if indeed some members do not already belong to them as has been alleged'.[161] This concern, moreover, does not seem unfounded. In speaking with members of the B-Specials, a note for the record describes meeting some officers in Enniskillen, who said that they would 'go underground' if the force were to be disbanded.[162] Further, those same officers noted that they had 'grave reservations' about any Catholics joining the force – in which one officer described them as 'our natural enemies' – as they had not 'proved their loyalty and trustworthiness'.[163] Without question, this framing of the threatscape through a sectarian lens was deeply ingrained within the B-Specials' psyche, and – although their previous intelligence practice falls out of the purview of this thesis – this framing undoubtedly impacted upon their intelligence machinery in a negative way, particularly in relation to setting intelligence priorities in the direction phase of the cycle.

Even in light of their disbandment, the sectarian outlook of the B-Specials proved problematic when it came to recruiting men[164] to join the ranks of the newly formed UDR. As the UDR was 'fully and solely' responsible to Westminster, it fell to both the MOD and the GOC to undertake recruitment.[165] However, recruitment was not as clear-cut as anyone would have hoped. There was a push to recruit more Catholics into the force, but this was a slow process; by February 1970, with the UDR's vesting date just two months away on 1 April, only 498 of the 2,462 applications received for the UDR were from Catholics.[166] Further, and perhaps most problematically, an overwhelming majority of the individuals applying had previously been employed with the B-Specials – by that same February, only 20% of applicants had no experience with them.[167] Despite significant pushback by Westminster to

---

[161] TNA: CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: M. John McKay, H.M. Inspector of Constabulary Attached to NIC, 1 August 1969.
[162] TNA: CJ 3/58 – Note for the Record: Minister (A)'s Visit to Northern Ireland on 10 November 1969.
[163] *Ibid.*
[164] Although the overwhelming predominance of the UDR force were men, there was a push to recruit some women into the fold. These women were known as "Greenfinches", but not much is known about them, aside from being responsible for searching female suspects. It would take until 1985 for the Greenfinches to enjoy the same role and capacities as their male counterparts, but they would never be allowed to carry arms. For more, see: Michael Dewar. *The British Army in Northern Ireland*. (London: Arms and Armour Press, 1996), 144.
[165] TNA: CJ 3/62 – Letter from the Rt. Hon. Denis Healy M.B.E. to the Rt. Hon. R.W. Porter, 1 December 1969.
[166] TNA: CJ 3/62 – UDR: Vesting Date (Draft), 11 February 1970.
[167] *Ibid.*

Stormont's suggestion that any shortfall in UDR applications be met with a temporary use of B-Specials to fill the gap,[168] Westminster did eventually acquiesce to this.[169]

Although Stormont was not formally involved in the recruitment process, it appeared that the same sectarian issues which had plagued the B-Specials would follow through to the UDR. Ultimately, this issue is reflective of an underlying symptom which seemed to be inherent in the composition of the local security forces in Northern Ireland – that they were, invariably, unable to ever be fully divorced from their sectarian beginnings. But, it is also important to recall the levels of increasing violence that were occurring during this period, and the complete inability for the security forces, as they existed, to combat the threat. As such, Westminster was always working on the back foot and, even in relation to UDR recruitment, essentially had to take what they could get. Unfortunately, this meant allowing former B-Specials to be recruited into the UDR, which would have a dramatic impact on intelligence direction and targeting within the province, the ramifications of which will be discussed in Chapter 4.

In sum, the local civilian intelligence actors, in the form of the RUC and the B-Specials, demonstrated significant gaps and capacities in their intelligence machinery at the start of the conflict, which impacted upon multiple phases of the intelligence cycle. Although the B-Specials would come to be disbanded early on in the conflict and replaced by the UDR, it is still important to stress their completely inefficient intelligence capacity, as it speaks directly to the broader issues at play within the general intelligence approach taken locally. Moreover, it is critical to keep in mind some of the critical issues here when considering the key debates within the moral conduct in intelligence practice discussion, as these issues – and the need derived from their deficiencies – deeply impacted upon the decision-making processes that came to dictate intelligence practice during this early period of the conflict.

---

[168] See: TNA: CJ 3/62 – UDR: Date of Takeover from USC, 19 February 1970; TNA: CJ 3/62 – Letter from the Rt. Hon. Denis Healy M.B.E. to the Rt. Hon. R.W. Porter, 1 December 1969; TNA: CJ 3/62 – Note of a Conversation Between Minister (A) and the Northern Ireland Minister of Home Affairs (Mr Porter) at 10 a.m. on 3 March 1970; TNA: CJ 3/62 – Note of a Conversation Between Minister (A) and the Northern Ireland Minister of Home Affairs (Mr Porter) at 7 p.m. on 3 March 1970.

[169] TNA: CJ 3/62 – Hansard, "Oral Questions – Ulster Defence Regiment and Special Constabulary, Secretary of State for Defence to Mr McNamara and Mr Stratton Hills", 4 March 1970.

It is always important to start any discussion regarding the deployment of troops to Northern Ireland with the acknowledgement that their presence was initially welcomed by the Catholic community.[170] Further, their deployment, as analysed by mainland news outlets, was seen as a positive turn of events in light of the increasing rioting and violence – so long as Westminster remained in a background role and allowed the Army to operate as an aid to the civilian power.[171] This was, admittedly, an auspicious start, but these warm feelings would not last. The Army's initial deployment was three battalions, numbering about 3,000 soldiers, but by the end of the period covered in this chapter the number of soldiers in the province had risen to 28,000 by 1972 – the peak of the Army's engagement in the province.[172] At the height of rioting during this early period, it was not uncommon for 10,000 soldiers to be deployed on the streets at one time;[173] and, considering that the predominance of rioting was happening in cities like Belfast and Derry, that concentration of soldiers is far from insignificant.

In its overall capacity, the Army was deployed as an aid to the civilian power[174] – the RUC and the B-Specials, before their disbandment. In this capacity, the Army was expected to use minimum force,[175] although Westminster acknowledged in their deployment that 'it is the responsibility of the commander of the force employed to decide what force is necessary to deal with the particular situation'.[176] This, effectively, allowed Westminster to devolve

---

[170] For example, Kenneth Francis Draycott – non-commissioned officer who served with the 1st Battalion South Wales Borderers and Royal Regiment of Wales – recalls what it was like first arriving in the province: "First of all, the Catholics thought we were absolutely fantastic. They'd say, 'Come and have a cup of tea!' and all the rest of it. They'd come and bring you cakes out and cups of tea into the street, and they were really, really great […] The Catholics really loved the British Army at that stage, they saw them as their saviours – it was only later on that they turned against us". Kenneth Francis Draycott. Reel 5. Oral History with the Imperial War Museum. London: Imperial War Museum, May 2011. Accessed 09/25/2019. https://www.iwm.org.uk/collections/item/object/80032310.

[171] Report summaries from The Guardian, The Times, Daily Telegraph, and The Sun all saw the deployment of troops as welcome and in a positive light. The only outlier was the Morning Star – the publication produced by the political committee of the Communist Party in London – which should come as no surprise to the reader. TNA: CJ 3/42 – "Newspaper Comment", n.d.

[172] MOD. *Operation BANNER*, 1-2.

[173] *Ibid.*

[174] As defined, military assistance to the civilian power in the Northern Ireland context was as such: "These include scenarios of riot and reference is made in such situations to the principle of duties of the Armed Forces being in relation to the protection of persons and property. Reference is also specifically made to incidents by the IRA which may necessitate troops being called upon to assist in the maintenance of law and order, the suppression of armed attack and the apprehension of armed men either in conjunction with the civil police or separately". TNA: CJ 3/52 – Military Assistance to the Civil Power Northern Ireland: Protection of Civilian VPs, April 1969. For a further discussion on how both Stormont and Westminster understood this deployment, see: TNA: CJ 4/46 – Note of a Meeting at the Home Office on Friday, 8 August 1969.

[175] TNA: CJ 3/52 – Northern Ireland: Notes for the Home Secretary, April 1969.

[176] TNA: CJ 3/52 – Northern Ireland Background Notes: Powers of the Military, April 1969.

significant responsibility, which would impact directly upon the use of force in more controversial Army outings, such as Bloody Sunday. It quickly became clear, as things deteriorated significantly in 1969, that the Army would need to take on a more robust role in the province as the RUC became 'sorely overstretched'[177] and 'woefully thin on the ground',[178] and the civilian powers could no longer adequately engage in their security responsibilities. Further, as discussed above, the RUC lost direct access to significant portions of the population which, in addition to an already poor intelligence machinery, negatively impacted upon their ability to embody the main intelligence role in the province. As such, the Army's deployment to Northern Ireland was forced to move out of a position where its only *modus operandi* was to aid the civilian power; rather, it came to play an important role in the intelligence machinery too. However, like other arms of the intelligence machinery during this early period, it had its own significant shortfalls and biases which impacted upon both its strategic engagement and its mindset in terms of what constituted, and impacted upon, moral intelligence conduct.

The first critical issue that the Army encountered as it adopted a role in the intelligence space was its complete lack of local knowledge, which was particularly problematic in a milieu like Northern Ireland where the nuance of name, street, or association could prove vital to successful informational analysis. Even for troops on the ground, this deficiency was clear.[179] Speaking in anonymity, a former Army intelligence officer recalled arriving to the province in August 1969:

> No plans had been made and certainly no maps had been produced. No one else there had ever thought that Belfast would give trouble and the policemen had not been in a position to say, 'Send me an Army officer and I will show him around'. So the Army knew nothing of the rigid sectarian geography of the city within its myriad little side streets wandering haphazardly through sensitive Catholic and Protestant areas. The idea had always been that if the Army were out on the round, the civil power would always be there to guide it.[180]

In practice, this lack of aid from the civilian power frequently meant that the Army was operating with very little guidance in the intelligence space. Rod Boswell, an officer with 40 Commando, Royal Marines who did a tour at Gough Barracks in Armagh during this early

---

[177] TNA: CJ 4/46 – Note of a Meeting at the Home Office on Friday, 8 August 1969.
[178] TNA: CJ 3/55 – Letter from the Home office to Sir Philip Allen, 31 July 1969.
[179] Rod Boswell. Reel 1. Oral History with the Imperial War Museum. London: Imperial War Museum, 3 November 1992. Accessed 13/01/2020. https://www.iwm.org.uk/collections/item/object/80018119.
[180] Anonymous Army intelligence officer, as quoted in: Hamill, 15.

period of the conflict, noted how this lack of aid negatively impacted upon their intelligence efforts. He recalled that their main source of intelligence gathering involved going on long patrols in Armagh, hoping they would see, hear, or observe something of interest, because they had no targeting to follow from Special Branch. Further, this resulted in very little exploitable information, because even instances where they could collect something of value, their analytical capabilities lacked local insight which, without collaboration from the RUC, meant that 'they were working blind and relying on luck' in the exploitation of that information.[181] Similarly, reflecting on this period, former head of the Northern Irish Civil Service Kenneth Bloomfield said that, in reality, 'it was expecting too much for senior military officers relatively new to Northern Ireland to be sensitive to every local nuance', and the missing collaboration from the local security forces was ultimately very detrimental to the Army's initial intelligence efforts.[182] As such, the Army's lack of local knowledge – compounded by an inability for the civilian security forces to provide help in establishing a comprehensive direction, collection, and analytical context – made for a problematic relationship in which the Army's forced role in the intelligence space was not as effective as it ought to have been at the moment of PIRA's violent ascent.

To recall, as a result of the Downing Street Declaration, the GOC was made responsible for all security operations in the province; but, while remaining responsible to the MOD, he was still expected to 'work with the closest co-operation' with the RUC Inspector General,[183] while also operating a coordination role in the deployment of the RUC.[184] But, in practice, this relationship at the beginning of the conflict was far from smooth. And, as the RUC – and particularly Special Branch – became further stretched on the ground, there left very little space for Special Branch to aid the Army in understanding the nuances of the province, which impacted it negatively once it became more deeply engaged in the intelligence space. This issue, too, was invariably affected by the reality that Army deployments to the province were only four-month tours.[185] Boswell, for example, recalls that

---

[181] Boswell. Reel 1, "Oral History".
[182] Bloomfield, 21.
[183] TNA: CJ 4/46 – Downing Street Declaration (Confidential Version), 19 August 1969.
[184] TNA: CJ 3/85 – Note Prepared for the Cabinet Office on the Chain of Command in Northern Ireland, 24 June 1970.
[185] See: Anonymous (11141). Reel 3. Oral History with the Imperial War Museum. London: Imperial War Museum, 8 February 1990. Accessed at the Imperial War Museum Archives; Boswell. Reel 2, "Oral History"; Brian Mather. Reel 1. Oral History with the Imperial War Museum. London: Imperial War Museum, 17 April 2000. Accessed 25/11/2019. https://www.iwm.org.uk/collections/item/object/80018811; Peter Gage Williams. Reel 4. Oral History with the Imperial War Museum. London: Imperial War Museum, 29 January 2015. Accessed at the Imperial War Museum Archives.

this impacted upon the level of trust that Special Branch had toward intelligence operators within the Army, as it meant they had to 'work with a lot of different people every four months, of different standards, of different civility, and different motivations'.[186] Further, Boswell stressed that the natural inclination of Special Branch in this period was to 'treat everybody with the same standoffish-ness until they earn their spurs', which was not necessarily an easy thing to do in such a short timeframe.[187] As such, information-sharing and collaboration in the intelligence space was directly impacted. Also, while the deployment of a MILO – whose role it was to liaise between Westminster, the Army, and the RUC – prior to the deployment of troops in August 1969 had had a positive impact, the intensity of the rioting and violence on the ground meant that the full advantages of this set-up were not felt until the intelligence machinery began to see better coordination and improvement by 1971.[188]

This is not to say that the Army was *entirely* bereft of help from the local civilian powers. However, when that help did come, the biases of these local forces also permeated that relationship. And, as the Army had not had the opportunity to develop the full local picture themselves, they had very little choice but to take any hand of help that was offered to them. Lt. Gen. Sir Alistair Irwin, then a young company commander with the Black Watch Regiment, describes this exact phenomenon at play in relation to the B-Specials:

> I remember that an officer from the local company would often come into our barracks at night with a little black book and say, 'you should be looking at this fellow here'. And as this was the only intelligence we were getting we lapped it up. 'This fellow here' was likely to be an old personal enemy of his, certainly a Catholic as a *bona fide* suspect. With hindsight we can see that, in those very early days, with little if any good intelligence on which to base our work, a lot of what we did was more than just a nuisance to people; it was positively contributing to hostility. Inevitably, until the intelligence picture could be built up over time, there was an element of blundering about in the dark. Without well-defined intelligence, military and indeed policing operations are bound to be somewhat unfocused and poorly aimed.[189]

Irwin, here, also touches upon an important after-effect of the Army's inability to set intelligence priorities effectively, stemming from a lack of local knowledge and taking help

---

[186] Boswell. Reel 2, "Oral History".
[187] *Ibid.*
[188] See: TNA: CJ 3/55 – Report of the Chief of the General Staff on Northern Ireland, 19 May 1969; TNA: DEFE 31/28 – Visit by CGS to Northern Ireland, 17 April 1970
[189] Lt. Gen. Sir Alistair Irwin, as quoted in: Andrew Sanders. "Northern Ireland: The Intelligence War, 1969-1975". *The British Journal of Politics and International Relations* 3 (2011): 5.

from the local forces where and when it came. A lack of local knowledge, manifested as an inability to target in an effective way, meant that the Army was forced to engage in wholesale collection. This, in effect, resulted in a broad approach which saw entire swaths of the Catholic community targeted. Analysing its own conduct in Northern Ireland, the long-term ramification of this kind of approach in the intelligence space was not lost on the Army. The Army's analysis highlighted that their 'main offensive option' was to try to collect information 'on the basis of low-grade tip-offs', and acknowledged that this approach 'probably contributed significantly to the alienation of the Catholic population in the early years of the campaign'.[190] This exact issue points to a conundrum that David Omand has highlighted in his own work in the moral conduct conversation: it seeks to understand how to balance the need for 'vigorous and effective intelligence-led action' against terrorists with the prevention of the stigmatisation and/or discrimination against the minority communities from which terrorists seek their support.[191]

Finally, as mentioned previously, due to the lack of an offensive strategic approach developed by Westminster in the early phase of the conflict, the Army was forced to work in a strategic vacuum. This, in practice, meant that it needed to rely on its most recent experiences which were predominantly counterinsurgency campaigns in the colonial context.[192] However, as 'George' – an infantryman who served in the province during this period – recalls, 'in those early days, we failed to appreciate the difference between Borneo and Belfast'.[193] This was, at the highest level, a viewpoint which posited engagement though an 'us versus them' lens, in which heavier-handed approaches to security policy were, in theory, less problematic. And, it was an approach which was undoubtedly influenced by the first GOC to take charge in the province, Sir Ian Freeland. Freeland – nicknamed 'Smiling Death'[194] – had cut his teeth in previous colonial campaigns, so it was unsurprising that, when faced with what felt like a rising insurgency by the Army, he would respond in kind as he had done in his other colonial experiences. RUC Chief Constable Young described him 'as a difficult man to know' who was 'unable to appreciate the fundamental difference of the Army's role in Ulster from that elsewhere overseas'.[195] Although Westminster had quite a

---

[190] MOD. *Operation BANNER*, 5-1.

[191] David Omand. "The Dilemmas of Using Secret Intelligence for Public Security", in *The New Protective State*, Peter Hennessy, ed. (London: Continuum, 2007), 148.

[192] See: Martyn Frampton. "Agents and Ambushes: Britain's 'Dirty War' in Northern Ireland", in *Democracies at War Against Terrorism*, Samy Cohen ed. (New York: Palgrave Macmillan, 2008), 80; Thornton, 77.

[193] "George", as quoted in: Peter Taylor. *Brits: The War Against the IRA*. (London: Bloomsbury, 2001), 140.

[194] TNA: CJ 3/85 – Note to Secretary of State on "Law and Order: Relationships", n.d.

[195] TNA: CJ 4/153 – Narrative Extracts from Personal Diary of Sir Arthur Young, 26 September 1969.

positive view of Freeland – they saw him as 'urbane and strongly resolute' with 'the sense common to all soldiers that the man on the spot should be allowed to get on with it'[196] – his strong colonial background, as particularly exemplified by the actions taken during the Falls Road Curfew,[197] was not the right fit for what was a domestic conflict. Recalling the sentiments of 'George' above, the circumstances governing the needs of Northern Ireland were not the same as those elsewhere on the fringes of empire, and this was a reality that was not appreciated at the outset of the conflict by even the highest-ranking military leadership.[198]

Moreover, it is important to note that the colonial approach used by the Army – that is, 'the willingness to use devices such as curfews, or internment without trial'[199] – was not just seen from the standpoint of ethos, but from the standpoint of practical application too, directly deploying methods used in recent colonial campaigns. As Lt. Gen. Irwin recalls:

> Aden was the last act of what was at one time called in the British context imperial policing and, whether we now like it or not and whether we now think it was right or not, we have a robust style of operating which worked but which was on the whole not frightfully friendly or subtle. I don't know that it's for us to criticise, it's just the way things were; it was part of the ethos at the time. We tended to regard the colonial populations around the world as being our subjects and if they mis-behaved they were to be clobbered and told to come into line. If still they didn't behave then they were put in jail and sometimes hanged. The rod was applied pretty severely.[200]

In describing his first tour to Northern Ireland with the 2nd Battalion Light Infantry at the beginning of the conflict, non-commissioned officer Christopher Lawton, too, recalled the

---

[196] TNA: CJ 3/85 – Note to Secretary of State on "Law and Order: Relationships", n.d.

[197] Rod Thornton argues that the timeline presented by the Falls Road Curfew is indicative of the colonial experiences of Freeland. The initial house search on the Falls Road of 3 July 1970 was based on vague intelligence that there were weapons caches hidden somewhere on the Falls Road, but with little else to go on. Freeland's decision to re-enter the Falls that night with additional troops in the form of the Royal Scots, after there had already been violent clash instigated by PIRA in which the Army shot five civilians, followed by the imposition of a curfew, was very reminiscent of the hard line traditionally taken by British forces in colonial counterinsurgency campaigns and was not reflective of the operational milieu that was Belfast. Thornton, 86-88.

[198] It should also be noted here that there are numerous oral histories held within the Imperial War Museum's audio archive, in which soldiers who served in the first part of the conflict covered by this chapter describe the surprise of arriving in Northern Ireland with the colonial mentality, but being faced with the reality of dealing with their fellow citizens. Many found this dichotomy difficult to bear. For example, staff officer Nicolas Vaux, who served with 45 Commando, Royal Marines in the province, recalled his lingering feelings after leaving his tour, which are reflective of the difficulty in bridging this mental dichotomy: "People like me couldn't believe that you were sort of involved with citizens who were meant to be part of civilised society – it left me with….if I hear a Northern Ireland accent in a pub, I automatically move away […] and I blame both sides equally". Nicolas Francis Vaux. Reel 4. Oral History with the Imperial War Museum. London: Imperial War Museum, n.d. Accessed at the Imperial War Museum Archives.

[199] Frampton, 81.

[200] Lt. Gen. Sir Alistair Irwin, as quoted in: Sanders, 4.

extent to which initial engagement was seeped in the colonial experience. He noted that while he had been deployed in an intelligence role to support the RUC and the B-Specials, he had little-to-no intelligence training outside of learning the basics of internal security – such as box formation training – once he arrived in the province: 'the last time, in terms of box formation being used, it had been years earlier in Aden. In fact, when we unfurled the banner to warn people, "disperse or we'll use gas", it was still written in Arabic'.[201] Further, Irwin's and Lawton's assessments are also in line with the Army's own analysis of its engagement. Based on a review commissioned by the Army in the 1970s, it concluded that the strategic framework for operations used at the time was very Aden-orientated.[202] As such, the colonial approach taken at the outset of the Troubles was incongruous with the milieu in which the British Army were operating, but understanding this mentality is an important factor in analysing actions taken in the intelligence context through the morality lens.

In sum, the Army's initial deployment in an aid-to-the-civilian-power capacity was not as straightforward as either Westminster or Stormont had hoped. As the B-Specials were disbanded and the RUC were no longer capable of engaging in their regular policing duties, the responsibilities of the Army augmented significantly, as did their proliferation into the intelligence space at a time when Special Branch essentially had no effective capacity to be the lead in that role. However, the Army suffered from a lack of local knowledge, which made direction, collection, and analysis all broad in scope and difficult in application; and, as the civilian security forces were in no position to help, the Army were, in practice, working in an intelligence vacuum. Where there was some guidance from these local security forces, that help was frequently injected with the same sectarian biases of those forces, which did little to help produce a broad picture for the Army in terms of where their engagement should be directed. Furthermore, the lack of strategic vision from above via Westminster also saw the Army working in a strategic vacuum too, which meant that they had no choice but to rely on previous colonial experiences to guide both their security and intelligence practice on the ground. Taken together, it is important to consider all these key issues when examining how and why the Army chose to engage in specific intelligence action in this period, and how this impacted upon what they deemed to be morally justified conduct.

---

[201] Christopher Lawton. Reel 8. Oral History with the Imperial War Museum. London: Imperial War Museum, n.d. Accessed 25/11/2019. https://www.iwm.org.uk/collections/item/object/80026382.
[202] Sanders, 4.

Other Intelligence Actors

a) The Security Service (MI5)

Since the immediate post-war period, MI5 had been in a state of change in order to meet evolving security needs. Northern Ireland, in particular, made that evolution more complex, as it 'further blurred the distinction between domestic, colonial and foreign issues'.[203] Although the potential for republican paramilitary violence had been on MI5's radar from as early as 1966,[204] from their interpretation of both their mandate and that of the security forces in Northern Ireland, it was not a problem that was theirs to counter.[205] In the eyes of then-Director General Martin Furnival Jones, the threat posed was more of a law and order problem rather than a security one.[206] By the start of the conflict, MI5 effectively had no intelligence links in Northern Ireland; their longstanding capacity had previously been handed to the RUC[207] and that, ultimately, any intelligence needs within the province fell squarely within the realm of responsibility of RUC Special Branch.[208]

Further, MI5 were predominantly ensconced in the throes of the Cold War. Reflecting on this period, former Director General Stella Rimington – and first female head of MI5 – noted just the kind of shift in thinking a focus on terrorism would require for the Service:

> The KGB were gentlemen compared to the terrorists […] they were of course well trained and often excellent at avoiding surveillance […] But of one thing you could be sure, if they detected surveillance, they would not turn around and shoot. So terrorism brought a different level of risk – physical danger to the staff but also, of course, the risk of the death of large numbers of members of the public or massive damage to property if the intelligence were inadequate or the assessment wrong.[209]

Engaging in Northern Ireland would require a shift in thinking for the Service, and this began to be put to the test as violence broke out in 1968. MI5 were tasked by Westminster with assessing the situation that summer,[210] but were only asked to look at the threat posed by

---

[203] Richard J. Aldrich, ed. *Espionage, Security and Intelligence in Britain 1945-1970.* (Manchester: Manchester University Press, 1998), 122.
[204] *Ibid.*, 129.
[205] *Ibid.*, 122.
[206] *Ibid.*, 129.
[207] O'Halpin. "The Value and Limits", 195.
[208] Eunan O'Halpin. "'A poor thing but our own': The Joint Intelligence Committee and Ireland, 1965-72". *Intelligence and National Security* 25 (2008): 667.
[209] Stella Rimington. *Open Secret*. (London: Arrow Books, 2002), 215.
[210] Although MI5 assessments from this period are nearly impossible to come by in the archive, there is one report written by Furnival-Jones, which is an assessment regarding the potential for sabotage at a substation near

republican paramilitarism;[211] this is despite the fact that the UVF had already engaged in a series of sectarian murders in 1966.[212] Regardless of this limitation in direction, MI5 identified in their assessment, entitled 'The Threat of Violence in Northern Ireland', that the IRA[213] would likely 'see in the Civil Rights Movement the broader base necessary for the achievement of its political aims', and noted that a violent loyalist paramilitary response would likely coincide with an escalation of IRA violence.[214] The last point here, on the potential for loyalist paramilitary violence, is very important comparatively to other assessments being developed during this period. As mentioned previously, the sectarian nature of the RUC made it difficult for a broad assessment of paramilitary threats to be made; and, as the Army had been engaged in the use of 'vigilante' groups to aid in their law and order efforts, the identification of the loyalist paramilitary threat demonstrated MI5 to be outliers in the intelligence machinery in terms of identifying threats on both sides of the sectarian divide in this early part of the conflict.[215]

However, it seemed that the initial shift would require some direction, and like most intelligence operators acting in the province at the beginning of the conflict, this shift was slow. MI5 officers had arrived in the province by early 1969, but these were few in number and fresh in experience. This initial deployment was, in fact, tasked predominantly with analysing the threat from left-wing subversion, leaving the RUC to deal with paramilitary-related violence,[216] and it took some time for that mandate to change. Rimington, in fact, cut her Service teeth in these early days of the conflict. She joined a new section of MI5 set up to deal with Northern Irish issues in October 1969, a few months after joining the Service. This was a section she described as a 'small affair', consisting of her and only one other: 'it

---

Castlereagh. Interestingly, it demonstrates that MI5 were tasked by the RUC to investigate the potential of sabotage, which is suggestive of the fact that MI5 were providing not just strategic long-term assessments for Westminster. However, due to the rare nature of this document, and the fact that it was produced specifically by the Director General, suggests that this was likely a one-off document rather than indicative of a trend. See: TNA: CJ 31/118 – "Sabotage of E.B.N.I. Sub Station at Castlereagh", Report from MI5 Director Martin Furnival-Jones to the Inspector General of the RUC, 8 April 1969.

[211] Christopher Andrew. *The Defence of the Realm.* (Toronto: Viking Canada, 2009), 603.

[212] Coogan, 335.

[213] This would have been in reference to the Irish Republican Army prior to its split between PIRA and OIRA.

[214] MI5 assessment, as cited in: Andrew. *Defence of the Realm*, 603.

[215] This, likely, is rooted in the 1952 *Maxwell-Fyfe Directive*, which was a directive issued describing, in broad terms, the responsibilities of the Service. Part of the Directive, as quoted, states that: "It is essential that the Security Service should be kept absolutely free from any political bias or influence and nothing should be done that might lend colour to the suggestion that it is concerned with the interests of a particular section of the community, or with any other matter than the defence of the realm as a whole". As quoted in: Mark Urban. *UK Eyes Alpha*. (London: Faber and Faber Limited, 1996), 49.

[216] In this letter, Anthony Simkins describes "subversion" as "Communist and Troskyist agitators", which suggests that MI5 were initially looking at the conflict from a Cold War lens. TNA: CJ 3/118 – Letter from MI5 Deputy Director General Anthony Simkins to J.H. Waddell, 15 October 1969.

consisted at that time of one experienced lady assistant officer and myself'.[217] Her job was to assist a small group of MI5 officers who had been deployed to the province to aid the RUC, but recalls that 'at that time MI5 had practically no sources of information and very little intelligence was available'; the information coming was not actionable and was largely reflective of reports providing background information of the situation on the ground.[218] Rimington's experience seems to echo that of other female officers sent to the province during this phase.[219] However, Rimington notes that after she was moved out of that section a few months later, MI5 really began to get to grips with the seriousness of the situation and began bringing in more experienced officers.[220]

Despite these initial missteps, MI5 occupied an important space in terms of providing personnel to the roles of SLO and the Director of Intelligence (D-INT), as well as the teams which supported these roles. Prior to the deployment of troops, Westminster had sent over both an SLO[221] from MI5 and a MILO to the province in spring 1969; in the aforementioned CGS' assessment of the security situation in the province from May that year, one of his more positive assessments related to how their introduction had already begun to positively impact the security situation. If their recommendations were to be fully headed, he argued, the situation would improve significantly, but noted that 'this is bound to take time'.[222] Speaking in his own experiences as the second SLO sent to the province – 'David' – notes that within three months of arrival he was also appointed D-INT in the province, maintaining

---

[217] Rimington, 104-5.

[218] *Ibid.*

[219] Based on an assessment of other female officers he spoke to, Hollingsworth describes the scenario as such: "Young female officers with barely a year's experience were dispatched to Belfast. They spent most of their time in Stormont Castle, shuffling papers". Mark Hollingsworth and Nick Fielding. *Defending the Realm: MI5 and the Shayler Affair*. (London: Andrew Deutsch Limited, 1999), 123.

[220] Rimington, 106.

[221] It appears, based on information found in the archive, that "David", mentioned below, was the second SLO to arrive in the province. The first SLO, who would have arrived in spring 1969, seems to have had a difficult time, from a personality perspective, dealing with the then-head of Special Branch, David Johnson. Young recalls in narratives extracts from his personal diary of the 'unsatisfactory relationship' between Johnson and the unnamed SLO. Further, it seems this personality clash persisted into spring 1970, in which the Inspector General of the RUC was looking forward to the arrival of the new SLO ("David") as he thought that would help alleviate some of the tensions between the two agencies, and this tension was clearly felt in Westminster as well. In a note to Sir Philip Allen, Permanent Under Secretary at the Home Office, it was noted that "owing to the incompatibility of temperament between [the SLO] and others, the sooner [the SLO] was withdrawn the better". Based on "David"'s testimony at the Bloody Sunday Inquiry, it appears that he would have arrived in the province around spring 1970. See: TNA: CJ 4/153 – Narrative Extracts from Personal Diary of Sir Arthur Young, 26 September 1969 to 14 October 1970; TNA: DEFE 31/28 – Visit by CGS to Northern Ireland, 17 April 1970; TNA: CJ 3/85 – Note from Mr Waddell to Sir Philip Allen, 24 April 1970; Lord Saville. *Report of the Bloody Sunday Inquiry*. "Intelligence Witnesses – David, KD2 (Written Testimony)". Accessed 10/06/2020. https://webarchive.nationalarchives.gov.uk/20101017060841/http://report.bloody-sunday-inquiry.org/evidence/K/KD_0002.pdf

[222] TNA: CJ 3/55 – Report of the Chief of the General Staff on Northern Ireland, 19 May 1969

both roles at the same time; he also reported directly to the GOC, and his office was staffed by about four-to-five MI5 officers at any one time.[223] Providing testimony to the *Bloody Sunday Inquiry*, 'David' described his D-INT role as such:

> My task was to co-ordinate the intelligence gathering efforts of the various elements of the security forces operating in Northern Ireland at the time. My role was to oversee a department consisting of Security Service and military officers. I had to liaise with the police, and in particular the Special Branch of the RUC. The people in my department both received intelligence from the RUC and obtained intelligence themselves. The intelligence was collated and assessed for inclusion in reports that were then disseminated within Whitehall and the intelligence community.[224]

Moreover, his priority when he first arrived was to improve the intelligence capacity of Special Branch and to further coordinate the exchange of intelligence and information between the various agencies operating in the province.[225] This speaks directly to the lack of integration and centralisation happening in the intelligence machinery at the time – an issue which did not become fully rectified until the late 1970s. 'David' said that he worked to 'encourage both the RUC and the Army to exchange intelligence' and to report to his office 'any significant intelligence of whatever nature they had', and in doing so, held daily meetings with the MILO and the head of RUC Special Branch.[226] D-INT's position also required him to approve intelligence summaries, but he was not involved in daily intelligence gathering nor the running of informants,[227] although, it is clear from the description above that members of his office were involved in intelligence collection. Comparatively to those operating on the ground, the role of D-INT was to be concerned with strategic intelligence, which, in 'David's words, 'would assist long term, strategic understanding of the general threat from and capabilities of [PIRA]'.[228] This was a very important role: in a conflict in which the security forces were acting on the backstep rather than proactively, the establishment of not only a Director of Intelligence, but one whose office was responsible for looking at long-term strategic rather than just actionable intelligence was a critical first step in establishing a more robust and far-reaching intelligence machinery in the province.

---

[223] Lord Saville. *Report of the Bloody Sunday Inquiry*. "Intelligence Witnesses – David (Oral Testimony, Day 330)". Accessed 10/06/2020. https://webarchive.nationalarchives.gov.uk/20101017062831/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts330.htm, 1.
[224] Saville. *Report of the Bloody Sunday Inquiry*. "Intelligence Witnesses – David, KD2 (Written Testimony)", 1
[225] *Ibid.,* 1-3.
[226] *Ibid.,* 3.
[227] *Ibid.,* 8.
[228] *Ibid.,* 3-4.

However, there was some trepidation on MI5's part – and that of the D-INT – in regard to the most effective way to broach institutional change amongst the local forces. MI5 Director General Martin Furnival-Jones, even as early as mid-1969, noted that 'there was always the danger of friction when a security liaison officer tried to drive the local authorities too fast' and, he admitted, that there was, thus far, 'a modest amount of friction', particularly in relation to the RUC.[229] In an attempt to mitigate this modest friction, MI5 had instigated the move of the SLO and MILO from RUC headquarters to a nearby military premises, and this had an almost immediate effect; it helped to balm the aforementioned friction, and improved the flow of intelligence between the SLO, MILO, and the RUC.[230] Moving forward, MI5 adopted an ethos of providing help in improving the intelligence machinery where help would be welcome, noting that 'imposed help might be more damaging than no help at all'.[231] As such, MI5's initial engagement in the province required a 'softly softly' strategy when approaching local forces to respect historic 'turf' claims in the province, and this would most certainly have impacted upon the timeline of intelligence machinery improvement at this critical phase in the conflict.

In sum, this early phase of the conflict saw the role of MI5 as one defined as not particularly operational in a traditional sense, but rather acting as an intermediary between the Army and the RUC. D-INT's role was focused on improving and establishing communication between all intelligence actors in the province, particularly at a time when such communication, information sharing, and collaboration were virtually non-existent, and the efforts put forth during this period would prove to be integral in working towards establishing a more robust, centralised intelligence machinery once Westminster took over full security responsibility in the province after the implementation of Direct Rule. Further, MI5's position by the end of the period covered by this chapter saw the solidification of their interest in strategic rather than operational intelligence, which too would come to dictate their future engagement in terms of collection capacity as the conflict wore on.

b) The Joint Intelligence Committee (JIC)

Just prior to the outset of the Troubles, the JIC had been undergoing a series of reforms alongside the broader intelligence machinery present in Westminster. The JIC was set up in 1936 as a sub-committee but then was upgraded to a full committee just after the

---

[229] TNA: CJ 3/55 – Letter from the Home Office to Sir Philip Allen, 31 July 1969.
[230] *Ibid.*
[231] *Ibid.*

end of World War II.[232] By 1957, it had been brought within the Cabinet Office, which was reflective of the growing importance of intelligence within British statecraft as the Cold War began to unfold: 'this ensured that the JIC […] contributed to a growing culture of national security policy at the centre of government'.[233] At its core, the JIC worked as 'a broker between the realms of the spy and the policymaker', but was simultaneously the 'government's watchdog', insofar as it played a role as an early-warning system for potential future threats.[234] While the JIC is involved at both the start and end of the intelligence cycle because it both sets requirements and priorities, as well as disseminates products to its consumers,[235] it operates its own kind of intelligence cycle because of the unique position it holds within the UK intelligence community.[236] The JIC is unique in this way: as an all-source body, its collection capacity is reflected in receiving intelligence products from the rest of the intelligence community; in its production and analysis, its Assessments Staff collates and assesses this intelligence, and each report it produces is discussed and challenged within a Current Intelligence Group (CIG), where it is frequently sent back for further comment in order to create a consensus, and; the dissemination of its products is to multiple customers within the Westminster structure.[237] In this way, the JIC is both a receiver and producer of intelligence product, which posits it at 'the apex of the British assessment machinery'.[238]

The Assessments Staff, however, had been a relatively new addition to the JIC's arsenal by the time violence had begun to engulf Northern Ireland. The JIC had been undergoing reform in the late 1960s under Wilson, driven by Sir Burke Trend – both the Secretary to the Cabinet and the chair of the Permanent Under-Secretaries Intelligence Committee – who on appointment in 1967 had taken a keen interest in the intelligence community.[239] He first brought up the idea for reforming Westminster's intelligence machinery in March 1967, stemming from a fear that the organisation and composition of the staff who supported the work of the JIC had undergone changes since the end of the war that

---

[232] Richard J. Aldrich, Rory Cormac and Michael S. Goodman. *Spying on the World: The Declassified Documents of the Joint Intelligence Committee, 1936-2013*. (Edinburgh: Edinburgh University Press, 2014), 1.
[233] *Ibid.*
[234] *Ibid*.
[235] *Ibid.*, 2.
[236] See: Brian T.W. Stewart and Samantha Newbery. *Why Spy? The Art of Intelligence*. (London: Hurst and Company, 2015), 55; Aldrich et al., *Spying on the World,* 2-3.
[237] Aldrich et al., *Spying on the World,* 2-3.
[238] Stewart and Newbery, 55.
[239] J.W. Young. "The Wilson Government's Reform of Intelligence Co-ordination, 1967-68". *Intelligence and National Security* 16 (2001):133.

had created 'inadequacies' in their support role.[240] The creation of the Assessments Staff – a dedicated support staff for the JIC, seconded from other Whitehall departments – was seen as a way to alleviate these issues, particularly when previously all assessment work for the JIC had been done in other agencies or departments.[241] This, in practice, had left the JIC with very little manpower or capacity for research, so the creation of the Assessments Staff was seen as a key contributor in improving this capacity, particularly in the JIC's role of acting as an early-warning system for the government.[242] Reflecting on these changes, former JIC Secretary Brian Stewart – who was Secretary in the period covered by this chapter – argued that while the addition of the Assessments Staff was, indeed, a much-needed improvement, it was not an improvement that went far enough; because they were seconded from other Whitehall departments, and 'earned their spurs' elsewhere, they were not professional assessors in the tradition intelligence sense.[243] Regardless, even with these concerns in mind, the addition of the Assessments Staff to the JIC's operational capacity did allow it to improve the effectiveness of its intelligence cycle, and is reflective of the JIC's machinery at the beginning of the conflict.

However, despite these improvements, the JIC was slow to come to terms with the threat posed by the increasing violence in the province. In April 1966, Northern Ireland had briefly appeared on the JIC's radar, but this was purely in the context of the 50th anniversary of the Easter Rising, the armed insurrection by republicans in Ireland against British rule.[244] These assessments were not particularly comprehensive, and were reflective of 'a lazy equation of a paramilitary threat […] solely with republican activity'.[245] In reality, the rising levels of violence in the province did not start appearing in JIC business until autumn 1969,[246] around the time that the JIC had set up a CIG on Northern Ireland in October that year.[247] Further, it appears as though the sole intelligence source for the JIC was reporting produced by the D-INT, of which his production of regular assessments was seen as 'essential' for the

---

[240] *Ibid.*

[241] Stewart and Newbery, 86.

[242] *Ibid.*

[243] *Ibid.,* 87.

[244] Aldrich et al., *Spying on the World*, 226.

[245] O'Halpin. "A poor thing", 665.

[246] See: TNA: CAB 185/9: JIC(A)(69) – "Meeting with Sir Andrew Gilchrist": Confidential Annex to Minutes of 38th Meeting Held on Thursday 18 September 1969; TNA: CAB 185/9: JIC(A)(69) – Minutes of 40th Meeting Held on Thursday 2 October 1969; TNA: CAB 185/9: JIC(A)(69) – Minutes of 42nd Meeting Held on 15 October 1969.

[247] Although the archive does not provide the record which sets CIG up, its existence (and creation) is mentioned in a document from 1970. Further, it seems that the creation of this initial Northern Ireland CIG was haphazard, and not in line with the tradition function of other CIGs; TNA: CAB 185/4 – JIC(A)(70) – Confidential Annex to Minutes of 26th Meeting Held on Thursday 9 July 1970.

JIC to understand the circumstances on the ground.[248] However, the D-INT noted to the JIC in October that year that the production of regular assessments 'faced certain difficulties', most notably a shortage of information[249] and restrictions of having a PERIMETER-indoctrinated[250] local intelligence committee in the form of Stormont's Joint Security Committee.[251] Further, discussions at the JIC during that month also indicated that there was, generally speaking, insufficient dissemination mechanisms for intelligence product between London and Belfast, which was compounded by a lack of secure communications lines to facilitate this.[252] Despite these shortcomings, the JIC tried to clarify customer requirements in Whitehall that same month, but the lack of intelligence coming in impacted upon the frequency of product requested by customers.[253]

Worth discussing within this early context are the reflections of JIC Secretary Brian Stewart. In remembering this early period of the conflict, Stewart recalled there being a slow uptake by the JIC on the severity of the increasing levels of violence. Part of Stewart's job, in his own words, was to 'oil the wheels' of the intelligence machinery toward what he identified as potential emerging threats.[254] Part of this effort in 1969 was an attempt by Stewart to include the head of RUC Special Branch in JIC meetings, including that of the Northern Ireland CIG.[255] This, considering the lack of both intelligence coming into the JIC and the overall lack of knowledge that Westminster had in general regarding ground-level realities in Northern Ireland, could have been of immense value to the JIC's familiarisation with the emerging conflict. However, Stewart notes that he received significant backlash for

---

[248] TNA: CAB 185/9: JIC(A)(69) – Minutes of 40th Meeting Held on Thursday 2 October 1969.

[249] To recall, D-INT himself had no direct collection capacity, although members of his MI5 staff did occupy a collection role.

[250] PERIMETER was a classification caveat that limited access to intelligence to those who were part of the intelligence structure on the British mainland – quite literally, the perimeter of the mainland. The JIC's official definition of this caveat was: PERIMETER is "used in its broadest sense to denote both material which is directed to United Kingdom based officials in Northern Ireland and also United Kingdom-based officials working in Northern Ireland". For example, the Northern Irish Cabinet, members of whom would have encompassed the JSC, would not have been PERIMETER-indoctrinated. Almost all of the JIC material in the archive from this period leading up to Direct Rule has the PERIMETER caveat which, given that JIC business included discussing the security policies, approaches, and personalities of the Northern Irish Cabinet, suggests that the level of sensitivity on PERIMETER-marked material was much higher than those without it. TNA: CAB 190/8: INT8(70)1 – "Second Draft Report: Northern Ireland Intelligence Organisation", Northern Ireland Intelligence Working Party, 12 October 1970.

[251] TNA: CAB 185/9: JIC(A)(69) – Minutes of 42nd Meeting Held on 15 October 1969.

[252] Rather shockingly, it was revealed in this JIC meeting that at this juncture, there were no secure speech lines between London and Belfast. TNA: CAB 185/9: JIC(A)(69) – Minutes of 42nd Meeting Held on 15 October 1969.

[253] See: TNA: CAB 185/9: JIC(A)(69) – Minutes of 42nd Meeting Held on 15 October 1969; TNA: CAB 185/9: JIC(A)(69) – Minutes of 44th Meeting Held on 30 October 1969.

[254] Stewart and Newbery, 157.

[255] *Ibid*.

his idea, which he thought, 'seemed to have the merit of common-sense behind it'; but, it seemed that the suggestion of including 'provincial' security forces into the halls of Whitehall was outside the realm of acceptability, and for Stewart 'it was disappointing to meet the petty-mindedness of some Whitehall departments'.[256]

It was not until mid-1970, after Edward Heath formed his government, that Northern Ireland began to appear regularly in JIC business, in which there was an acknowledgement in July 1970 that 'it was clearly important that the JIC should give the highest priority to the Irish question'.[257] It is only at this moment, too, that the purview of the Northern Ireland CIG was expanded and instructions given to 'bring its arrangements and procedures into line with those for other area CIGs'.[258] Further, where meetings of this CIG were not held consistently prior to this juncture, they would become a regular fixture in an effort to help 'the intelligence agencies in refining their requirements'.[259] It would appear that, although the JIC had put some structures in place as early as October 1969 in order to better understand and analyse the Northern Irish question, the seriousness of the situation did not really begin to reflect itself in JIC business until almost an entire year later. This, however, cannot be divorced from the reality that – as a customer of intelligence product – the JIC had very little intelligence coming into it because of the intelligence vacuum on the ground. As such, the mechanisms of the JIC could not, in practice, be put into effective motion until the intelligence picture on the ground began to improve, and the JIC could better analyse and outline intelligence requirements for the province. However, in its capacity as offering strategic foresight into potential issues, the JIC did fail on this front for Northern Ireland; but, the JIC was not an outlier in this respect, as this was generally a failure across the UK intelligence community more broadly.

Experiments in Methods and Tradecraft: Attempts to Improve the Intelligence Machinery, 1971-1972

Although Heath, as mentioned previously, did not have a more robust or comprehensive strategic approach from a policy perspective than Wilson in terms of the Stormont-Westminster nexus during the early days of the Troubles, he certainly did have a

---

[256] *Ibid.*
[257] TNA: CAB 185/4 – JIC(A)(70) – Confidential Annex to Minutes of 26th Meeting Held on Thursday 9 July 1970.
[258] *Ibid.*
[259] *Ibid*.

much greater interest in intelligence than his predecessor. He is said to have thought that 'the secret world had an invaluable role to play in the growing battle with his domestic enemies' and, comparatively to Wilson, had been well-versed in the secret world prior to becoming prime minister, as he had been a strong proponent of cross-party consultation on intelligence issues.[260] For example, a month after assuming office, Heath requested to receive a daily intelligence report on the situation in the province, in which the MOD would provide a brief on the operational situation and the Home Office would brief on the political situation.[261] Further, recalling a conversation with Chichester-Clark on 16 March 1971 just three days prior to his resignation, Heath rebuked Chichester-Clark's call for an increase in troops in the province – at their meeting, Heath told him that 'what was really needed was better intelligence […] the necessary improvement was not yet forthcoming from the [RUC]'.[262] And, that same month, he had sent a formal request to the JIC to get monthly progress reports to see how the intelligence machinery in Northern Ireland was improving.[263] Although small initial steps, it is important to acknowledge the shift placed on the value of intelligence between Wilson and Heath.

Heath, too, recalled in his memoirs the problematic state of the RUC's intelligence machinery at the outset of the conflict – it is from him that the phrasing 'hopelessly out of date', so often used to describe the intelligence vacuum during this period, is taken.[264] As such, Heath's shift toward relying on intelligence was also shown to be in tandem with an acknowledgement that the intelligence machinery, particularly in the provincial context, was in desperate need of improvement. Therefore, by the beginning of 1971, three distinct directions began to emerge which saw a concerted governmental effort to improve both the efficacity of the intelligence machinery and the fullness of the intelligence picture. However, while both Westminster and Stormont had begun to take a more serious approach to improving – or at least acknowledging the issues inherent in – the intelligence space which fed the security policies informing counterterrorist action, it was clear that any attempts at improvement were not, and could not, be evolving in tandem with the threat being faced.

---

[260] Richard J. Aldrich and Rory Cormac. *The Black Door: Spies, Secret Intelligence and British Prime Ministers*. (London: William Collins, 2016), 286-287.
[261] TNA: DEFE 13/736 – Note from R.T. Armstrong (10 Downing Street) to D.E.R. Faulkner (Home Office), 7 July 1970.
[262] Heath, 426.
[263] TNA: CAB 185/6: JIC(A)(71) – "Northern Ireland Intelligence Arrangements: Progress Reports": Confidential Annex to Minutes of 9th Meeting Held on Thursday 4 March 1971.
[264] Heath, 429.

The first effort, to be the most tangible on the ground in Northern Ireland, was to improve the working intelligence relationship between the so-called 'triumvirate'[265] – the RUC Special Branch, military intelligence, and the D-INT. To recall, one of the key purposes of D-INT was to coordinate the intelligence gathering efforts between all the security forces in the province, but that the initial relationship between the D-INT, Special Branch, and the MILO was initially slow-going. To help in his mandate, the D-INT received a detailed assessment of intelligence gaps and insufficiencies in the province at the beginning of 1971, the crux of which was the need for new sources of information which could form the basis of operations.[266] Put bluntly, what was desperately needed was information that was actionable; however, without active cooperation, engagement, and sharing of mutually beneficial information between the elements of the triumvirate, the acquisition of actionable information would be a difficult task to improve. As such, part of the D-INT's main purpose during this early period of the conflict, but particularly from early 1971 onwards, was to foster an effective working relationship between all elements of the intelligence machinery in the province.

By that March, it was clear that the triumvirate relationship was beginning to improve as it matured, and that its continued success would form an integral part of the evolution of the intelligence machinery going forward.[267] According to a JIC confidential annex, the ongoing maturation of the triumvirate relationship was seen as critical: 'the triumvirate was at the heart of the matter and vital to further improvements in the performance of RUC Special Branch, its digestive capacity and its capacity to collaborate closely with military intelligence'.[268] While it is true that the working relationship between the MILO, D-INT, and the head of Special Branch did see significant improvement in this period, it took some time for the maturation of the relationship to be reflected with ground-level realities.[269] For example, on a working level, the dissemination of intelligence between the Army and Special

---

[265] This 'triumvirate' language first begins to be used in March 1971. See: TNA: CAB 185/6: JIC(A)(71) – "Intelligence Arrangements: Northern Ireland": Confidential Annex to Minutes of 13th Meeting Held on Thursday 25 March 1971.

[266] Hamill, 51.

[267] TNA: CAB 185/6: JIC(A)(71) – "Intelligence Arrangements: Northern Ireland": Confidential Annex to Minutes of 13th Meeting Held on Thursday 25 March 1971; TNA: CAB 185/6: JIC(A)(71) – "Intelligence Arrangements in Northern Ireland (April 1971)": Confidential Annex to Minutes of 14th Meeting Held on Thursday 1 April 1971.

[268] TNA: CAB 185/6: JIC(A)(71) – "Intelligence Arrangements: Northern Ireland": Confidential Annex to Minutes of 13th Meeting Held on Thursday 25 March 1971.

[269] It should be stressed here that increased cooperation was merely that – not a centralisation of intelligence, a critical insufficiency of the intelligence machinery during the critical juncture period. This issue would not see significant improvement until the late 1970s.

Branch continued to be uneven throughout 1971-1972.[270] Special Branch continued to be 'particularly careful' about sharing information with the Army, whereas the Army was almost too forthcoming in its dissemination to Special Branch, which made the latter somewhat suspicious of the quality of information and made them hold their cards, so to speak, close to their chest.[271] Also, there continued to be a lack of a 'central collating machine' between these two bodies; in June 1971, the JIC had suggested to the D-INT to create a tactical collating point in Belfast,[272] but this would not come to fruition until well after the implementation of Direct Rule. Finally, throughout 1971, the development of intelligence networks by both the Army and Special Branch continued to be 'an essentially slow process',[273] which impacted upon collection capabilities across the board.[274] As such, while there was a good clear intention with the improvement in the triumvirate relationship, it did not develop on the ground as quickly as violence was escalating.

Second, there was a strong strategic push by Westminster from late 1970 onwards to investigate what the security space would look like under the potential implementation of Direct Rule, and the JIC was at the heart of these discussions in respect to the intelligence machinery. However, rather than focusing on short-term improvements, this is a marked effort to focus on long-term planning which – although it would prove to have an impact further along in the conflict, once the inevitable implementation of Direct Rule occurred – did not have a dramatic effect on the intelligence machinery in the 1971-1972 period when it was sorely needed. By late 1970, MI5 had been tasked by the JIC with outlining a 'probable framework of the expanded intelligence organisation' that would be needed going forward, and was based on the analysis of previous colonial emergency scenarios, which had 'revealed the necessity for the integration of intelligence, operational, and administrative machinery at all levels'.[275] As this assessment was going through various drafts and iterations over the next

---

[270] While this is broadly true across the province, it is important to acknowledge that the practical cooperation between the Army and Special Branch was 'as good as it could possibly be' in Belfast by the end of 1971, but that this was certainly not the case in the rest of Northern Ireland. See: DEFE 24/210 – "Intelligence in Northern Ireland", Report by Brigadier J.M.H. Lewis, 22 December 1971.

[271] TNA: CJ 4/50 – Letter from Sir Philip Allen to the Prime Minister, 4 May 1971.

[272] TNA: CAB 185/6: JIC(A)(71) – "Northern Ireland Intelligence Arrangements": Confidential Annex to Minutes of 22nd Meeting Held on Thursday 10 June 1971.

[273] TNA: CAB 185/6: JIC(A)(71) – "Northern Ireland Intelligence Arrangements: Progress Reports": Confidential Annex to Minutes of 9th Meeting Held on Thursday 4 March 1971.

[274] There was, however, an acknowledgement – particularly on the part of the Army – that developing networks that would pay intelligence dividends would 'work slowly' in terms of their development, 'but as they succeed, develop a snowball effect'. It was an acknowledgement that seeds needed to be planted that would help to develop the intelligence picture in the future, but that these efforts would not produce immediate results. See: TNA: PREM 15/482 – Military Appreciation of the Security Situation in Northern Ireland at 4 October 1971.

[275] TNA: CAB 190/8: INT8(70)1 – "Northern Ireland Contingency Planning: Intelligence Organisation", Northern Ireland Intelligence Working Party, Minutes of 1st Meeting Held on Thursday 8 October 1970.

year, it saw some key additions: first, that the responsibilities of the D-INT would be 'widened',[276] as responsibility for the intelligence machinery would fall only under Whitehall, with this increased responsibility including an all-source coordination role;[277] that 'Whitehall's departments and agencies' would need to expand their capacities in order 'to meet increased requirements for assessment and procurement';[278] and, that the number of MILOs and MI5 reinforcements would need to be increased in order to help facilitate greater collaboration between all the moving parts of the intelligence machinery.[279]

However, while the two aforementioned strategies would prove to have a significant impact later on in the conflict, neither had any dramatic immediate effect, which was desperately needed. Ultimately, by the start of 1971, the amount of actionable intelligence that was being produced by the intelligence machinery in the province was still minimal and was still drastically slipping behind in terms of the escalation of violence. In fact, the JIC had acknowledged by March 1971 that so little analysis had been done to that point about the actual needs of the intelligence machinery in the province that there was no 'yardstick against which future progress could be measured',[280] and that the intelligence situation was 'deteriorating' at a dramatic pace.[281] Although the Cabinet Office's Intelligence Co-ordinator, Sir Dick White, had stressed that there 'was not an intelligence crisis in Northern Ireland' that same month after a visit to the province,[282] the reality of the matter was that the increasing levels of violence, coupled with strategic efforts which were not producing immediate intelligence improvements on the ground, meant that a juncture had been reached in which more drastic measures started to be discussed – the third of the strategic approaches adopted during the 1971-1972 period.

There are two significant developments within this adoption of more drastic strategic approaches, and both encompass two of the key debates in the moral conduct in intelligence practice space. While these two developments will be discussed in detail in Chapters 5 and 6,

---

[276] TNA: CAB 190/8: INT8(70)3 – "Intelligence Arrangements in an Emergency in Northern Ireland", Northern Ireland Intelligence Working Party, 4 December 1970.

[277] TNA: CJ 3/86 – Contingency Planning to Cover the Possibility of Direct Rule in Northern Ireland, 9 February 1971).

[278] TNA: CAB 190/8: INT8(70)3 – "Intelligence Arrangements in an Emergency in Northern Ireland", Northern Ireland Intelligence Working Party, 4 December 1970.

[279] TNA: CAB 185/6: JIC(A)(71) – "Northern Ireland: Intelligence Arrangements": Confidential Annex to Minutes of 12th Meeting Held on Thursday 18 March 1971.

[280] TNA: CAB 185/6: JIC(A)(71) – "Northern Ireland Intelligence Arrangements: Progress Reports": Confidential Annex to Minutes of 9th Meeting Held on Thursday 4 March 1971.

[281] TNA: CAB 185/6: JIC(A)(71)- "Northern Ireland: intelligence Arrangements": Confidential Annex to Minutes of 12th Meeting Held on Thursday 18 March 1971.

[282] TNA: CAB 185/6: JIC(A)(71) – "Intelligence Arrangements: Northern Ireland": Confidential Annex to Minutes of 13th Meeting Held on Thursday 25 March 1971

within the collection and kinetic engagement as intelligence outcome contexts respectively, the following paragraphs will provide a brief overview so that the reader may understand their usage within the broader context of experiments in tradecraft throughout the 1971-1972 period. Before delving into both, it is useful to consider a broad understanding of where the minds of both the political and security forces were at this critical juncture, in which the intelligence machinery was not evolving as quickly as the threat it faced. 'Peter', a former Lieutenant Colonel who had been a military assistant at Stormont during this period – and later, assistant to the first Director and Controller of Intelligence after the implementation of Direct Rule – recalled the prevailing attitude as such:

> There was a slightly 'practical' atmosphere prevailing at the time. There were gaps to be filled and there was no point in sitting back in an ivory tower of any sort and not doing something about it. Some of these slightly practical ventures failed, some had to be modified and led to very good things. But the idea was you had to actually go out there and do something because clearly intelligence wasn't working as it should have been. You had to make the overtures yourself.[283]

'Peter' recalls that, more than anywhere else, this was the feeling amongst intelligence operators on the ground in the province, who were at the forefront of the glacial – or rather, long-term focused – strategic shifts that were happening in the intelligence space.[284] This was a sentiment that change, perhaps even *experimental* change, in the intelligence space needed to be undertaken quickly in an attempt to positively impact upon a declining and increasingly untenable security situation.

The first of these developments was the decision to use internment without trial in Northern Ireland, a strategy which had been employed numerous times in previous colonial campaigns but had never been used in a domestic context. The initial round of internment – codenamed Operation DEMETRIUS – occurred on 9-10 August 1971. It saw the rounding up and detention of around 350 individuals who were predominantly thought to be associated with republican paramilitarism,[285] but there was no focus on targeting those thought to be associated with loyalist paramilitarism.[286] Discussions about the potential use of internment as an offensive intelligence collection tactic had begun as early as December 1970, first seen in the archival record in the context of a discussion between the new RUC Chief Constable

---

[283] Taylor. *Brits*, 33.
[284] *Ibid.*
[285] Coogan, 149.
[286] *Ibid.*, 150.

Graham Shillington and a delegation from the Home Office.[287] However, while internment was seen as a potentially controversial move, and that there were undeniably both immediate positive and negative ramifications, it was the employment of so-called deep interrogation methods – known at 'The Five Techniques' – used on selected internees which prompted both domestic and international outcry and accusations that the British state had engaged in torture on its own citizens. In sum, the elicitation of intelligence through interrogation as a collection method is the key debate here in the moral conduct in intelligence practice conversation.

Working within the 'postcolonial haze',[288] too, meant that experimentation in counterinsurgency strategy was *de rigueur*. As such, the second of the developments worth noting in the adoption of more drastic strategic approaches is the use of kinetic action in the collection context. This, in particular, refers to the creation of the MRF, stood up in 1971[289] and said to be the brainchild of one of the more controversial and eternal figures of the early conflict, Brigadier Frank Kitson, who from September 1970 headed 39th Brigade – the responsibility of which placed him in control of the entirety of Belfast.[290] Although the breadth of Kitson's experiences and experimentations in the counterinsurgency space will be outlined in Chapter 6, it is important to understand here that Kitson had – like many others who found themselves in Northern Ireland at the beginning of the conflict – cut and sharpened his teeth in colonial campaigns, particularly that in Kenya.[291] And, moreover, he was given the freedom there to experiment in different strategic approaches, which undoubtedly informed any iterations of his engagement in Northern Ireland too.

The MRF was a covert, plain clothes, intelligence-gathering unit nestled under the umbrella of the British Army, answerable to 39th Brigade,[292] but there is very little archival evidence of their existence. Much of what is known about the group comes from former members, either writing their own memoirs or being interviewed about their experiences

[287] TNA: CJ 3/85 – "Note on a Visit to Northern Ireland on 7th and 8th December", Letter from D.R.E. Hopkins to P. Woodfield, 9 December 1970.

[288] Frampton, 80.

[289] Ian Cobain. *The History Thieves: Secrets, Lies and the Shaping of a Modern Nation*. (London: Portobello Books, 2016), 180.

[290] Hamill, 42.

[291] For an overview of Kitson's counterinsurgency experiments in Kenya, see: Frank Kitson. *Gangs and Counter-Gangs*. (London: Barrie and Rockliff, 1960). For an overview of his theorisation on the integral elements of counterinsurgency campaigns, see: Frank Kitson. *Low Intensity Operations*. (London: Faber and Faber, 1971).

[292] BBC Panorama. "Britain's Secret Terror Force". *British Broadcasting Corporation*, 21 November 2013.

much after the fact.[293] What can be gleaned from these sources is that the MRF were predominantly intelligence collectors, who accomplished this task either by collecting information themselves, or through their agent-running network, comprised of informers called 'Freds'. As Andrew Mumford argues, the MRF were 'the most innovative, although concertedly controversial, plank of the British intelligence war in Northern Ireland'.[294] The controversy came in the context of the kinetic nature of their action. From the outside, it seemed that while their role was to be collectors, they also analysed that information on the spot and acted upon it, frequently resulting in the death of alleged PIRA members – and, arguably, some civilians as well. As Simon Cursey, a former operator describes it:

> Our role in the MRF was mainly to spy on and interfere with terrorist operations and to hunt down, where possible, vicious hard-core murderers and to protect innocent lives. I'm a great lover of animals but sadly, whichever way you want to look at it, the best way to protect the sheep is simply to kill the wolves.[295]

Indeed, even to this day, the circumstances around the sometimes-deadly action of the MRF continues to be investigated by the Police Service of Northern Ireland's (PSNI)[296] Legacy Investigation Branch.[297] Although the MRF were largely wound down by late 1972,[298] what they left behind was both a legacy and a mythology – one in which the British state was running so-called death squads against its own citizens, a pervasive idea in the Northern Irish psyche which persisted throughout the entirety of the conflict and, indeed, well into the present day. And, importantly, the MRF's existence and *modus operandi* speaks deeply to yet another controversy within the moral conduct in intelligence practice conversation.

Ultimately, although there was an acknowledgement from 1971 onward that drastic improvements were needed to bring the intelligence machinery up to speed in relation to the threat faced, these improvements did not correspond to the escalation of violence in an increasingly untenable situation. Attempts at improving the working relationship of the triumvirate were successful, but the trickle-down effect of that relationship took some time to

---

[293] For example, see: BBC Panorama. "Britain's Secret Terror Force"; Simon Cursey. *MRF Shadow Troop*. (London: Thistle Publishing, 2013); BBC Spotlight. "Spotlight on the Troubles: Episode 4 – Secret Intelligence War Against the IRA". British Broadcasting Corporation, 1 October 2019.

[294] Andrew Mumford. *The Counter-Insurgency Myth: The British Experience of Irregular Warfare*. (London: Routledge, 2012), 111.

[295] Cursey, 225.

[296] The PSNI are the post-Good Friday Agreement successors to the RUC.

[297] Up to 18 shootings by the MRF were still being investigated as of late 2015. "Military Reaction Force: Breakthrough in PSNI Investigation". *BBC*, 2 December 2015. Accessed 22/09/2020. https://www.bbc.co.uk/news/uk-northern-ireland-34980462

[298] BBC Panorama: "Britain's Secret Terror Force".

manifest on the ground. Further, Westminster's focus on long-term contingency planning in the intelligence space did prove very useful once the implementation of Direct Rule did occur, their lack of focus on short-term machinery improvements likely inadvertently lead to a situation in which Direct Rule seemed like the only viable option. Finally, as it became clear – particularly to intelligence operators on the ground – that the intelligence machinery was not improving in a way that provided the acute, actionable intelligence that was desperately needed, experiments and strong measures began to feel like viable options. It is within this third strategic approach that the greatest issues in the moral conduct in intelligence practice conversation happen.

III.   Summation

What had started off in 1968 as legitimate calls for reform through civil rights marches and protests quickly devolved into bombs detonating nightly across the province, a situation in which civil unrest was appropriated by a newly birthed PIRA to meet their *modus operandi* of violent republicanism. Devolved jurisdictional responsibilities over the administration of the province were rendered ever-more complex once British Army boots hit the ground in August 1969, and Westminster found itself deeply involved, despite it best interests and intents, within a violent conflict that was spiralling out of control as Stormont lost its grip on governance in the province. While Westminster's foray into the political machinations of the province during the critical juncture period were still attempting to allow Stormont to drive policymaking, at the juncture in which the Army was deployed, Westminster was forced into a situation where it needed to take both a concrete role and, in practice, primary responsibility for security operations as they manifested on the ground. As such, the context of the critical juncture period was, in sum, as complicated and convoluted as it was violent. And, by early 1972, the situation had become so untenable that Westminster took direct control over the province.

However, it was the characteristics present within the security space – particularly in the intelligence machinery – that made the reality of facing the proliferating threat all the more difficult to reconcile. As violence against the security forces and civilians mounted in 1969 and 1970, the British state had no choice but to use the intelligence machinery at its disposal in attempt to combat the threat – but that intelligence machinery was nowhere near

up to the task. The RUC's intelligence was 'hopelessly out of date': its collection capacity had diminished significantly, even prior to the commencement of the conflict, because of its inability to police certain geographic areas of the province; its Special Branch was badly organised and run; the intelligence which was available to the RUC dated from years prior; and, the RUC were years out of practice within the counterterrorism sphere. Its more paramilitary colleagues, the B-Specials, also suffered from similar issues in the intelligence collection space and were not seen to be suited to regular police work, thereby exacerbating the critical need for outside intervention.

The RUC and B-Specials, moreover, had their nascence in Protestant communal defence organisations. This had historically skewed their membership in favour of hiring individuals from the Protestant community, in which machinations of 'state protection' were seen through a sectarian lens, rather than through that of whole community policing. Invariably, this had an impact upon the comprehensive setting of intelligence priorities within the direction phase of the intelligence cycle. This was the one key theme within the direction phase of the cycle that would throw up some critical questions in the moral conduct in intelligence practice space during the critical juncture period, the details of which will be analysed in Chapter 4. The B-Specials were particularly sectarian in this respect, seen as more extreme than their RUC contemporaries, which ultimately led to their disbandment and the creation of the UDR under the oversight of the MOD. However, while there had been efforts to rectify the sectarian biases of the local civilian forces within the UDR structure, this did not come to pass, and many former B-Specials found themselves within the new UDR ranks, thereby perpetuating an historical problem. The creation of the UDR, moreover, placed another of the security forces during the critical juncture period under the direct control of Westminster; but, it must also be stressed that the Downing Street Declaration placed responsibility for the administration of *all* security operations, including that of the RUC, under the GOC's – and therefore Westminster's – sphere of responsibility. As such, despite Westminster's desire to not meddle deeply in Northern Irish affairs, it found itself, from a security perspective, having direct control over the counterterrorism space.

Additionally, while the Army had been deployed in an aid to the civilian power capacity, the deficiencies of the civilian power meant that the Army was operating blind, particularly from an intelligence collection and analysis capacity. As such, it engaged in wholesale collection methods, thereby alienating a Catholic community which had initially welcomed it, and further aided in the radicalisation of moderate Catholic opinion toward more violent iterations of republicanism. Where the civilian power could provide help, it was

help that came with a sectarian bias, which only worked to exacerbate the aforementioned biases in setting intelligence priorities. Moreover, despite Westminster's deeply entrenched role in security matters, it left the Army to operate in a strategic vacuum; as such, the Army relied on what it had known and engaged in since the beginning of the post-war period – colonial strategies, such as internment without trial, which coloured its engagement in the intelligence practice space. This strategic vacuum, moreover, was reflective of a central intelligence machinery in Whitehall, the JIC, who was slow to come to terms with the impending threat. As it tried to come up to speed with events on the ground, the intelligence product that was being fed into the JIC machinery from local forces in the province was equally poor and outdated; as such, the mechanisms of the JIC could not, in practice, be put into effective motion until the intelligence picture on the ground began to improve. This was, invariably, a difficult cycle from which to break, and improvement of the intelligence picture at the highest levels could not improve until the intelligence machinery on the ground ameliorated.

As such, by 1971, there was a desperate need for timely intelligence. Customer needs were not being met – in truth, the intelligence was so poor that it was difficult to determine what those needs even were – and all three case study examples to be discussed in the following analytical chapters are directly reflective of this very simple reality. While there were some attempts to improve the intelligence machinery within the critical juncture period, these attempts were predominantly defined by experimentation and, for lack of a less crude description – desperation. More concrete efforts at improvement, such as a focus on bettering the relationship between the so-called triumvirate, were spearheaded by the D-INT in the province – MI5's main contribution during this period – but these were slow in coming and did not evolve into a functional sharing of intelligence between the Army and the RUC, nor the general centralisation of intelligence, until the late 1970s. Indeed, it is within this context that two of the more controversial intelligence policies adopted during the critical juncture period – that of internment without trial, and the use of kinetic action in the collection context – would raise some uncomfortable questions about moral conduct in the intelligence practice space, the details of which will be analysed in Chapters 5 and 6 respectively.

In sum, this was the tangled security web in which the British government found itself in Northern Ireland during the critical juncture period between 1968 and 1972. The actions undertaken within the intelligence space during this timeframe brought with them some critical questions as to the appropriateness of their application and use in what was – by every definition – a domestic conflict, despite it taking place across the Irish Sea. But moving on

beyond the critical juncture period, did the British security establishment take on the lessons it learned through the application of morally dubious intelligence actions – or indeed, learn any lessons at all – as it continued to develop its security approaches throughout the remainder of the conflict? This thesis posits that the lessons – or lack thereof – learned in the moral conduct in intelligence practice space during the critical juncture period went on to define, dictate, and direct future intelligence engagement in the province, which had a number of ramifications not only for the security establishment as a whole, but also for the citizens of Northern Ireland. To demonstrate this end, the following three chapters will provide an analytical discussion involving one case study from the critical juncture period, followed by a related case study from the post-critical juncture period; further, each chapter will be centralised around one thematic area of the intelligence cycle, including direction, collection, and the use of intelligence product as intelligence outcome.

CHAPTER 4: LESSONS IN DIRECTION
From the Use of Pro-State 'Vigilante' Groups to Allegations of Collusion

The intelligence story regarding the republican threat has always been a more robust, well-developed, and broadly analysed narrative, but such coverage is far less comprehensive in relation to the loyalist paramilitary threat. Moral conduct questions within the loyalism context are not frequently posited, for it is a muddled pathway through which to navigate: if the outcome of loyalist action sometimes aligns with state objectives despite using violent means to achieve it, does its lack of inclusion within intelligence targeting priorities reflect a failing of the state in meeting its national security obligations toward *all* its citizens? Or, is it morally acceptable to turn a so-called 'blind eye' to such action if it ultimately benefits the state's overall security objectives? While these are difficult questions to answer even in a prospective form they are inherently that much more difficult to answer within the context of an ongoing terrorism campaign. Using the direction phase of the intelligence cycle as a site from which to examine security approaches to violent loyalism, this chapter seeks to demonstrate how moral misconduct within the direction phase worked to foster an environment in which the *potential* for collusive behaviour could manifest between the security forces and loyalist paramilitary groups, and ultimately did not serve the state's obligation in maintaining the end of national security for all.

To this end, it will demonstrate that the exclusion of loyalist paramilitary groups within the direction phase of the intelligence cycle during the critical juncture period created an operational milieu in which cooperation with these groups was seen as acceptable, alongside overlapping loyalties between them and the security forces, and created a scenario in which historical sectarian biases of the local security forces were allowed to become foundational in the intelligence machinery going forward. Further, beyond the critical juncture period, Westminster's inability and/or lack of desire to address the issues presented in the first four years of the conflict only worked to further solidify said issues, leading to an environment in which the potential for collusive behaviour between the security forces and loyalist paramilitaries could exist, and one in which Catholic civilians would come to bear the brunt of the moral failings of the British state.

I. Friend or Foe? The Proliferation, Tolerance, and Cooperation of Loyalist Paramilitary Groups During the Critical Juncture Period

One had the feeling that things were not getting better. I actually found myself getting more angry, frankly, with the UDA than with the Catholics and [PIRA]. What used to annoy me is that one minute they'd be saying 'oh we're British' and we're this and that, and then the next moment they'd start swearing at us for doing what we thought was the proper British position because we weren't leaning over on the hard-nosed Protestant side [...] at least with the Republicans I knew where they stood and they weren't ambivalent. I knew exactly where I was with them.[1]

Fundamentally, the Troubles can be defined as a sectarian conflict – this is not a controversial statement, but the application of this theme upon security policymaking has indeed led to some controversial outcomes. This theme is often interpreted at the ground-level, between the two communities found within the province. But it is also a characteristic which has permeated all functional aspects of society, including – as discussed in Chapter 3 – the security establishment, particularly the composition, approach, and ethos of both the Royal Ulster Constabulary (RUC) and the B-Specials. This has historically been a theme within the security space, one which was brought to the critical juncture period and had significant implications not just for the intelligence machinery, but the security situation as a whole. It can be seen most clearly in the direction phase of the intelligence cycle during this period, particularly in relation to targeting – the direction phase must be seen as the starting point of the cycle, which informs the rest of the process, including defining the information gap and the overall intelligence requirements. As such, if an entire segment of the population is seen to be positively acting in *support* of the state – even when that action is sometimes violent – and are therefore not included in the direction phase of the cycle, the potential for moral quandaries to arise within the intelligence conduct space are augmented. This section will therefore interrogate how loyalist paramilitarism was excluded from direction, and therefore intelligence requirements, and the impacts that this had on the overall security situation during the critical juncture period.

---

[1] David Robert Bruce Storrie. Reel 3. Oral History with the Imperial War Museum. London: Imperial War Museum, 23 October 1992. Accessed 25/11/2019. https://www.iwm.org.uk/collections/item/object/80010897.

Key Groups Operating in the Loyalist Paramilitarism Space

An important place to start is an overview of the levels of loyalist paramilitary violence during the critical juncture period, and the proliferation of associated paramilitary groups. The two key groups operating during this period – and indeed, throughout the remainder of the conflict – were the Ulster Defence Association (UDA) and the Ulster Volunteer Force (UVF). Like the Irish Republican Army (IRA), the UVF had its roots in the pre-Irish partition period, and was originally formed in the 1910s in response to rising Irish nationalism; however, despite its violent actions at the time, including gun-running, Westminster made no motions to combat it or proscribe it.[2] Its more modern iteration reformed in 1966 in Belfast, and began engaging in sectarian murders;[3] however, the Army denied knowing of its existence until November 1970.[4] There were also other smaller independently formed groups which aligned themselves with the UVF, including the Red Hand Commando and the Ulster Protestant Volunteers, the latter's membership of which overlapped with the UVF quite significantly.[5] Further, the Shankill Butchers – stemming from the UVF-aligned Shankill Defence Association and forming in 1972 – were also under the umbrella of the UVF and, although short-lived in their duration, engaged in significant sectarian murder: by their end in 1977, 11 of their members were convicted of 112 offences, including 19 murders, and altogether were given the equivalent of 42 life sentences for crimes committed.[6]

While there were a number of so-called defence associations that were popping up during the critical juncture period, the UDA emerged from this collection of associations in September 1971 and went on to become the largest loyalist paramilitary group in operation throughout the conflict.[7] Although the UDA reached a level of official membership between 40,000-50,000 individuals at its peak in 1972,[8] it did not become a proscribed terror group in the eyes of the British state until August 1992.[9] This meant that membership was not deemed

---

[2] Tim Pat Coogan. *The Troubles: Ireland's Ordeal 1966-1996 and the Search for Peace*. (London: Arrow Books, 1996), 21.
[3] It operated its base from Belfast, but it also founded and controlled front organisations elsewhere, using alternative names such as the Protestant Action Force and the Protestant Action Group. *Ibid*, 333.
[4] Margaret Urwin. *State of Denial: British Collaboration with Loyalist Paramilitaries*. (Cork: Mercier Press, 2016), 20.
[5] Coogan, 333-334.
[6] *Ibid*., 337.
[7] Martin Melaugh. "Abstracts on Organisations". *Conflict Archive on the Internet (CAIN)*. Accessed 18/09/2020. https://cain.ulster.ac.uk/othelem/organ/uorgan.htm.
[8] Urwin. *State of Denial*, 22.
[9] Coogan, 335; Melaugh. "Abstracts on Organisations".

to be illegal until then, despite clear and repeated evidence that the group was engaging in terrorism throughout the duration of the conflict. The UDA were heavily involved in the Protestant community, much like the Provisional Irish Republican Army (PIRA) was in the Catholic community, and even began setting up no-go areas mirroring those appearing in the Catholic enclaves of Belfast and Derry.[10] Further, the UDA used the cover name of Ulster Freedom Fighters (UFF), in its own right the more violent wing of the UDA but very much a part of it, to claim responsibility for terrorist action it undertook, particularly in regards to the sectarian killing of Catholics.[11] This approach became enshrined by June 1973, and according to a former UFF member, Ian Wood, the reasoning was as such:

> The feeling was that the UDA had got too big and that we needed to re-organise the real activists into small, streamlined units who could hit [PIRA] where it hurt most, by attacks on the communities who were not just making excuses for them but actually supporting them. It was simple and it was brutal, there's no point in denying that.[12]

As such, the best way to think about the UDA/UFF divide is this: all UDA members were radicalised and sympathetic toward violent loyalist paramilitarism, whilst sometimes participating in it; all UFF members were violently radicalised and participated in violent loyalist paramilitarism. Further, while this is certainly true of the UDA, it is also true of loyalist paramilitaries across the whole: while PIRA and other republican groups were predominantly focused on violent action against symbols of the state, the *modus operandi* of violent loyalism was against the Catholic population, as evidenced by the increasing violence against them seen in the latter parts of the conflict. This is a common reflection of pro-state terror groups, in which legitimate terror targets are defined outside of state structures as they ideologically are in support of the continuation of the state.[13]

Finally, it is important to discuss the more extreme political representation of loyalism during the critical juncture period, which will provide an insight into how the divide between violent and non-violent loyalism manifested. While there had always been unionist and nationalist political parties in existence in Northern Ireland, with the former being represented by the long-reigning Ulster Unionist Party (UUP), a new political alignment

---

[10] Coogan, 167.
[11] Melaugh. "Abstracts on Organisations".
[12] Ian Wood, as quoted in: Urwin. *State of Denial*, 83.
[13] Steve Bruce. "The Red Hand: Protestant Paramilitaries in Northern Ireland". *Conflict Archive on the Internet (CAIN)*. Accessed 28/04/2020. https://cain.ulster.ac.uk/issues/violence/bruce.

splitting from the UUP emerged during the critical juncture period. A week after the imposition of Direct Rule, the Ulster Vanguard Movement (UVM) was formed by former-UUP member William Craig; and the UVM worked in tandem with two other loyalist groups, one of which was the UDA.[14] Although the initial platform of the UVM sought to unite unionists against constitutional change, it quickly morphed into something much more radical, blurring the lines between violent and non-violent iterations of loyalism.

The support for UVM was strong from its inception. Speaking at a rally in Belfast's Ormeau Park on 18 March 1972, Craig told the group's adherents that 'we must build up dossiers on those men and women in this country who are a menace to this country. Because one day, ladies and gentlemen, if and when politicians fail us, it may be our job to liquidate the enemy'.[15] Around 60,000 people were alleged to have attended the Ormeau rally,[16] where Craig's rhetoric could not have been more clear: there existed an existential threat to loyalism, and if the state could not handle that threat, then loyalists themselves would have to take up the helm of self-defence – the liquidation of the 'enemy'. A month later, on 27 April, Craig spoke again, but this time across the water at the Monday Club in London: 'when we say force', he told the audience, 'we mean force […] we will only assassinate our enemies as a last desperate resort when we are denied our democratic right'.[17] This was followed the next day by an address to the far-right, fascist National Front; and, behind the scenes of this event, UDA chairman Charles Harding Smith, four other men, and one RUC officer who had all travelled to London were arrested and charged with attempting to illegally purchase arms.[18]

There is much to unpack here. It is clear that Craig's incendiary rhetoric at Ormeau Park was not just comprised of empty words on deaf ears; the UVM's association with the UDA – which had hit its zenith of membership by 1972 – would have provided an ample audience from which to draw strength, allowing for an increased blurring of the lines between moderate and extreme loyalists. Further, his later decision to address a National Front rally, a group known for its own iterations of extreme right rhetoric, cannot be divorced from the broader shift of loyalism toward violence during the critical juncture period. What is most critical to stress here is that the iterations of Craig were not happening behind closed doors; rather, the messaging of liquidating the Catholic enemy through the use of force was spoken

---

[14] Coogan, 167; Melaugh. "Abstracts on Organisations".
[15] William Craig as quoted in: Melaugh. "Abstracts on Organisations".
[16] Kenneth Bloomfield. *A Tragedy of Errors: The Government and Misgovernment of Northern Ireland*. (Liverpool: Liverpool University Pres, 2007), 195.
[17] Coogan, 168.
[18] *Ibid*.

publicly, to thousands. But how deeply was the threat of violent loyalism, and indeed the actual acts of violence being perpetrated by loyalist paramilitaries like the UDA and the UVF, being taken by the security forces during the critical juncture period?

State Interpretations of Loyalist Paramilitarism During the Critical Juncture Period

Violence from loyalist paramilitaries was not an anomaly during the critical juncture period. In fact, the first RUC officer killed during the conflict was by a loyalist sniper, after he had been attempting to stop a Protestant mob from marching on the Catholic-majority Unity Flats in Belfast.[19] The UVF were responsible for the first deaths in the conflict inflicted by petrol bomb, occurring in 1969,[20] and the first incidence of loyalist bombings more generally occurred between March and April of that year, undertaken against public utilities predominantly in Belfast.[21] And this, of course, is to say nothing of the attacks by loyalists on civil rights marchers during 1968 and 1969.[22] On the latter point, while there had been a belief in Westminster that Catholics were acting in self-defence when attacked during civil rights marches, Stormont was staunchly of the belief that Protestants were indeed the ones being attacked in these scenarios by elements working for the IRA.[23] This was rooted in the composition, history, and sectarianism of the RUC and B-Specials, who were 'defenders of the Protestant community first, defenders of the Protestant state second, and normal policemen third'.[24] As such, Stormont – who had enjoyed a unionist-helmed political hegemony for nearly fifty years by the start of the conflict – interpreted any aggression as defensive action by the security forces, as this was in line with their own bias and historical interpretations of the sectarian divide. Given Westminster's attempts at deferring responsibility during this phase, and the admitted lack of understanding of the so-called Irish question, it should come as no surprise that Stormont's interpretation of sectarian clashes would come to take precedence as the prevailing one during the critical juncture period – that is, one which did not lay any responsibility on the shoulders of loyalist agitators, nor even interpret them as such.

---

[19] Coogan, 109.
[20] *Ibid*., 110.
[21] Lord Saville. *Report of the Bloody Sunday Inquiry – Volume 1*. (London: The Stationery Office, 15 June 2010), 126.
[22] For a detailed discussion on this point, see: *Ibid*., 119-126.
[23] Peter Neumann. *Britain's Long War: British Strategy in the Northern Ireland Conflict, 1969-98*. Basingstoke: Palgrave Macmillan, 2003), 58.
[24] Joseph Ruane and Jennifer Todd. *The Dynamics of Conflict in Northern Ireland*. (Cambridge: Cambridge University Press, 1996). 127.

Within the security assessments during this period, there is also a distinctive use of language when referring to loyalist paramilitaries. In analysing the archival evidence, the terminology employed is that of 'Protestant extremists' – one which, inherently, is apolitical comparatively to the extensive use of 'republican paramilitaries' employed throughout the same period.[25] Although the terminology of 'loyalist paramilitary organisations' does first make an appearance in 1975,[26] the preferred terminology of 'Protestant extremists' remained the norm throughout the archival documentation until 1978.[27] Moreover, the use of 'loyalist paramilitary organisations' only starts to appear when, it seems, Westminster begins to see pro-state violence as a political aim. For example, throughout the course of the Sunningdale Agreement and Constitutional Convention in 1974/1975 – 'an experiment […] which amounted to allowing the people of Northern Ireland to try to sort out their affairs for themselves'[28] – some unionists were against the power-sharing ethos which underpinned the Convention; as such, iterations of this displeasure were expressed through increased violence on the part of loyalist paramilitaries, and it is within this context that reference is made to loyalist paramilitaries who were seen to have 'lost their previous identity of purpose' and were now expressing political aims through violence.[29] Moreover, it is only after this point, in 1976, that archival documentation acknowledges the reality that loyalist violence was inherently more sectarian – violence that was 'thoroughly nasty' and 'indiscriminately anti-Catholic'.[30]

While indeed some of the aforementioned points were changes to interpretations of loyalist paramilitarism after the imposition of Direct Rule, it is important to stress here that during the critical juncture period, security assessments did not see these groups as organised, but rather analysed violence stemming from them either as aberrational and/or in proportion to the threat faced by republican violence. Perhaps the most insightful document on this ideological approach by both policymakers and the security forces can be found in an internal Ministry of Defence (MOD) memo written by Brigadier J.M.H. Lewis, who had been the

---

[25] In the documents analysed, there is one singular use of term 'Catholic extremist', but this seems to be a complete one-off and not indicative of a trend in terminology. TNA: CJ 4/4871 – "FCO Enquiry Regarding Protestant Extremists Charged with Terrorist Offences", Briefing Note from M.W. Hopkins (Division 2B – Stormont) to Mr P.A. Crowther (Division 3 – NIO London), 10 November 1976.
[26] TNA: CAB 185/17: JIC(A)(75) – Minutes of 5th Meeting, Held on Thursday 23 January 1975.
[27] TNA: CJ 4/2276 – Note of a Meeting in Belfast to Discuss Security Prospects and Policy, 9 January 1978.
[28] TNA: CJ 4/1229 – Personal Minute from the Secretary of State of Northern Ireland to the Prime Minister, 22 April 1976.
[29] TNA: CAB 185/17: JIC(A)(75) – Minutes of 5th Meeting, Held on Thursday 23 January 1875.
[30] TNA: CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 28th Meeting, Held on Thursday 29 July 1976.

senior Army intelligence officer in the province during this period. Writing in August 1971, in relation to the decision to exclude Protestants from internment lists, he said:

> There is a difference between the Protestant extremist and [PIRA]. The Protestant is usually more vulnerable to normal processes of law; he is often a true criminal; he is even more inefficient than [PIRA]; but above all, witnesses against him will come forward. Therefore he often ends up in the criminal courts and is to that extent not good 'detainee material'.[31]

The sentiment here is quite telling. There is an assumption of 'ordinary' criminality that is ascribed to the violent loyalist – one that is not extended to those engaging in violent republicanism, despite these groups being historically mirrored to one another. Pushing this point further, as Pamela Clayton argues, is the historical presentation and assumption that Protestants are 'peaceful and law-abiding' compared 'with Catholics' propensity to violence and rebellion'.[32] This was, ultimately, a deeply-ingrained analytical bias that permeated not just the security establishment, but the political establishment as a whole. Extrapolating on this point, Lewis' writing here is an excellent example of the related analytical assumptions underpinning why loyalist paramilitaries were not included in the direction phase of the intelligence cycle; a decision not to target them, based on the perception that their violence was an aberration to their normal law-abiding conduct and that they were 'more vulnerable to the normal processes of law' comparatively to republican paramilitaries, meant that an entire wing of political violence became unknowable to the security forces right at the critical juncture when they were building up both their organisational and operational capacities.

Although the post-critical junction section of this chapter will delve more deeply into the ramifications of not positing loyalist paramilitaries as legitimate intelligence targets, and therefore the morally problematic conduct associated with such an approach, it is important to provide here a brief comparison of intelligence targeting and violence. One of the key broad collection methods used during the critical juncture period was that of 'screening': this was a process of arresting and interrogating a broad subsection of individuals, with or without paramilitary connection, in an effort to build up extensive intelligence files on whole areas or communities.[33] This would often be the collection of mundane background information, such

---

[31] MOD memo, as quoted in: Urwin. *State of Denial*, 29.
[32] Pamela Clayton. *Enemies and Passing Friends: Settler Ideologies in Twentieth Century Britain*. (London: Pluto Press, 1996), 135.
[33] See: TNA: CJ 4/266 – Intelligence in an Urban Guerrilla Warfare Context, Report Prepared by HQNI for the Secretary of State, 24 July 1972; TNA: CJ 4/436 – Directive: Interrogation by the Security Forces in Northern Ireland (Draft), 28 July 1972.

as how many rooms there were in a house or how many people occupied it.[34] However, in the Army's own assessment of these practices in their Operation BANNER analysis, this collection method was deemed to be 'highly invasive of personal liberty' because of the broad approach taken with targeting these individuals, given that they did not need a direct connection to paramilitarism.[35] In fact, screening was seen to be so invasive a collection method that it was deemed illegal in 1981[36] – although by that juncture, the intelligence machinery had improved so significantly that broad collection sweeps served no real operational purpose anyway.

It should come as no surprise that, on the whole, Catholic areas underwent screening at a significantly higher rate than Protestant areas. Although there is no data available from the 1968-1972 period, data does exist for 1973, and can thereby provide an insight into what likely would have been happening during the critical juncture period. In that year, between 4 January and 29 March, 660 persons were screened, of which 635 (96%) were Catholic and 25 (4%) were Protestant.[37] Yet, levels of violence perpetrated by republicans and loyalists during that same period were relatively similar when analysed via number of deaths and injuries – republicans killed 43 and injured 110, whereas loyalists killed 36 and injured 115, and the victims of the latter were predominantly civilians disassociated with political violence.[38] Numbers of loyalist sectarian killings had risen significantly post-Bloody Friday in July the previous year, with smaller loyalist sectarian groups fighting for relevance,[39] and these numbers from early 1973 would have been reflective of that trend. While it should be stressed here that PIRA did undoubtedly posit a much more significant threat to the British state during the critical juncture period (and beyond), it does not mean that the threat posed by loyalist paramilitaries, as evidenced by the data above, was inconsequential; rather, the growth and boldness of loyalist paramilitaries only increased as the conflict protracted.

A morally problematic collection method such as screening, when applied disproportionately to one community within a sectarian conflict such as that in Northern Ireland, led to the increased alienation of the Catholic community against the security forces, the unequal invasion of the personal liberty of Catholics, and an environment in which

---

[34] Urwin. *State of Denial*, 162.
[35] Ministry of Defence (MOD). *Operation BANNER: An Analysis of Military Operations in Northern Ireland.* (London: Her Majesty's Stationery Office, July 2006), 5-1.
[36] Urwin. *State of Denial,* 162.
[37] *Ibid.*
[38] *Ibid*.
[39] Desmond Hamill. *Pig in the Middle: The Army in Northern Ireland 1969-1984.* (London: Methuen London Ltd., 1985), 128.

loyalist paramilitary violence could grow amidst an intelligence machinery which did not see it as a threat. This phenomenon is directly reflective of a failure to establish comprehensive intelligence needs during the direction phase of the cycle, thereby impacting the remaining phases of the cycle and the overall intelligence picture as a whole. To recall, if national security is the first duty of good government, as highlighted by David Omand, it follows that the establishment of intelligence priorities in the direction phase which are reflective of the overall threat faced – and not just from one community – are critical in the upholding of that national security obligation. However, in circumstances where targeting is used disproportionately against one community based on historical assumptions regarding the sectarian composition of the state, the state's ability to fulfil its moral obligations toward its citizens becomes near-on impossible.

Cooperation or Collusion? Early Forays into Cooperation between the State and Loyalist Paramilitaries

The exclusion of loyalist paramilitary groups from intelligence priorities is not the only morally problematic aspect of intelligence conduct in this space. Rather, issues relating to the potential collaboration and/or collusion between loyalist paramilitaries and the British state – in circumstances where loyalists were *not* seen to be enemies of the state, but rather something else altogether – also came to the fore during the critical juncture period. Although allegations of collusion is a theme which is seen to emerge most prominently within the latter third of the conflict, its mythology is not without its foundations in its early years. There are two key themes that crop up during this period and feed into the mythology: the first relates to the questionable acceptability of overlapping membership between the newly created Ulster Defence Regiment (UDR) and the UDA, and the siphoning of arms from one group to the other; and, the second relates to the Army's willingness to accept help in the security space from loyalist paramilitary groups, stylised as 'vigilante' groups within the archive. When analysed at a high level, this phenomenon is still, ultimately, rooted in a framing of intelligence priorities in the direction phase which excluded loyalist paramilitarism as part of the overall intelligence requirements for the conflict.

To begin, and to reiterate, the UDA did not become a proscribed terror group until 1992 – this meant that until that time, being a member of the UDA was not illegal, despite the fact that the group had been undertaking terrorism-related activities since its creation in 1971. Under the *Terrorism Act (2000)*, there are four proscription categories under which a group

can be added to the national list of proscribed terror groups by the Home Secretary. For the purposes of proscription, this means that an organisation: 'commits or participates in acts of terrorism; prepares for terrorism; promotes or encourages terrorism (including the unlawful glorification of terrorism); or is otherwise concerned with terrorism'.[40] It is clear that the UDA would have clearly fit this categorisation well before the date of its proscription, yet it was not included on the government's official list until six years before the Good Friday Agreement was signed. Although the UDA and other associated loyalist paramilitary groups did not begin appearing on the radar of the security forces in Northern Ireland until after the critical juncture period, to its credit, the Joint Intelligence Committee (JIC) did begin producing one threat assessment on the UDA in June 1972,[41] but by the following month, the Committee had concluded that 'there was insufficient evidence to justify' the production of a threat assessment, and so dropped the issue altogether.[42] The lack of sufficient evidence is undoubtedly related to lack of intelligence product being created on the loyalist threat, stemming from its exclusion in the direction phase of the cycle. As such, even at the highest levels of the intelligence machinery in Westminster, the loyalist paramilitary threat could not be taken seriously during the critical juncture period, as the product feeding into it was inadequate.

This is a crucial point to keep in mind alongside both the creation of the UDR and its subsequent first few years of existence. As mentioned in the previous chapter, there was, indeed, overlap in terms of recruits joining the UDR who had previously been in the B-Specials. But, according to a critical document within the archive, entitled 'Subversion in the UDR' drafted by Headquarters Northern Ireland (HQNI), it became clear by 1973 that there was another, more significant overlap in membership – that between the UDR and loyalist paramilitary organisations, and in particular the UDA. The document begins by acknowledging that the intelligence picture they have on this issue is not great – which should not come as a surprise – but that what is expressed in the report is what can be confirmed with absolute certainty.[43] At the time of the report's writing, the UDR's strength

[40] Home Office. *Proscribed Terrorist Organisations*. Her Majesty's Government. 17 July 2020. Accessed 21/09/2020. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901434/20200717_Proscription.pdf.

[41] TNA: CAB 185/10: JIC(A)(72) – "Further Studies on the Irish Situation": Confidential Annex to Minutes of 21st Meeting, Held on Thursday 8 June 1972; TNA: CAB 185/10: JIC(A)(72) – Minutes of 24th Meeting, Held on 29 June 1972.

[42] TNA: CAB 185/10: JIC(A)(72) – "Northern Ireland": Confidential Annex to Minutes of 25th Meeting, Held on Thursday 6 July 1972.

[43] TNA: DEFE 24/835 – "Subversion in the UDR", Draft Report Prepared by HQNI, August 1973.

was 7,910 armed men working in a part-time capacity; to that date, 73 of these men had been charged with subversion, 35 had been placed on 'link procedure' (a system of regular review 'where a possible subversive trace is suspected'), and 20 had decided to resign as a result of their potential association with subversive groups.[44] Subversion, according to the report, was defined as: 'a) strong support for, or membership of, organisations whose aims are incompatible with those of the UDR; b) attempts by UDR members to use their UDR knowledge, skills, or equipment to further the aims of such organisations'.[45] The report also acknowledged that a 'significant proportion (perhaps 5% - in some areas as high as 15%)' of UDR soldiers were also likely members of 'the UDA, Vanguard Service Corps, Orange Volunteers or UVF'.[46] This was equally an acknowledgement that 'subversion will not occur in every case, but there will be a passing on of information and training methods in many cases, and a few subversives may conspire to "leak" arms and ammunition to Protestant extremist groups', and an admission that even those who are not subversive at the moment had the potential to become so in the future.[47]

It is also important to note that, in many circumstances, the so-called 'subversion' of UDR men was not insignificant. For example, one man from the 1st Battalion UDR was also the officer commanding (OC) of the Ballymena UDA, had supplied the UDA with ammunition, and was suspected of illegal arms dealing from Scotland; one man from the 3rd Battalion had been found making tail fins for the homemade mortars that were a hallmark of those used against Catholic enclaves in East Belfast; one from the 4th Battalion was the OC of the Fermanagh UDA; and, another man from the 6th Battalion was a trainer for the UDA.[48] These were not loose associations with loyalist paramilitary groups but, rather, these men were actively engaged in the terrorism-related activities. Further, the report provides a staggering reality: that pilfering from UDR arms caches had been, to date, the single biggest source of arms acquisitions for loyalist paramilitary groups.[49] The activities of the man from the 1St Battalion were not, consequentially, an anomaly, but rather seemed to be indicative of a trend. However, the report also acknowledges the inherent difficulty in determining concretely the levels of collusion – and, indeed, whether there was collusion at all – in the transfer of arms:

---

[44] *Ibid*.
[45] *Ibid*.
[46] *Ibid*.
[47] *Ibid*.
[48] *Ibid*.
[49] *Ibid*.

> The question of whether there was collusion by UDR members in those thefts is a difficult one. In no case is there proof positive of collusion: but in every case there is considerable suspicion, which in some instances is strong enough to lead to a judgment that an element of collusion was present.[50]

Moreover, the number of arms being lost to loyalist paramilitaries was not insignificant. In 1972 alone, 190 weapons were stolen from UDR caches: 141 self-loading rifles, 28 medium machine guns, and 22 pistols.[51] A further report by the Historical Enquiries Team[52], accessed by the Pat Finucane Centre, assessed that between October 1970 and March 1973, 222 weapons belonging to the UDR were lost, misplaced, or stolen and likely ended up in the hands of the UDA.[53] HQNI's subversion report also surmised that one of the key reasons that the UDR was more susceptible to subversion than the Army was due to 'the communities from which it recruits' and the 'circumstances in which it was set up'[54] – in other words, the historical sectarianism of local security forces.

Furthermore, as the report also concedes, these were the activities, associations, and collaborations with loyalist paramilitary groups of which they were *aware.* The information which fed the report's assessment, it is acknowledged, was of a 'post facto character' and that 'it seems unlikely that our intelligence coverage of this area is in any way comprehensive'.[55] Of the circumstances of subversion listed in the report, all had been uncovered either by accident or passive intelligence associated to an unrelated target.[56] Moreover, it seems quite likely that there had been a considerable effort on behalf of certain loyalist paramilitary groups to join and infiltrate the UDR, which had happened both sporadically and en masse. For example, in March 1972, six applications to join the 11th Battalion were received from men in Portadown, all who had known association to the UVF, but their applications did not slip through because the men were notorious – and notoriously violent – in the Portadown

---

[50] *Ibid*.

[51] *Ibid*.

[52] The Historical Enquiries Team was a unit set up in September 2005 under the Police Service of Northern Ireland (PSNI) – the post-Good Friday Agreement iteration of the RUC – to investigate the outstanding unsolved murders that had occurred during the Troubles. Unfortunately, it was forced to shut down less than a decade later, in September 2014, but in its lifetime produced reports which sought to put to rest many of the outstanding questions from the conflict. See: PSNI. "Freedom of Information Request, Re: Historical Enquiries Team", 2009. Accessed 22/09/2020. https://www.psni.police.uk/globalassets/advice--information/our-publications/disclosure-logs/2009/crime/historical_enquiries_team.pdf; "New PSNI unit to investigate Northern Ireland's past". *BBC News*, 4 December 2014. Accessed 22/09/2020. https://www.bbc.co.uk/news/uk-northern-ireland-30330751.

[53] Urwin. *State of Denial*, 63.

[54] TNA: DEFE 24/835 – "Subversion in the UDR", Draft Report Prepared by HQNI, August 1973.

[55] *Ibid*.

[56] *Ibid*

area.[57] On this point, the report once again concedes that 'it would be unsurprising if similar attempts to infiltrate the UDR had not been made by other subversive groups, but we have no knowledge of this or of their degree of success'.[58] Both the above admissions are quite revealing: if this level of subversion was concretely happening, based on the information available to the report assessors – which, they admit, was likely nowhere indicative of the true gravity of the situation – it is staggering to imagine what the actual levels of subversion looked like only a couple of years into the UDR's existence and by the end of the critical juncture period.

Critically, however, the potential for subversion should not necessarily have come as a surprise to anyone involved. The phenomenon of overlapping memberships between the UDR and loyalist paramilitary groups was not an anomaly in this space; rather, this was a not-so-uncommon occurrence with the B-Specials and the RUC.[59] Moreover, for those men who belonged to both, it was frequently not seen as a problematic issue, one not even deemed to be worth reporting to their superiors.[60] As the report on UDR subversion highlights: 'in many areas where officers and men have known each other all their lives through church or social or Orange Order activities, membership of a Protestant paramilitary group might not be considered unusual at all or worth reporting to higher authority'.[61] This, ultimately, was rooted in both a belief and identity that posited the defence of loyalist interests as the highest interests of the state, and so to have membership in both a paramilitary organisation and an organ of the security forces was not seen as analogous to one another, but rather part of the same overall effort that sought the preservation of the Northern Irish state. While membership in both a loyalist paramilitary group and a security force body did not necessarily always equate to violence, this calculation shifted as the conflict protracted, and greater space was developed in which collaboration and/or collusion could flourish. Analysed alongside the significant and unbridled proliferation of loyalist paramilitary groups during the critical juncture period which stemmed from their exclusion as an intelligence priority, it allowed for a perfect environment to be developed in which the lines between paramilitary violence and the upholding of state interests could be blurred significantly for those operating with joint membership in both ideological spaces.

---

[57] *Ibid*.
[58] *Ibid*.
[59] TNA: CJ 4/46 – Note of a Meeting Held at 10 Downing Street on Tuesday, 19 August 1969.
[60] TNA: DEFE 24/835 – "Subversion in the UDR", Draft Report Prepared by HQNI, August 1973.
[61] *Ibid*.

An exclusion of loyalist paramilitaries from intelligence priorities also had another effect: it allowed for these groups to be seen as potential allies in the fight against republican paramilitarism and resulted in explicit cooperation between these groups and the British security establishment. According to the archival documentation available, this was a relationship which began in 1971. A telegram from Frank Steele, an MI6 officer who in 1971 was acting as the deputy to Howard Smith, the United Kingdom Representative in Northern Ireland from 1971-1973,[62] speaks to the initial steps leading to this cooperation. In October 1971, Steele had been asked to convey to Army units in the province that they should 'effect informal contact with unofficial forces' – the context of the telegram makes it clear that loyalist paramilitaries are being referenced here – 'in order that their activities and operation can be co-ordinated and taken into account in security plans for the area concerned'.[63] These 'unofficial forces' were seen to be groups who were 'working in the public interest', and so should be approached in order to help the overall security effort.[64] Writing that same month, General Officer Commanding (GOC) Sir Harry Tuzo agreed with Steele's position, and issued the following guidance:

> While it should be understood that these [groups] cannot be encouraged or given any official standing, nevertheless, the security forces are ready to accept help from any quarter provided the bodies concerned operate within the framework of the defence arrangement controlled by the police and the Army. Accordingly, these unofficial forces are required to make contact with the nearest police station or Army post in order that their activities can be coordinated and taken into account in the security plans for the area concerned.[65]

Tuzo's telegram is also the first time that the terminology of 'vigilante groups' is used to describe loyalist paramilitaries, and the document provides significant insight into how the Army saw its relationship with these groups and the level of association it was willing to make with them. While it cannot be discounted that the levels of violence in October 1971, particularly stemming from the violent aftermath of the imposition of internment two months prior, were both on the rise and quickly spinning out of control, it is staggering to imagine that the Army was willing to 'accept help from any quarter', even when that quarter was engaging in paramilitary violence itself – although the extent to which the security forces

---

[62] Lord Saville. *Report of the Bloody Sunday Inquiry – Volume 1*, 145.
[63] TNA: FCO 33/1486 – Telegram from Frank Steele, MI6 to the Foreign and Commonwealth Office, October 1971.
[64] *Ibid*.
[65] TNA: DEFE 24/746 – "Attitude Towards Vigilante Groups", Telex from GOC HQNI to AUS MOD, 19 October 1971.

knew about this violence is unclear given the lack of intelligence targeting on loyalist agitators. What is also unclear is what, exactly, this cooperation looked like, as the archive remains dark on how this relationship manifested on the ground. Given, however, the loose hand that the Army seemed to be giving the loyalist groups, so long as they made contact with the nearest Army outpost or police station, suggests that much of their conduct was left up to their discretion and rooted in their local knowledge.

However, at least at this juncture, there seemed to be an acknowledgement on Tuzo's part that a *direct* association with these groups could not be made overtly, and that any connections or outreach that were made needed to be done discretely. But, as Tuzo alluded to, it was still an association where there was coordination of action between the Army and these 'vigilante' groups. This is an association which continued into 1972, but one which also began to change as the year went on. Writing again in July 1972, Tuzo became more explicit in the role that these groups should play: 'vigilantes, whether UDA or not, should be encouraged in Protestant areas to reduce the load on the security forces. The RUC might be given responsibility for discrete liaison with the organisation'.[66] By the juncture at which the Tuzo paper was written in July, the UDA had killed 23 people, nearly all in sectarian attacks that were not specifically targeted at PIRA, and by the end of that year that number had risen to 121.[67] The connection being made here is not one to suggest that the Army was directing the UDA and associated paramilitary groups to kill in a sectarian fashion; rather, it is highlighting that without proper direction of intelligence targets that encompass all sides of the conflict, the security forces, such as in this scenario, run the risk of cooperating with groups committing both political and sectarian violence.

Further, in a classified letter also sent that month from the MOD to HQNI, held by the Pat Finucane Centre, the tolerance for UDA association was growing. Related to the first point made in this section regarding overlapping membership, the letter discusses what should occur whether it was found out that a UDR member was also a UDA member. The letter concludes that 'it would be counter-productive to discharge a UDR member solely on the grounds that he was a member of the UDA'; this 'moderate line' taken towards 'UDA supporters' was one made based on the role that the UDA was working 'as a safety valve' alongside the efforts of the security forces, and therefore association with it was not seen in a negative light.[68] This 'moderate line' toward the UDA, and its association with the British

---

[66] TNA: CJ 4/266 – Tuzo Paper to the Secretary of State for Nothern Ireland, 9 July 1972.
[67] Anne Cadwallader. *Lethal Allies: British Collusion in Ireland*. (Cork: Mercier Press, 2013), 29.
[68] *Ibid*., 36.

security forces, continued to grow throughout 1972, but ultimately did come to a standstill at the end of the year – but this was due to the UDA's decision that it could no longer be in a position to help the Army, rather than the Army's decision to disassociate itself from a paramilitary group. In October that year, representatives of the UDA were invited to a meeting with the Permanent Under Secretary at Stormont, Roy Bradford, and multiple representatives of the security forces to discuss the UDA's further cooperation with the Army.[69] One of the UDA representatives, a Mr T. Heron, made the claim that in the Protestant-majority areas – and indeed, within the no-go areas that the UDA had set up that August and now housed up to 2,000 families across the province[70] – the Army and RUC had been attempting to make incursions which the UDA saw as 'nothing but provocation'.[71]

To contextualise, it is important to note that comparatively to the efforts being made through Operation MOTORMAN in May 1972 – an operation undertaken to forever break republican no-go zones across the province[72] and encompassed the Army's biggest operation since the Suez Crisis, involving 27 battalions[73] – the effort being made by the Army to break loyalist no-go areas was relatively insignificant.[74] Regardless, these provocations, according to Heron, had made it 'become impossible to continue helping the Army';[75] it seemed, indeed, that the UDA felt confident in attempting to set the terms of the their arrangement with the security forces. Further, the UDR representative attending the meeting, a Mr F. Jones, stressed to the Stormont representatives that 'the situation would be greatly eased if the soldiers and some of their officers could be persuaded to show common civility to the *loyal* population', and refrain from their current strategy in the loyalist no-go areas.[76] Tuzo, it seemed, was finally moderating his opinion on the UDA, but still saw any violence committed by loyalist paramilitaries as 'a few bad apples', so to speak, working against the interests of the state. At that same meeting, Tuzo indicated that the UDA were trying to copy PIRA tactics 'by publishing a list of complaints against the Army' in relation to the above issue – to note, however, he does not go so far as to say they are copying PIRA in any violent

---

[69] TNA: CJ 4/146 – Note of a Meeting Between the Permanent Under Secretary, Mr Roy Bradford, and Representatives of the Ulster Defence Association Held on Tuesday 17 October 1972.
[70] Hamill, 128.
[71] TNA: CJ 4/146 – Note of a Meeting Between the Permanent Under Secretary, Mr Roy Bradford, and Representatives of the Ulster Defence Association Held on Tuesday 17 October 1972.
[72] MOD. *Operation BANNER*, 2-10.
[73] Hamill, 113.
[74] *Ibid*, 109.
[75] TNA: CJ 4/146 – Note of a Meeting Between the Permanent Under Secretary, Mr Roy Bradford, and Representatives of the Ulster Defence Association Held on Tuesday 17 October 1972.
[76] Emphasis added. *Ibid*.

tactics – and that while the UDA continued to pose as a useful ally in cooperating within the security space, it needed to 'recognise its responsibility for the violent people who were sheltering under its umbrella'.[77] What is most telling here, regarding Tuzo's stance, was that as late as the end of 1972, the Army's position on UDA violence was not that the organisation as a *whole* was violent, but that elements within it were acting against the aims and purpose of the organisation itself.

This episode seems to signify the end of direct cooperation between the Army and loyalist paramilitary groups during this early period of the conflict, as the trail within the archive runs cold at this juncture. Notably, it is also the juncture at which UDA membership was hitting its zenith, the ideological iterations of loyalist extremism were being propagated widely through the UVM, both in Northern Ireland and on the mainland, and loyalist sectarian violence against Catholics was reaching its height during the critical juncture period. It is, however, too far a step to describe cooperation between the Army and loyalist paramilitaries as collusion at this point; the UDA was not yet proscribed, and would not be for another two decades, and within the eyes of the security forces and, particularly, the Stormont government, these groups were not acting *against* the interests of the state, but rather, were operating in their benefit. Yet, this assessment is too simplistic an approach, and legality cannot be the only signifier of moral conduct in the intelligence practice space. Rather, it is the *consequences* of this action which must be taken into consideration – consequences which, ultimately, manifested as the legitimisation of these paramilitary groups in the eyes of the Protestant community; terms of cooperation which allowed these groups to proliferate and expand without security force abatement; and, a precedent in which future cooperation – and possibly collaboration leading to collusion – would not seem like an aberration of practice, but rather a continuation of the norm.

Conclusions

It is, in retrospect, quite staggering to think that the threat of loyalist paramilitary violence did not truly begin to appear on policymaking radar until almost ten years after the conflict had begun, and that any iterations of this violence seen during the critical juncture period were merely interpreted as extreme – and therefore anomalous – actions by elements of the Protestant community, rather than violence stemming from organised paramilitary

---

[77] *Ibid.*

groups which had exceeded over 40,000 individuals in membership by 1972. But this reality, ultimately, is rooted in a failure to adequately engage in the direction phase of the intelligence cycle – which indeed begins that cycle and informs the rest of the process, including defining the information gap and overall intelligence requirements. This idea of 'adequate engagement' in the pursuit of national security in the intelligence space is one which must meet Omand's definition of the obligations that the state has to its citizens in that space; that is, in the act of the citizen conferring trust to the state to appropriately use the 'means' at its disposal, such as intelligence, to attain the 'end' of national security, the state must deliver that 'end' to *all* its citizens. National security cannot just be an aspirational end for one proportion of the population; and, while the use of intelligence as a means inherently has some moral hazards that come with it, it is the obligations of the state to manage those hazards, *particularly* at the direction phase of the intelligence cycle which sets the stage for all the analysis, production, and dissemination that follows it.

The exclusion of loyalist paramilitaries from the direction phase of the intelligence cycle is, at its core, a failure of the British state to meet the national security needs of all its Northern Irish citizens. It is, therefore, a moral failing of intelligence practice. In an instance where the security forces of a state are starting from an assumptive place that one entire side of a sectarian conflict does not qualify as an intelligence target, the ramifications of that decision will be felt not only through the intelligence machinery as whole, but by every citizen on the ground. This is the reality of a failure of direction during the critical juncture period at the outset of the Troubles. Exclusion of loyalist paramilitaries was based on both the internal and institutionalised bias of the political leadership and local security forces on the ground, which permeated upwards to those operating in and from Westminster's direction and guidance, such as the Army. To bring it back to Michael Ignatieff's conception of lesser evils, for the security forces in Northern Ireland, there *was* no calculation being made in the moral conduct in intelligence practice space when it came to direction; so biased were the analytical assumptions underpinning what constituted anti-state and pro-state violence that it seemed a strategic 'given' that any actions undertaken by loyalist paramilitaries – as evidenced by their name – would be a reflection of loyalty and in line with perceived state objectives and needs, and could therefore not pose a threat to the security landscape in the province.

But this calculation, or lack thereof, had significant consequences not just in the moment, but – as will be discussed more deeply in the second case study of this chapter – the seeds planted in the critical juncture period would problematically come to fruition in the

latter third of the conflict, and further impact upon the moral conduct in intelligence practice conversation. First and foremost, by excluding loyalist paramilitaries from intelligence priorities during the critical juncture, the security forces – unbeknownst to them – found themselves in a situation whereby they did not have a full picture on the violence being committed and perpetrated by those groups. As the critical juncture period wore on, and particularly after the implementation of Direct Rule, loyalist paramilitary action manifested predominantly as sectarian violence against non-combative elements of the Catholic community. This is a reality which stemmed from the fact that the unabated growth of loyalist paramilitary groups was allowed to occur during this period, with membership growing in the tens of thousands alongside more vocal and virulent expressions of extreme loyalism which blurred the lines of propriety, as exemplified through the UVM.

Further, loyalist paramilitary exclusion from the direction phase of the intelligence cycle was a continuous loop, one which allowed a mindset to develop in which these groups were seen not as potential intelligence targets, but as allies in the security space. More specifically, this phenomenon manifested in cooperation on security objectives. The Army sought to cooperate with loyalist paramilitary groups from late 1971 onward – or, as they came to be known, 'vigilante' groups – in Protestant areas for help in security matters, a relationship which only seems to have ended once the UDA no longer saw the relationship as beneficial to their corner. This was less an effort at purposeful collusion, which is an allegation that has been made against the security forces later in the conflict, but more a reflection of terms of cooperation that were based in ignorance of the threat faced from these groups by the Catholic community.

A tolerance for loyalist paramilitary group membership was also a phenomenon resulting from a shift in mindset, and this was most manifestly seen with a tolerance for overlapping memberships between these groups and UDR soldiers. The existence of overlapping loyalties was not seen as a problem, but rather a natural state of affairs; this was once again rooted in historical sectarian realities, in which the aims of loyalist groups were not conflicting to those of the Northern Irish state under a Protestant leadership. This reality only helped to perpetuate assumptions of loyalist 'loyalty' even more deeply within the security establishment, thereby working to exacerbate previously existing bias. However, as the archival evidence demonstrates, this led to what could nearly be described as collusion – or at the very least, collaboration – between the roles occupied by one individual in both their UDR and loyalist paramilitary roles. Although the UDR was not operating an intelligence collection capacity at this juncture, the tolerance for overlapping membership did manifest in

material loss, through the siphoning of arms from the UDR to loyalist paramilitary groups. And, to link this phenomenon back to the reality that loyalist paramilitary groups were allowed to grow exponentially and unabated during the critical juncture period, collusion and/or collaboration in the material form of arms transfers ultimately allowed these groups to develop their operational capacities as well.

In sum, the seemingly simple act of excluding loyalist paramilitary groups from the direction phase of the intelligence cycle had long-ranging ramifications during the critical juncture period. This exclusion cannot be seen as anything other than a failure of moral conduct in intelligence practice, stemming from a number of realities as discussed above, and seen from the highest level, is a failure by the state to uphold its national security obligations to *all* its citizens. The over-arching lesson here is that by only focusing one's intelligence priorities based on a biased interpretation of the needs of one's citizenry, intelligence conduct runs the risk of bringing – sometimes lethal – harm to one segment of that citizenry, and therefore impacts negatively upon the overall security environment from which one's intelligence machinery is attempting to develop a comprehensive picture. Given the history of Northern Ireland, some might argue that it should come as no surprise that deep-seeded biases of the Protestant and Catholic community character would impact upon intelligence conduct during the first few critical years of the conflict. While the aforementioned may be a safe argument to make, as will be discussed in the following section, it appears that the British security establishment did not learn from the initial issues related to the exclusion of loyalist paramilitary groups from the direction phase of the intelligence cycle – and the ramifications of those unlearned lessons still echo through to today.

II.   Allegations of Collusion: Overlapping Loyalties, Shared Objectives, or Blurred Boundaries?

If we colluded as much with loyalists as is often alleged by republicans, why did they kill so many innocent Catholics and very few republicans? Would the purpose of collusion not have been to target senior republicans?[78]

The question of whether or not the British state colluded with loyalist paramilitaries in their security policy aims remains one of the most pressing and critical questions stemming from the Troubles, one which has seen – even after the signing of the Good Friday Agreement and through to the present day – no clear consensus on the extent to which this may have happened. Allegations of collusion have been at the heart of numerous inquiries that were carried out in the 1980s, both within the United Kingdom and abroad, and even the circumstances surrounding these inquiries – ranging from allegations of security force stonewalling to a controversial fire which destroyed the primary source documentation of one such inquiry – leave many more questions remaining than answers. But, while there is a common belief that the theme of collusion only emerged in the latter third of the conflict, the cooperation shown and tolerance for loyalist paramilitary groups demonstrated during the critical juncture period, stemming from their exclusion as an intelligence priority during the direction phase of the intelligence cycle, acted as an environment from which the potential for collusive action could bloom. As such, this section will first investigate the criminalisation approach to loyalist violence espoused during the 1970s, the response to the proliferation of loyalist violence post-1985, and will investigate the question of collusion through an analysis of the state's relationship with loyalist agent Brian Nelson.

Loyalist Targeting in the 1970s: The Criminalisation Approach

The shift toward the inclusion of loyalist paramilitarism as an intelligence priority was slow in coming, predominantly retroactive rather than offensive in its implementation, and not comprehensive in its approach. However, to suggest that Westminster's approach to loyalist violence remained the same throughout the conflict as it did during the critical

---

[78] Bill Lowry, the former head of Belfast Special Branch, as quoted in: Mark Cochrane. "Security Force Collusion in Northern Ireland 1969-1999: Substance or Symbolism?" *Studies in Conflict and Terrorism* 36 (2013): 86.

juncture is not fully reflective of the strategic policy shifts that happened in the 1970s, which saw Westminster settle in for a longer war scenario in which the prospect of an immediate peace agreement was no longer a realistic option. The arrival of a new Northern Ireland Secretary in the form of Roy Mason in 1976, alongside a new overall strategic approach taken by Westminster within the same timeframe, seems to have been an important point in the attitude taken with loyalist paramilitaries as priorities – or at least, as targets worth pursuing, as will be delineated below. Mason's tenure as Secretary, from September 1976 to May 1979 – a position which he preceded as Defence Secretary from March 1974 – saw him take a much firmer stance on the security position in Northern Ireland compared to his predecessor Merlyn Rees. While the Rees era was defined by attempts at finding a political solution to the conflict, as exemplified by the failed Sunningdale Agreement and a PIRA ceasefire in 1974, Mason shifted the rhetoric from political to security-based action. Mason was, according to PIRA, a staunch political operator whose approach to the Northern Ireland Office (NIO) saw PIRA closer to defeat than at any other time in the conflict to that juncture; in the words of Martin McGuinness, 'Mason beat the shit out of us'.[79] Importantly, too, he was known for 'loathing' loyalist extremists which invariably impacted his policy approaches during his tenure as Northern Ireland secretary.[80]

Mason's security-based approach was also deeply rooted in Westminster's new strategic approach in the province, known as The Way Ahead policy, which was formally announced as policy in January 1977[81] but which had had its evolution and initial implementation through late 1976.[82] At the heart of Way Ahead were three key concepts: 1) criminalisation – that approaches to convicting individuals for terrorism-related offences should follow ordinary criminal procedures, and that terrorists no longer had the right to Special Category prisoner status;[83] 2) police primacy, or Ulsterisation – that the RUC would be the primary lead on security operations in the province, with the other security forces

---

[79] Geoffrey Wheatcroft. "A happy 80th birthday to the IRA's most deadly foe". *The Telegraph*, 18 April 2004. Accessed 30/09/2020. https://www.telegraph.co.uk/comment/personal-view/3604965/A-happy-80th-birthday-to-the-IRAs-most-deadly-foe.html.

[80] *Ibid*.

[81] Bradley Bamford. "The Role and Effectiveness of Intelligence in Northern Ireland". *Intelligence and National Security* 20 (2005): 585.

[82] For more, see: TNA: CJ 4/2519 – Directive: Royal Ulster Constabulary/Army Co-operation – The Way Ahead, 17 August 1976; TNA: CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 33rd Meeting, Held on Thursday 2 September 1976; TNA: CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 40th Meeting, Held on 21 Thursday October 1976; TNA: CJ 4/1291 – Letter to the Rt. Hon. Roy Mason from the GOC NI, 11 November 1976.

[83] This, in fact, ended in practice before the formal implementation of Way Ahead – Special Category status stopped being recognised on 1 March 1976.

acting in support; and, 3) normalisation – that a return to a state of 'normalcy' was a key objective from a strategic standpoint, so that avenues to peace could be pursued.[84] Moreover, Mason saw great value in this policy, as it would lessen both the amount of Army activity and its deployment numbers, would force the police to improve their intelligence machinery in order to take on a primary security role, and would stress the Army's position as a support to counterterrorism operations rather than a lead, therefore working to lessen the potential for deadly kinetic action and bring about a more 'normalised' approach to security in the province.[85]

Normalisation, too, required there to be a maintenance of an acceptable level of violence – the oft-repeated concept in the Northern Irish conflict's vernacular, although one denied outright by Mason himself[86] – so that there was potential for longer-term political solutions to take root. But, within the conceptual goal of reaching an acceptable level of violence came the need to acknowledge that violence was not only being perpetrated by PIRA – although, it must be stressed, that the overwhelming focus for the security forces remained republican paramilitary violence. This was not only an acknowledgement that Westminster needed to make, but it was one that was already being stressed by the people of Northern Ireland, including Protestants. Members of the Protestant community began vocalising the need for Westminster to focus more on combatting loyalist paramilitary violence than they had before – for example, in an attitude survey conducted by Queen's University Belfast in March 1979, 80% of Protestants polled stated that Westminster needed to take a 'tougher line with loyalist paramilitary groups'.[87] It was from this juncture that increasing assessments on loyalist paramilitary violence begin to appear in the archival record, in addition to acknowledgements that the intelligence picture on these groups was very thin on the ground,[88] which is suggestive of a shift in scope in which intelligence priorities began to expand under the breadth of Way Ahead. For example, loyalist paramilitary violence reviews begin appearing more consistently during JIC meetings from

---

[84] John Bew, Martyn Frampton and Iñigo Gurruchaga. *Talking to Terrorists: Making Peace in Northern Ireland the Basque Country*. (London: Hurst and Company, 2009), 66-67.
[85] Hamill. *Pig in the Middle,* 202.
[86] HC Deb 23 February 1977, vol 926, cc1491-548 [Online]. Accessed 29/09/2020. https://api.parliament.uk/historic-hansard/commons/1977/feb/23/northern-ireland-security-forces#S5CV0926P0_19770223_HOC_292.
[87] TNA: CJ 4/2505 – "QUB Attitude Survey", Note for the Record Prepared by A.E. Huckle (Division 3B), 2 March 1979.
[88] This is the first document that appears in the declassified archive which notes that both the Army and the RUC problematically have very little background or operational intelligence on loyalist paramilitary groups. TNA: CJ 4/4871 – "Action by the Loyalists", Annex to a Note from B.M. Webster to Mr Barker, 25 May 1976.

late 1976,[89] and statistics on loyalist violence also begin making their first appearances in the archival record in late 1976 as well[90] and continued going forward.[91] Yet, it should be stressed that comparatively to the analytical and assessment effort being expended on republican paramilitary violence, while loyalist inclusion increased, it still remained relatively insignificant, not particularly broad in scope, and inconsistent in its coverage.

However, while assessments on loyalist paramilitary groups did begin appearing more frequently in the intelligence archive, it was actions undertaken as part of the criminalisation policy which saw a demonstrable focus on loyalist paramilitary groups as a *criminal* priority, but not necessarily an intelligence one. To recall, as outlined in the first case study of this chapter, one of long-held beliefs of the security forces in the province – a viewpoint also adopted by the Army upon their arrival in Northern Ireland[92] – was the idea that 'the Protestant is usually more vulnerable to the normal processes of law' and that 'he is often a true criminal'.[93] This was a key reason why, more broadly, loyalist paramilitary groups were not included in the direction phase of the intelligence cycle during the critical juncture period, and why, more pointedly, they were not included in arrest lists for the application of internment. However, as an ideological shift toward viewing terrorist violence as 'normal' criminal behaviour emerged, and a policy shift toward pushing terrorists through normal criminal processes began to take hold, this saw a greater space open up for the conviction of terrorist crimes in which loyalist violence could be interpreted as prosecutable criminality. One key element of the criminalisation strand of Way Ahead was the use of so-called Diplock Courts, which were non-jury trials involving a single judge operating in an ordinary criminal court passing judgment.[94] Although the Courts had been in operation since 1973, as introduced by the *Northern Ireland (Emergency Provisions) Act 1973*[95] upon the advice

---

[89] Starting with: TNA: CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 33rd Meeting Held on Thursday 2 September 1976.

[90] For example, see: TNA: CJ 4/4871 – "FCO Enquiry Regarding Protestant Extremists Charged with Terrorist Offences", Briefing Note from M.W. Hopkins (Division 2B – Stormont) to Mr P.A. Crowther (Division 3 – NIO London), 10 November 1976; TNA: CJ 4/4871 – "Protestant Paramilitary Violence", Briefing Note Prepared for Mr Stephens, 6 December 1976.

[91] For example, see: TNA: CJ 4/2276 – Security in Northern Ireland: Statistical Background, Document Prepared by Division 1(B), 31 January 1978; TNA: DEFE 25/532 – Headquarters Northern Ireland Operational Summary for the Period 14 December to 28 December 1981; TNA: CJ 4/4614 – "Draft Background Note: Converted Terrorists", Annex to a Letter from R.J. Davies (Law and Order Division, NIO) to Mr Fergusson (SIL Division), 10 October 1983; TNA: CJ 4/6535 – "Combatting Terrorism: Supergrass Trials in Northern Ireland", by David Bonner Esq., 21 July 1986.

[92] MOD memo, as quoted in: Urwin. *State of Denial*, 29.

[93] Brigadier J.M.H. Lewis in an MOD memo, as quoted in: *Ibid*.

[94] John Jackson. "Many years on in Northern Ireland: The Diplock Legacy". *Northern Ireland Legal Quarterly* 60 (2009): 215-216.

[95] TNA: CJ 3/112 – Letter from Lord Diplock to the Rt. Hon. William Whitelaw, 4 December 1972.

produced under a commission headed by Lord Kenneth Diplock as a way to prevent juror intimidation and perverse acquittals,[96] they did not hit their zenith until some years later.

It was under the policy of criminalisation that Diplock Courts began to be used heavily during the conflict. Most importantly, it was under this policy shift that confessions began being used as evidence of crime; as long as that confession was not obtained through torture, or inhuman and degrading treatment, it was permissible in the court's estimation.[97] While the majority of those going through the Diplock system were republicans, there were a significant number of loyalists who began being prosecuted for terrorism-related offences as well, under an ordinary criminal system to which they, historically, had been seen to be more vulnerable to processes of the law comparatively to republicans. These prosecutions were based on evidence derived from what Westminster referred to as 'converted terrorists' – that is, individuals who had 'decided voluntarily to give evidence in cases involving former accomplices' in return for lesser sentences or immunity[98] – or, who were more colloquially known as 'supergrasses' or 'grasses'.[99] For example, between January 1981 and October 1983, there were seven cooperative loyalist grasses providing evidence on their comrades; stemming from this were 49 charges, and 36 convictions.[100] Comparatively for the same period, PIRA also had seven cooperative grasses providing evidence, leading to 49 charges and 36 convictions.[101] Further, in the period between 1981 and 1986, 15 PIRA men had turned Queen's evidence, and eight loyalists had done the same.[102] Most notably on the loyalist side, supergrass evidence led to the incarceration of the Shankill Butchers,[103] discussed in the first case study of this chapter, who were the most notorious loyalist sectarian murder gang operating in the province.

---

[96] Lord Diplock, interestingly, had served as secretary of Winston Churchill's Wartime Security Executive and had been responsible for, among other things, the creation and implementation of Camp 020, MI5's London-based wartime interrogation centre for enemy agents during World War II. Ian Cobain. *Cruel Britannia: A Secret History of Torture*. (London: Portobello Books, 2013), 173.

[97] *Ibid*., 174.

[98] TNA: CJ 4/4614 – "Draft Background Note: Converted Terrorists", Annex to a Letter from R.J. Davies (Law and Order Division, NIO) to Mr Fergusson (SIL Division), 10 October 1983.

[99] According to one archival document: "It is said that the nickname 'grass' for informer derives from the Cockney rhyming slang 'grasshopper-copper' but it may also owe something to the popular song *Whispering Grass* and the term 'snake in the grass'". TNA: CJ 4/6535 – Supergrasses and the Legal System in Britain and Northern Ireland, n.d.

[100] TNA: CJ 4/4614 – "Draft Background Note: Converted Terrorists", Annex to a Letter from R.J. Davies (Law and Order Division, NIO) to Mr Fergusson (SIL Division), 10 October 1983.

[101] *Ibid*.

[102] The loyalist breakdown was as follows: five from the UVF; two from the UDA, and one from the Red Hand Commando. TNA: CJ 4/6535 – "Combatting Terrorism: Supergrass Trials in Northern Ireland", by David Bonner Esq., 21 July 1986.

[103] Owen Bowcott. "Northern Ireland's Diplock courts to be abolished soon". *The Guardian*, 16 August 2006. Accessed 30/09/2020. https://www.theguardian.com/politics/2006/aug/12/uk.northernireland.

When looked at objectively, these are not insignificant numbers or outcomes, nor should the ratio of republican to loyalist supergrasses in particular be ignored. The supergrass scenario is the singular example in the conflict discussed thus far in which outcomes against both loyalist and republican paramilitaries have been reasonably in proportion to the threat faced, rather than all other examples in which republican violence was seen as the primary – if not only – threat faced by the province. However, it would be erroneous to see these supergrass numbers as a victory of the intelligence machinery more broadly or of intelligence direction and the changing of priorities more specifically. Interrogations were being conducted, particularly on the loyalist side of the sectarian divide, with the intent of acquiring evidence for prosecution rather than intelligence for either background or operational purposes.[104] This was a different threshold of admissibility which required an alternative approach to interrogation,[105] and was information which would have been fed through the criminal justice system rather than the intelligence cycle for further processing. As Bradley Bamford highlights, the supergrass system was 'an example of valuable operational intelligence being wasted on attempted criminal prosecutions',[106] and K.G. Robertson crucially notes that 'in intelligence work, a trial is often a symptom of failure' that is rooted in not understanding how to best exploit that information further through the intelligence cycle.[107]

The Diplock Court system did indeed fall out of favour and regular use by the mid-1980s,[108] and this was due to a number of reasons: first, that the overall conviction rate was only about 42%;[109] that supergrasses began retracting their statements, either to take advantage of amnesties offered by paramilitary groups or due to threats-to-life against themselves and their families;[110] that many supergrass-related convictions were being let out on appeal because of the flimsiness of the evidence used to prosecute;[111] and, the

---

[104] Michael Freeman. *Freedom or Security: The Consequences for Democracies Using Emergency Powers to Fight Terrorism.* (London: Praeger, 2003), 60; Peter Taylor. *Brits: The War Against the IRA.* (London: Bloomsbury, 2001), 202; Mark Urban. *Big Boys' Rules: The Secret Struggle Against the IRA.* (London: Faber and Faber, 1992), 134.

[105] *Ibid.*

[106] Bradley Bamford. "Intelligence and Northern Ireland", in *Secret Intelligence: A Reader*, Christopher Andrew, Richard J. Aldrich and Wesley K. Wark eds. (London: Routledge, 2009), 269.

[107] K.G. Robertson, as quoted in: *Ibid.*

[108] Freeman, 61.

[109] *Ibid.*

[110] David Bonner. "Combatting Terrorism: Supergrass Trials in Northern Ireland". *The Modern Law Review* 51 (1988): 30.

[111] Although the title of this document is not clearly related to supergrasses, it does spend time discussing supergrass appeals and the winding-down of Diplock Court usage. TNA: CJ 4/7419 – "Paper: Establishment of a Border Zone", Annex to a Letter from S.G. Hewitt (Law and Order Division) to Mr Innes and the Private Secretary to the Secretary of State for Northern Ireland, 8 January 1988.

longstanding critiques that the use of jury-less courts were a human rights violation in terms of a right to due process.[112] While the supergrass system did ultimately impact positively upon the levels of violence being perpetrated by loyalist paramilitaries by virtue of these operators being either convicted or tied up within the criminal justice system for concentrated periods of time, the efforts being put toward loyalists during the supergrass period was not focused on long-term intelligence outcomes, coverage, or penetration. As such, the increased focus on loyalists during the supergrass era was less about broadening of intelligence priorities to include loyalist paramilitary groups within the overall threat assessment in the province, but rather most likely stemmed from the longstanding belief that Protestants were 'more vulnerable to the normal processes of law'[113] and therefore a system like that of the Diplock Courts felt like a natural space in which to deal with loyalist paramilitary violence.

The Response to the Proliferation of Loyalist Violence Post-1985: An Expansion of Intelligence Priorities or a Breeding Ground for Collusion?

As the Diplock system fell apart, loyalist violence began to surge from the mid-1980s onward. This should not be understood as an exclusive failure of Diplock, for there were other factors at play – notably, that republicanism was shifting away from violence toward politics; the signing of the Anglo-Irish Agreement[114] in 1985, which loyalists interpreted as a betrayal by the British state; and 'a sense that more aggressive loyalist action was needed to protect Northern Ireland's place in the UK from the republican enemy and from UK pusillanimity'.[115] Rather, the failure of Diplock should be seen as a key contributing factor as to why the intelligence picture on loyalist paramilitaries remained incomplete due to a primary focus on the criminalisation of that violence rather than an effort which mirrored the long-term infiltration seen by the security forces toward republican paramilitary groups in the 1970s and 1980s. This meant that, in practice, as violence by loyalist groups escalated from the 1980s onward, there were very few intelligence assets in place, or current background and

---

[112] Bonner, 30.

[113] Brigadier J.M.H. Lewis in an MOD memo, as quoted in: *Ibid*.

[114] The Anglo-Irish Agreement was a treaty signed between Prime Minister Margaret Thatcher and Irish Taoiseach Garret FitzGerald which acknowledged that there would be no change to the status of Northern Ireland without the consent of a majority, provided the Republic with a "consultative role" in the administration of the province, and institutionalised Anglo-Irish relations. It also called for greater security cooperation between the two countries. Alan Morton. "Anglo-Irish Agreement – Summary of Events". *Conflict Archive on the Internet (CAIN)*. Accessed 06/10/2020. https://cain.ulster.ac.uk/events/aia/sum.htm.

[115] Richard English's testimony to the *Patrick Finucane Review*, as quoted in: The Rt. Hon. Sir Desmond da Silva. *The Report of the Patrick Finucane Review*: *Volume I*. (London: The Stationery Office, December 2012), 54.

operational information available, that would have been sufficient to meet that threat head on. As such, much in the way that the security forces had little-to-no-grip on loyalist paramilitary violence in the critical juncture period, a similar reality needed to be faced as violence proliferated from 1985 onward. Moreover, two of the key issues stemming from the critical juncture period related to moral conduct in intelligence practice – that is, the threat-to-life of Catholic civilians from an incomplete coverage of loyalist paramilitaries within intelligence priorities and environments leading to potential collusion between the security forces and these groups – continued to remain lessons unheeded as the conflict wore on.

The post-1985 period saw loyalist paramilitary groups become increasingly proficient in their murdering of Catholic civilians, and their intelligence capacities relating to targeting improved as well, making them ever-more lethal.[116] As will be discussed later in this chapter, this improvement of targeting is alleged to have resulted from increased cooperation between loyalist paramilitaries and the security forces, in which the sharing of intelligence was a defining issue. By early 1993, deaths perpetrated by loyalists overtook those perpetrated by republicans for the first time in the conflict;[117] by 1994, loyalists had killed over 1,000 people since the beginning of the conflict,[118] compared to the 1,720 death perpetrated by republican groups.[119] While it cannot be forgotten that PIRA, in the early 1990s, was in ongoing negotiations with the British state regarding a potential permanent cessation of violence, and had indeed entered into a ceasefire in August 1994,[120] this lessening of republican violence does not alone account for the meteoric rise of loyalist violence during the third decade of the conflict. Moreover, critically, whereas PIRA-related violence had majorly been against symbols of the state, such as soldiers or RUC men, the overtaking of loyalist violence in this respect was a continuation of loyalism's alternative logic in the 'legitimacy' of targeting, in which non-combatants numbered amongst the overwhelming majority of those killed by loyalist groups.[121] However, it must be noted that by 1994, one in five killed by loyalist

---

[116] Jon Moran. *From Northern Ireland to Afghanistan: British Military Intelligence Operations, Ethics and Human Rights.* (Farnham: Ashgate Publishing Limited, 2013), 50.
[117] Tim Kelsey. "Loyalists claim more victims than IRA". *The Independent*, 2 January 1993. Accessed 01/10/2020. https://www.independent.co.uk/news/uk/loyalists-claim-more-victims-than-ira-1476005.html.
[118] Mark Simpson. "Loyalists on the Troubles: 'Better to die on your feet'". *BBC News*, 15 August 2019. Accessed 01/10/2020. https://www.independent.co.uk/news/uk/loyalists-claim-more-victims-than-ira-1476005.html.
[119] Kelsey. "Loyalists claim more victims than IRA".
[120] Provisional Irish Republican Army (PIRA). "Irish Republican Army (IRA) Ceasefire Statement, 31 August 1994". *Conflict Archive on the Internet (CAIN)*. Accessed 02/10/2020. https://cain.ulster.ac.uk/events/peace/docs/ira31894.htm.
[121] BBC Spotlight. "Spotlight on the Troubles: Episode 6 – Escalation of Loyalist Violence During the 1990s". *British Broadcasting Corporation,* 15 October 2019.

paramilitaries had some connection to republicanism[122] – but this association did not need to be concrete. For example, between 1987 and 1994, eight of those killed were members of Sinn Féin, and another 15 were merely related to republicans.[123] Regardless, Catholic civilians without paramilitary affiliation remained, overwhelmingly, the primary targets of loyalist paramilitary violence through to the end of the conflict.

Remarkably, this expression of violence from the mid-1980s onward is eerily akin to that of the critical juncture period, in which violent action was met with increased political support of loyalist extremism. For example, November 1986 saw the birth of Ulster Resistance in response to the Anglo-Irish Agreement, a kind of ideological successor to the UVM which arose out of the implementation of Direct Rule. In effect, Ulster Resistance were a loyalist paramilitary movement supported by the Democratic Unionist Party (DUP) and longstanding loyalist politician Ian Paisley.[124] Upon its creation, a large group met at Ulster Hall in Belfast – the same place where 70 years earlier unionists had gathered to oppose Home Rule from Dublin – and were treated to speeches by many DUP members of parliament, including Paisley himself.[125] Although there had been explicit instruction to those attending the meeting not to record any of the proceedings, video footage obtained by the BBC does survive. At the meeting, Paisley was recorded deeply expressing his support for the movement:

> So I make a personal appeal to you as a political leader in this province. I intend to give this movement of Ulster Resistance my undivided support. I will give it whatever political cover it needs […] We have no other option. There is no other way forward. There is one thing we need that I take on this occasion the strategy of Maggie herself. She says to negotiate you need a deterrent – well, we're going to have a deterrent![126]

Stemming from this initial meeting were rallies across the province in support of Ulster Resistance. However, although it is impossible to say with certainty from the information available whether this was the ultimate intent or not, the 'deterrent' mentioned above by Paisley ultimately manifested a few weeks later in the form of Ulster Resistance members meeting with other loyalist paramilitary groups – the UVF, the UDA, and the Red Hand

---

[122] *Ibid.*
[123] *Ibid.*
[124] BBC Spotlight. "Spotlight on the Troubles: Episode 5 – Loyalist Anger and Retaliation". *British Broadcasting Corporation*, 8 October 2019.
[125] *Ibid.*
[126] Ian Paisley, as quoted in: BBC Spotlight. "Spotlight on the Troubles: Episode 5".

Commando specifically – in an effort to smuggle weapons into Northern Ireland.[127] From this point, the movement became armed, and guns either directly in the hands of Ulster Resistance members or passed onto other loyalist paramilitary groups from their caches were involved in the murder of at least 70 people from their inception in 1986.[128]

As such, much like in the critical juncture period, there were two symbiotic elements working alongside one another – one in which loyalist violence was rising relatively unabated whilst extremist iterations of loyalism were broadly tolerated across the province. Although there is no information on the impact that the creation of Ulster Resistance had on recruitment numbers to loyalist paramilitary groups, one cannot help but wonder whether the relationship between the UVM and the height of UDA membership during the critical juncture period was repeated from 1985 onwards. From a high level, two key questions stand out when examining the level of proliferation of loyalist violence post-1985: how did the intelligence effort against these groups actually manifest during this period, and why were these groups able to so dramatically improve their targeting capacity, leading to the increased lethality against Catholic civilians? These questions, fundamentally, are at the heart of the collusion conversation and will be the threads which run through the proceeding sections of this chapter.

The first of these two questions is the most difficult to answer. Although the informer war, and its inception, will be discussed in detail in Chapter 5, it is important to stress at this juncture that the use of agents and informants became the key intelligence approach as the conflict entered the so-called 'long-war' period – that is, the period after 1976 and the failure of the Sunningdale Agreement,[129] in which Westminster settled in for a low intensity conflict[130] – and the use of agents and informants very much came to define the security approach in the province. However, almost the entirety of the public information which exists on the use of agents and informants by the security forces during the long-war period comes from individuals who were agents themselves and have chosen to speak publicly about their experiences, or stemming from public inquiries related to the oft-nefarious actions of agents and informers in support of state security objectives. Given that the tradecraft involved in running agents and informers can be defined as an operational secret on a need-to-know basis, these are not discussions which are held in the archive – not the declassified archive, at

---

[127] BBC Spotlight. "Spotlight on the Troubles: Episode 5".
[128] *Ibid.*
[129] Neumann. *Britain's Long War,* 84.
[130] Jon Moran. "Evaluating Special Branch and the Use of Informant Intelligence in Northern Ireland". *Intelligence and National Security* 25 (2010): 43.

any rate. As such, any assessments made on the impact of the informer war must come from the declassified world.

Regardless, there is one assertion that can be made with relative certainty in this conversation: that the depth of penetration of republican groups was overwhelmingly more comprehensive, invasive, and prolific than that of loyalist groups – the ramifications and manifestations of which will be discussed in Chapter 5. However, this does not mean that there was *no* penetration of loyalist groups, or that there was no intelligence prioritisation given. Rather, this effort was small. For example, as will be discussed in more detail in Chapter 6, RUC Special Branch underwent a significant rehaul in the late 1970s, which resulted in the establishment of new subdivisional units which held differing intelligence-related responsibilities, ranging from analysis and assessment to covert action. One of those units, E3, which was responsible for the assessment and dissemination of intelligence, had two subsections: E3A, which dealt exclusively with republican paramilitary violence, and E3B, which was its loyalist paramilitary violence counterpart.[131] By the late 1980s, however, E3B remained a very small unit, only consisting of five officers supervised by a Chief Inspector.[132] According to the findings of *The Report of the Patrick Finucane Review*, which had unparalleled access to classified documents of relevance to the investigation surrounding the questionable murder of Belfast lawyer Patrick Finucane by loyalist paramilitaries, E3B 'was in practice limited in its ability to assess intelligence relating to loyalist terrorism'.[133] Further, the *Review* uncovered an MI5 report commissioned by the RUC Chief Constable in 1988 which concluded that E3B 'has neither the time, resources or a sufficient data base to collate and analyse intelligence' related to loyalist violence.[134]

It is worth reminding the reader here that the RUC were the lead, as a result of the Way Ahead Policy, on countering terrorism in Northern Ireland; as such, if their efforts on the loyalist paramilitary threat were hugely underdeveloped in prioritising that threat, that is both a clear reflection and indictment of the state of affairs, particularly as loyalist violence was reaching its zenith in the 1990s. While MI5 did run some loyalist agents in this period,[135] their focus was predominantly on those – on either side of the sectarian divide, but still a majoritarian focus on republicans – who could provide political intelligence rather than

---

[131] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 60.
[132] *Ibid*.
[133] *Ibid.*
[134] Security Service report on E3 commissioned by the RUC Chief Constable from 1988, as quoted in: *Ibid*.
[135] *Ibid., 63.*

background or operational intelligence,[136] so less immediately actionable overall. The Army did have some loyalist coverage too, but this was equally minimal, which is reflective of their diminished role in the post-Way Ahead Policy strategic approach. However, the Force Research Unit (FRU), a covert branch of the Army responsible for the handling and recruiting of agents, played a significant role in the informer war but, according to *The Report of the Patrick Finucane Review,* they only handled one loyalist agent,[137] who happened to be one of the most infamous agents on either side of the sectarian divide: Brian Nelson.[138]

Overlapping Loyalties, Sectarian Murder, and Security Force Violence

The actions of Brian Nelson, to be discussed in greater detail, are deeply emblematic of the space in which allegations of collusion have been made in regard to the conduct between loyalist paramilitaries and the security forces from the 1980s onward. But, as demonstrated in the first case study of this chapter, the environment which allowed the potential for collusive behaviour between these two actors to grow had its roots in the critical juncture period. For example, one of the key issues discussed in the previous case study was the problematic overlap in membership of loyalist groups and security forces, in which association with loyalist groups was not seen as a conflict of interest, but rather a continuation of traditional normalised associations. This was an attitude which permeated into the immediate post-1972 period as the intelligence machinery was undergoing a shift from being under the legislative purview of Stormont to that of Westminster, and saw the existence of these historical biases become entrenched in new intelligence approaches. The conversations regarding the expanded role of the UDR in the immediate post-critical juncture

---

[136] No archival evidence notes this, but two primary and one secondary source confirm this reality. See: Willie Carlin. *Thatcher's Spy: My Life as an MI5 Agent Inside Sinn Fein*. (Newbridge: Merrion Press, 2019), ix; Mark Hollingsworth and Nick Fielding. *Defending the Realm: MI5 and the Shayler Affair*. (London: Andrew Deutsch Limited, 1999), 138; Mark Urban. *UK Eyes Alpha*. (London: Faber and Faber Limited, 1996), 51.

[137] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 61.

[138] Although the *Review* had significant and unparalleled access to classified documentation relating to the running of agents, particularly by FRU, it is difficult to say with certainty that the FRU did not run any other potential loyalist agents. There is anecdotal evidence which suggests that the Army, although perhaps not FRU specifically (for they were only formed in 1982) had had some experience running loyalist agents but both the archival record and secondary sources are very unclear on this. Moreover, Martin Ingram – a former FRU collator – argues that Special Branch had, in fact, prevented FRU "from infiltrating loyalist murder gangs", insofar as "there was no direction from the top to taken on loyalism"; that is, given the policy of police primacy, there was no intelligence priority direction given to prioritise loyalist paramilitaries. For more on the latter point, see: Martin Ingram and Greg Harkin. *Stakeknife: Britain's Secret Agents in Ireland*. (Dublin: The O'Brien Press, 2006), 32.

period offer an important insight into this issue. There were discussions occurring in late 1973 about whether to expand the UDR's role to include an intelligence gathering capacity. Support for this idea ran from 'wariness to enthusiasm',[139] but ultimately was one which was agreed upon quickly in principle,[140] despite the acknowledgement that the UDR would 'prove to be a more valuable source of intelligence on [PIRA] than Protestant activities' due to the composition of the UDR.[141]

As these conversations continued into the new year, there was an additional acknowledgement made that the overwhelmingly Protestant composition of the force may give rise to accusations of impartiality if it were to become publicly known that the UDR was operating with an intelligence collection capacity; however, this risk was deemed to be a suitable one to take given the perceived potential intelligence value that could be extended via a changing intelligence capacity.[142] Moreover, the threat was also deemed to be minimal because the UDR, informally, was already collecting low-grade information and passing it onto the Army.[143] Only one declassified document in the archive mentions the potential danger 'that the information will instead be passed onto Protestant extremist organisations' – notably, by the civil advisor to the GOC[144] – but this point was brushed aside in future discussions which noted that:

> Apart from a few individuals' behaviour the only overt signs of subversion have in the past been the collusive theft of weapons and ammunition. The proportion of men suspected of subversion from intelligence reports is admittedly extremely small. At best such reports give cause for disquiet. At the worst, if as seems likely they disclose only the tip of an iceberg, they serve to remind us that the UDR is inevitably subject to the same strains as the rest of the civil population in Northern Ireland.[145]

---

[139] TNA: DEFE 24/835 – "Intelligence in the UDR", Annex to a Note for the Record by Brigadier M.S. Mayley BGS(Int)DIS, 6 December 1973.

[140] TNA: DEFE 24/835 – "UDR and Intelligence", Note for the Record by Lt. Col. P.C. Bowser, 20 December 1973.

[141] TNA: DEFE 24/835 – "Intelligence in the UDR", Annex to a Note for the Record by Brigadier M.S. Mayley BGS(Int)DIS, 6 December 1973.

[142] See: TNA: DEFE 24/875 – Draft Minute from the Vice Chair of the General Staff (VCGS) to the Under Secretary of State (Army), January 1974; TNA: DEFE 24/875 – Letter from A.W. Stephens (Head of Defence Secretariat) to G.W. Watson (NIO), 17 January 1974; TNA: CJ 4/669 – Letter from Antony Stephens (MOD) to G.W. Watson (NIO), 17 January 1974; TNA: CJ 4/669 – "Intelligence in the UDR", Annex to a Letter from Anthony Stephens (MOD) to G.W. Watson (NIO), 17 January 1974.

[143] TNA: DEFE 24/835 – "Intelligence in the UDR", Annex to a Note for the Record by Brigadier M.S. Mayley BGS(Int)DIS, 6 December 1973.

[144] TNA: DEFE 24/875 – "UDR and Intelligence", Note for the Record by C.V. Balmer (Civil Adviser to GOC Northern Ireland), 15 January 1974.

[145] TNA: DEFE 24/875 – "Draft Report: The Ulster Defence Regiment", Annex to a Memo from A.P. Cumming-Bruce (DS7), 12 March 1974.

It must be stressed that these conversations were happening *after* the critical 'Subversion in the UDR' document had been disseminated; as such, the weight of the acknowledgement above regarding potential intelligence direction is incredibly significant. The Subversion document stressed that what was being reported within it was based on what could concretely be reported as fact, and that the extent of potential subversion was significantly higher than thought, due to the complete lack of intelligence in this area. As such, it cannot be stated that as the intelligence machinery shifted from under Stormont to Westminster after the imposition of Direct Rule, Westminster was not fully aware of the issues which had been inherent in the security forces generally, but which had so concretely been exported to the sophomoric UDR.

Therefore, to suggest that the only collusive behaviour – 'collusive' being a weighty and significant term to be used in the above quotation – was simply being demonstrated by an 'extremely small' number of men is not reflective of the broader reality of the issue, nor does it speak to the incalculable other kinds of potentially collusive behaviour that could have been occurring, such as the passing on of information. This is an example of Westminster choosing not to acknowledge the 'known unknowns' within their calculations regarding the expansion of intelligence collection capacities to a group with known problematic overlaps between itself and loyalist paramilitaries, therefore opening up significant questions regarding appropriate moral conduct in the intelligence practice space not only for individual operators working in that space, but also the entire intelligence machinery as a whole. To knowingly extend an intelligence collection capacity in such a calculation is quite staggering; it is one which chooses to ignore a clearly problematic situation in the pursuit of an improved intelligence capacity that defines its only intelligence priorities within the republican paramilitarism sphere. Moreover, by not tackling this issue head on, or even *acknowledging* that overlapping membership was problematic, it worked to solidify the idea that cross-membership of this nature was not only tolerated by the security forces and Westminster more broadly, but also accepted without potential punishment. Although there are no surviving declassified records which indicate the number of UDR members convicted of offenses over the course of the conflict,[146] the UDR example nonetheless raises two important questions: one, regarding the extent to which potential leakages were happening not just during the immediate post-critical juncture period, but also – as will be discussed in relation

---

[146] Ian Cobain. *The History Thieves: Secrets, Lies and the Shaping of a Modern Nation.* (London: Portobello Books, 2016), 176.

to collusion in the following section – throughout the remainder of the conflict; and two, what levels of violence were being perpetrated by those individuals with overlapping memberships between the security forces and loyalist paramilitary groups. And, most notably, leaks of classified information would find their way into the hands of loyalist paramilitaries, including Brian Nelson.

The second question is certainly the easier of the two to quantify, as there were examples stemming from individuals who were from different parts of the security forces engaging in violence. Although this is not an issue directly related to intelligence necessarily, it is still important to highlight two of these instances in order to demonstrate that cooperation, collaboration, and/or collusion between security force members and loyalist paramilitaries was not just an intelligence-related issue but was also more base in its manifestation. The first relates to the actions taken by two RUC men, Constable William McCaughey[147] and Sergeant John Weir, who was part of a subsection of the RUC called the Armagh Special Patrol Group[148] – both of whom were members of the UVF.[149] Both men, in 1980, were convicted of murdering a Catholic shopkeeper three years prior in a sectarian attack, and both men were given life in prison; moreover, four other of their RUC colleagues were also convicted of serious offences in regards to sectarian attacks in the same year, related to kidnapping a Catholic priest and bombing a Catholic bar, but were only given suspended sentences.[150]

Weir later condemned other fellow RUC men to the *Report of the Independent International Panel on Alleged Collusion in Sectarian Killings in Northern Ireland* – responsible for providing an international inquiry into allegations of collusion and unsolved sectarian killings in the province – related to 12 unsolved sectarian attacks[151] in the province.[152] The *Report* found Weir's allegations to be founded in evidence: eight of the cases alleged by Weir involved firearms, and in seven of those eight cases, RUC ballistics tests corroborated his allegations that RUC-issued arms were involved.[153] Although the breadth of the *Report* was much broader than just Weir's allegations, it concluded that:

---

[147] Taylor. *Brits*, 286.
[148] *Unquiet Graves*. Directed by Sean A. Murray. (United Kingdom: Relapse Pictures, 2018).
[149] Taylor. *Brits*, 286; *Unquiet Graves*.
[150] Taylor. *Brits*, 286.
[151] Eleven murders and one attempted murder. For more, see: Douglass Cassel. *Report of the Independent International Panel on Alleged Collusion in Sectarian Killings in Northern Ireland*. (Notre Dame: Center for Civil and Human Rights, October 2006), 4.
[152] *Ibid*.
[153] *Ibid*.

[…] documentary, testimonial and ballistics evidence suggests that the violent extremists with which whom RUC officers and agents and UDR soldiers colluded – and even overlapped – gained much of their arms and ammunition, as well as training, information and personnel, from the RUC and UDR.[154]

Further, and perhaps most damningly, the *Report* also concluded that – based once again on the breadth of their investigation and not just allegations that were put forth by Weir – that instances of potential collusion, 'sectarian crimes', and overlap of RUC officers with loyalist paramilitaries was known to RUC superiors; not only did they fail 'to act to prevent, investigate, or punish them', 'they allegedly made statements that appeared to condone participation in these crimes'.[155] This is, without question, a rather staggering conclusion in which to arrive, and poses important questions regarding how a similar manifestation of potentially collusive behaviour in the intelligence practice space would have been treated had it come to the attention of high-ranking RUC superiors in the post-critical juncture period.

Moreover, both Weir and McCaughey were self-proclaimed members of the Glennane Gang,[156] a loyalist murder gang who committed sectarian killings between July 1972 and 1978 in an area of the province known as the 'Murder Triangle',[157] in which it is estimated that over 120 people were killed during its six years of existence.[158] Importantly, the Gang was not representative of just one loyalist paramilitary group; rather, its membership came from across the loyalist spectrum, and it is alleged that there was significant overlap in membership with the security forces as well.[159] But, the actions of the Gang remain one of the more elusive periods of loyalist violence in the province, with many of the murders alleged to have been committed by this group having gone unprosecuted to this day and, while this thesis does not have the purview to delve deeply into this, there are numerous allegations that the actions of the Gang were both known and sanctioned by the security forces in the province.[160]

---

[154] *Ibid.*

[155] *Ibid.*

[156] *Ibid.*, 9.

[157] The 'Murder Triangle', geographically speaking, covered all of Armagh, but stretched through to Tyrone, Dundalk, and Monaghan in the Republic. See: Cadwallader. *Lethal Allies*, 15.

[158] *Ibid.*

[159] *Unquiet Graves.*

[160] See: Cadwallader; Pat Finucane Centre. "Press Release: Families win legal challenge over failure to investigate Glennane Gang murders". *Pat Finucane Centre,* 28 July 2017. Accessed 03/10/2020. https://www.patfinucanecentre.org/human-rights-dublinmonaghan/press-release-families-win-legal-challenge-over-failure-investigate; *Unquiet Graves.*

One of the Gang's most notorious members, Robin 'The Jackal' Jackson – also a member of the Mid-Ulster UVF and former member of the UDR from 1973 – was involved in a string of significant murders throughout the 1970s and into the 1980s as well.[161] While Jackson would be either directly or indirectly involved in the murder of over 100 people while he was active,[162] his first murder came in October 1973, while he would still have been a member of the UDR – that of Catholic trade unionist Patrick Campbell.[163] Jackson, moreover, is alleged to have been involved in some of the most damaging sectarian killings of the conflict: the Dublin and Monaghan bombings of May 1974,[164] in which 33 were killed and over 300 injured;[165] and the Miami Showband[166] Massacre in July 1975,[167] in which the UVF attempted to load a bomb in the Showband's van to be detonated as they headed into the Republic.[168] Further, Jackson allegedly used to attend his victim's funerals, dressed in formal costume – an act in which he found 'grisly delight'.[169] Jackson's last murder is thought to have occurred in 1991,[170] and while he was arrested a number of times throughout his active period as a loyalist gunman, including for the killing of Campbell at the start of his murderous career, charges were nearly always dropped and he frequently slipped through the system without ever having been prosecuted for murder.[171] Stemming from these slippery circumstances are, invariably, accusations that Jackson was being protected as an agent of the security forces.[172] As Anne Cadwallader argues, the circumstances surrounding Jackson's

---

[161] *Unquiet Graves.*

[162] *Ibid.*

[163] Justice Henry Barron. *Interim Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings.* (Dublin: Joint Committee on Justice, Equality, Defence and Women's Rights, December 2003). 259.

[164] Weir alleged this in his affidavit to the official committee responsible for looking into the Dublin and Monaghan bombings. See: Barron. *Interim Report,* 239.

[165] Martin Melaugh. "Dublin and Monaghan Bombings – Chronology of Events". *Conflict Archive on the Internet (CAIN).* Accessed 03/10/2020. https://cain.ulster.ac.uk/events/dublin/chron.htm.

[166] The events surrounding the massacre were particularly tragic from an ideological standpoint, as showband performances were one of the few places where Protestants and Catholics could mix freely. Moreover, the Miami Showband were religiously mixed as well, and left politics out of their performances, so their targeting was deeply felt by both sides on the sectarian divide. Cadwallader, 101.

[167] Jackson is alleged to have been the head of the UVF unit which was responsible for the massacre. For more, see: Cadwallader, 103; Kevin Dowling. "Day of 'The Jackal' has finally drawn to a close". *The Independent,* 4 June 1998. Accessed 03/10/2020. https://www.independent.ie/irish-news/day-of-the-jackal-has-finally-drawn-to-a-close-26182704.html; Caelainn Hogan. "The Miami Showband Massacre: a brutal attack during the Troubles resurfaces on Netflix". *The New Statesman,* 21 March 2019. Accessed 03/10/2020. https://www.newstatesman.com/miami-showband-massacre-netflix-brutal-attack-during-troubles-resurfaces.

[168] Barron. *Interim Report,* 256.

[169] Dowling. "Day of 'The Jackal' has finally drawn to a close".

[170] Dowling. "Day of 'The Jackal' has finally drawn to a close".

[171] *Unquiet Graves.*

[172] Weir alleged this to the committee investigating the Dublin and Monaghan bombings (Barron. *Interim Report,* 239) and controversial psyops expert Major Colin Wallace, who had been stationed in Northern Ireland during many of Jackson's early murders (Cadwallader, 328).

inability to be prosecuted 'either point toward levels of almost unbelievable police incompetence or, much worse, that Jackson's many murders were either tolerated or even encouraged by some within the RUC'.[173]

However, there is insufficient publicly available information to even begin to make an assessment as to whether Jackson was a state asset, and so he shall remain a 'known unknown' within the conflict's muddy narrative. What can be said with some certainty is that Jackson specifically, the Glennane Gang more broadly, and the permissibility of overlapping paramilitary and security force membership more generally is deeply indicative of the initial and ongoing failure to include loyalist paramilitary groups within the direction phase of the intelligence cycle. Despite attempts to criminally 'handle' loyalist paramilitary violence through the Diplock system, the lack of their intelligence prioritisation – or even adequate coverage, as highlighted by the uncovered MI5 assessment detailed in *The Report of the Patrick Finucane Review* – clearly did not undergo a significant evolution through to the end of the conflict, which negatively impacted upon the state's ability to handle the proliferation of loyalist violence post-1985. Furthermore, an ongoing tolerance for overlapping loyalties between the security forces and loyalist paramilitary groups was permitted to persist throughout the conflict, and there are clear examples of individuals who inhabited those overlapping loyalties as having engaged in paramilitary violence, overwhelmingly perpetrated against Catholic civilians. The consequences of the failure to adequately acknowledge loyalist violence – as evidenced by the spilled blood of civilians who were unconnected to paramilitary or state violence – are not only an indictment of the state's moral obligation, as outlined in Omand's national security equation, to protect all its citizens equally, but more pointedly it is an indictment of a failure to ensure moral conduct within the intelligence practice space when the outcome of a lack of action is considered.

Agent 6137: The Recruitment and Re-Recruitment of Brian Nelson, the Loyalist Jewel in the Intelligence Crown

Although there are numerous allegations regarding collusion between the security forces and loyalist paramilitaries in the intelligence context, this thesis has chosen to focus on the state's relationship with Brian Nelson, as the documentary and archival evidence provides the most comprehensive basis from which to form an analysis. It is more effective to examine

---

[173] Cadwallader, 266.

the breadth of activities of one agent rather than specific incidents of alleged collusion – such as the murder of Belfast lawyer Patrick Finucane,[174] or the slew of unsolved murders that were under investigation by the Historical Enquiries Team, the findings of the latter which remain largely unavailable to the public – as it provides the opportunity to examine the motivations of the state in maintaining a long-term relationship with a seemingly problematic loyalist agent, their expectations of his role within the UDA, and the manifestation of how that relationship actually existed in reality. Moreover, the recruitment and actions of Nelson have been covered in detail by three key governmental inquiries which have attempted to deal with the question of collusion between state forces and loyalist paramilitary groups: the *Stevens Inquiries*, the *Report of the Patrick Finucane Review,* and the *Cory Collusion Report: Patrick Finucane.*[175] These inquiries are not only valuable because they are objective in their approach, but also because the leads of these inquiries had access to classified information – some with better success than others, as will be discussed in the following section – and as such provide the most accurate insight into the key questions needing to be addressed in regards to collusion allegations and those presented within the moral conduct in intelligence practice space.

Brian Nelson was, without question, the most notorious loyalist agent[176] that had been run in Northern Ireland by the security forces. Recalling his interrogation with Nelson, Sir John Stevens – who headed three governmental inquiries concerning collusion between state forces and loyalist paramilitary groups in the form of the *Stevens Inquiries* – described him as

---

[174] While the murder of Patrick Finucane by loyalist paramilitaries is one of the most airtight examples of collusion in the conflict – and, is the only instance in which the state admitted to allegations of collusions made, in which former Prime Minister David Cameron stated that "shocking levels of collusion" had taken place during a formal apology to the Finucane family after the issuing of the *Report of the Patrick Finucane Review* – it still remains a singular example. Nelson provides the opportunity to look at the state's relationship with an agent over time, and while the Finucane story is deeply important, it will not be discussed at length in this thesis. Rather, Sir Desmond da Silva has done a far better job of examining Finucane's murder in detail, with access to the classified archive, than any open source researcher could ever accomplish, so the author will point the reader to the *Report of the Patrick Finucane Review* for a detailed analysis on this incident. Cameron quote taken from: Henry McDonald and Owen Bowcott. "David Cameron admits 'shocking levels of collusion' in Pat Finucane murder". *The Guardian*, 12 December 2012. Accessed 13/10/2020. https://www.theguardian.com/uk/2012/dec/12/david-cameron-pat-finucane-murder.

[175] Unfortunately, the Stevens Inquiries remain classified, aside from the overall conclusions and recommendations of the *Stevens Inquiry III*. However, Sir John Stevens himself, in lieu of the publications of the findings, has been very vocal about his inquiry process – and particularly in relation to his prosecution of Brian Nelson – so analysis will be drawn from his writings as well. Of the three reports, the *Repot of the Patrick Finucane Review* provides the greatest discussion of and investigation into Nelson as a FRU agent, is the most recent of the three, is the most comprehensive in terms of unclassified publication, and had the greatest access to classified material for its analysis and conclusions.

[176] That, at this juncture, has been publicly unveiled. It goes without saying that on both the republican and loyalist sides, there remain agents that would have reached high-ranking positions within their respective organisations, but that their identities remain hidden to the public.

such: 'he was not an inspiring specimen: in his late thirties, tall, thin, with mousy brown hair, wearing glasses, a chain smoker and heavy drinker, highly nervous, always shaking, obviously living on the edge'.[177] Despite the small man portrayed by this description, allegations surrounding Nelson's involvement in the targeting of republicans for murder at the behest and participation of the state would go on to form the most contested and controversial examples of state collusion with loyalist paramilitary agents throughout the breadth of the conflict. The aforementioned interrogation by Stevens would lead to a 650-page document of testimony about all the activities[178] – illegal, or straddling the line of legality – that Nelson participated in whilst an agent for the British state, and would heavily inform the findings of Stevens' three inquiries which 'highlighted collusion, the wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder'.[179] As such, the following two sections will delve into the recruitment of Nelson, allegations made about potential collusion between himself and his handlers, and the far-reaching outcomes of those allegations as expressed through public inquiries.

For Omand, the issue of whether Nelson should ever have been recruited is not up for reconsideration, but rather the subsequent issues stemming from his handling is where the most problematic aspects arose: 'the case therefore can be seen as a flawed success, a case that with hindsight should have been better handled; but it should not be described as an agent recruitment that should never have happened on the ethical grounds of collateral risk'.[180] Although the nature and role of agent-running will be discussed in great detail in Chapter 5, it is critical to note here that Nelson had been recruited and run by an organisation called the FRU, which had been stood up sometime between 1981 and 1982 as part of the Army's intelligence structure.[181] While Special Branch would come to be the security organisation with the primary agent-running responsibility in the province after the

---

[177] John Stevens. *Not for the Faint-Hearted: My Life Fighting Crime*. (London: Phoenix, 2005), 190.
[178] *Ibid.*
[179] John Stevens. *Stevens Enquiry III: Overview and Recommendations*. (London: Her Majesty's Stationery Office, 17 April 2003), 3-1.3.
[180] David Omand and Mark Phythian. *Principled Spying: The Ethics of Secret Intelligence*. (Washington, DC: Georgetown University Press, 2018), 127.
[181] There is not a consensus on the exact date of the FRU's establishment, as an official record of it does not exist in the declassified archive. As such, its vestment date is estimated by those who had some peripheral involvement with it. For more, see: Rory Finegan. "Shadowboxing in the Dark: Intelligence and Counter-Terrorism in Northern Ireland". *Terrorism and Political Violence* 28 (2016): 503; Stephen Grey. *The New Spymasters: Inside Espionage from the Cold War to the Global War on Terror.* (Great Britain: Penguin Books, 2016), 62; Ingram and Harkin, 28; William Matchett. *Secret Victory: The Intelligence War that Beat the IRA*. (Lisburn: Hiskey Press, 2016). 174.

implementation of Way Ahead, the FRU were far from strangers to the agent-running world. The role of the FRU was to exist as the central unit to control and coordinate agent-handling and intelligence for the Army, and in the early 1980s, it was handling about 100 agents in the province.[182] However, unlike other non-police intelligence operators which worked in Northern Ireland during the 1980s, the FRU had no RUC officer directing or supervising their operations, and they could act independently from the police primacy structure.[183] This, invariably, would come to prove problematic in terms of determining the levity through which agents could conduct themselves in a conflict zone whilst working on behalf of the British state, as well as the boundaries to which the FRU was expected to adhere in the handling of its agents.

Much like the lack of clarity surrounding the vesting date of the FRU, there is no clear opinion on when Nelson was recruited as an agent by the state. Nelson, born in the Shankill area of Belfast in 1947,[184] took up a shipyard job like many from the Protestant community when he left school at 15;[185] however, this was a short lived endeavour, and he then joined the Army as part of the Royal Highland Regiment, where he stayed for about four and a half years[186] before being dismissed for medical reasons in 1969.[187] Now 22 and back in Belfast – just as the conflict was coming alight – Nelson became involved in paramilitary activity and joined the UDA,[188] but not before an 18-month stint running his own unit under the umbrella of the Ulster Protestant Volunteer Force,[189] one of the many loyalist paramilitary organisations that cropped up during the first few years of the conflict. It seems, moreover, that Nelson's role in paramilitary activity during this period was not just symbolic. Speaking to journalist Greg Harkin, one former UDA member who served alongside Nelson during this period recalled him as such:

> Those days were mad and the Troubles were young and no one really knew where we were all headed. But yes, Brian Nelson was involved in the taking of lives. The exact number I cannot go into. But yes, he was involved, like many, many others. The fact that he was an ex-soldier meant that he was called upon more

---

[182] Moran. *From Northern Ireland to Afghanistan*, 51.
[183] *Ibid.*
[184] Cobain. *This History Thieves*, 187; Ingram and Harkin, 161.
[185] Ingram and Harkin, 161.
[186] Cobain. *The History Thieves*, 187; Peter Cory. *Cory Collusion Report: Patrick Finucane*. (London: The Stationery Office, 1 April 2004), 15-1.24; Ingram and Harkin, 163.
[187] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 98.
[188] Cobain. *The History Thieves*, 187.
[189] Ingram and Harkin, 164.

than most. He had a deal of respect because he could handle firearms better than most, and he was always keen to impress the bosses.[190]

By 1973, Nelson had been jailed for terrorism-related offences, where he remained until 1977.[191] Although there is some discrepancy in terms of when the FRU first approached Nelson for recruitment, it seems that by 1985 he was an active agent operating in the interests of the British state.[192] Moreover, while it is unclear what happened to Nelson between the years of his release from jail and his recruitment by the FRU,[193] his story of paramilitary activity, violence, and incarceration should not be seen as an anomaly in terms of those selected for recruitment by the state; rather, this profile was precisely that which could provide the most ideal cover for an agent whose affiliation with the state was to remain completely unknown to his paramilitary group. Enjoying such cover and clout with his organisation, Nelson could inhabit a role described by Stella Rimington as a 'long-term penetration agent' – the most valuable type of agent – in which these individuals could 'stay in place for a long period and work their way into positions where they can provide key intelligence'.[194]

It seems, moreover, that a long-term penetration agent role as described by Rimington is exactly the one that Nelson would come to inhabit once he was recruited by the FRU, albeit with some blips in terms of how active his role was and the purpose it served. If one is to believe the early estimates of his recruitment – that it occurred in 1983[195] – it would appear that Nelson's role as an agent inhabited two distinct phases, with the first occurring from 1983-1985. During this phase, former FRU collator 'Martin Ingram' – the pseudonym used

---

[190] Unnamed UDA paramilitary man, as quoted in: Ingram and Harkin, 165.

[191] This was in relation to the kidnapping of Gerald Higgins, a partially sighted man, who was "beaten, set on fire, and electrocuted" at a UDA club by Nelson and two other men. He was only saved when an Army patrol intervened as he was being led to his execution site. Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 98-99.

[192] Dates ascribed to Nelson's recruitment range from 1983 to 1986. Ingram, who had worked with the FRU as a collator and had access to FRU military intelligence source reports (MISRs), puts Nelson's recruitment as early as 1983, whereas Peter Taylor puts it as late as 1986. However, looking at the evidence presented by the *Cory Collusion Report* and the *Report of the Patrick Finucane Review*, the author feels confident in stipulating that Nelson was indeed highly active in 1985 based on Cory's investigation of incidents involving Nelson from 1985 onward, and was most likely recruited in 1984 based on Da Silva's analysis. For more, see: Cory. *Cory Collusion Report: Patrick Finucane*, 15-1.46; Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 98; Ingram and Harkin, 180; Lord Saville. *Report of the Bloody Sunday Inquiry*. "Intelligence Witness – Martin Ingram (Oral Testimony, Day 329)". Accessed 11/06/2020. https://webarchive.nationalarchives.gov.uk/20101017063949tf_/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts329.htm, 66-67; Taylor. *Brits*, 288.

[193] Da Silva suggests that he was likely not involved in paramilitary activity again until March 1984, but this is unclear. Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 99.

[194] Stella Rimington. *Open Secret*. (London: Arrow Books, 2002), xiv.

[195] See: Footnote 192.

by Ian Hurst[196] – argues that a number of UDA and UFF operations were stopped based on Nelson's intelligence; as Ingram calculates, during the last six months of 1983, the UDA did not successfully assassinate any Catholics.[197] Unfortunately, yet unsurprisingly, there is little publicly available information as to how Nelson's intelligence collection role would have manifested during this early period, so it is difficult to concretely quantify Ingram's claims. But, what cannot be forgotten is that during the period described, the Diplock system was still actively working to criminalise rather than infiltrate loyalist paramilitary groups and, as such, this decrease in violence is very unlikely to be ascribable to Nelson's intelligence alone. Regardless, as for loyalist paramilitary violence more generally, 1985 seemed to be a pivotal year for Nelson as well, and it changed his value – and purpose, if allegations of collusion are to be followed – for the FRU going forward. This year marked both a growing trust by the FRU in Nelson's value as an agent, a seeming watershed for Nelson in terms of his own desire to participate in the informer war, and acted as a catalyst in which Nelson's role going forward would see him occupy a critical intelligence role within the UDA's overall structure.

To begin with, 1985 marked the year in which Nelson helped to facilitate an arms deal with Armscor, apartheid South Africa's arms procurement agency, in benefit of the UDA. According to the *Cory Collusion Report*, this arms deal was encouraged by the FRU, and his tickets to South Africa were paid for by his handlers.[198] In Peter Cory's assessment, 'the Army appears to have been committed to facilitating Nelson's acquisition of weapons, with the intention that they would be intercepted at some point en route to Northern Ireland',[199] but it is unclear whether the overarching goal would have been to apprehend the UDA members who were waiting for the arms shipment in Northern Ireland or to 'jark' the guns so that they were unusable once they reached general circulation. Cory concedes that 'whether the transaction was consummated remains an open question' as Nelson informed his FRU handlers that the transaction could not go through due to a lack of UDA funds to support it,[200] but according to statistics presented by the group Relatives for Justice, loyalist murders jumped from 71 people between January 1982 and December 1987 to 229 people between

---

[196] Martin Ingram is the pseudonym of Ian Hurst. Since leaving the Army, Ingram has released a book, written articles, provided testimony to various inquiries and been interviewed in various different outlets in respect of his experiences both in the Army's Intelligence Corp and the FRU. He is very outspoken about what he interpreted as misconduct by the security forces during the conflict, and as such is known as a prominent whistleblower within the Northern Irish context. For the purposes of this thesis, and for the sake of preventing confusion, his pseudonym will be used rather than his real name as this is the identity under which he publishes.
[197] Ingram and Harkin, 180.
[198] Cory. *Cory Collusion Report: Patrick Finucane,* 26-1.53.
[199] *Ibid.*
[200] *Ibid*, 26-1.54.

January 1988 and September 1994,[201] with the assumption that the deal did eventually go through two years after Nelson's visit to South Africa.[202] The *Report of the Patrick Finucane Review* refutes this claim, stating that the shipment which came in 1987 did not involve Nelson, but was rather a Ulster Resistance-led effort instead.[203] Regardless of the arms deal's outcome, this episode is indicative of an increasing trust in Nelson as an agent by the FRU – a trust which would invariably continue to develop as their relationship wore on and Nelson's rise in the UDA became ever-more valuable to the security forces.

However, it seems possible that Nelson began having second thoughts about his double life. In October 1985, Nelson was offered a one-year contract to work in West Germany, which he accepted, and it appeared that for a few months he had contact with neither the UDA nor his FRU handlers.[204] This decision followed Nelson's involvement in the attempted murder on 27 September 1985 of who the *Report of the Patrick Finucane Review* refers to as 'T/27', a Sinn Féin councillor based in Belfast.[205] By this stage, Nelson had been working as an intelligence officer within the intelligence unit of the UDA, and had been tasked by high-ranking UDA member Thomas 'Tucker' Lyttle to provide names and photographs of Sinn Féin councillors to be targeted, of which T/27 was selected.[206] Not only was Nelson tasked with selecting the target, but in the operational planning stage of the attack, he was requested by Lyttle to do a 'recce' (surveillance run) to confirm a pattern of life for T/27 and confirm his identity prior to the attack. An attempted murder plot went ahead against T/27, which is the first recorded instance of Nelson being directly involved in the targeting of a civilian for murder – one in which his two handlers were 'fully aware of his role' and, while intelligence was passed onto the RUC Special Branch,[207] the intelligence was not effectively exploited to stop the plot.[208] While the findings of the *Report of the Patrick Finucane Review* suggest that Nelson's move to West Germany had little to do with his guilt over the T/27 plot, but rather just him taking an opportunity that presented itself,[209] he did eventually return to Northern Ireland in early 1987 to continue his role as a FRU agent. Thus began the second phase Nelson's role as an agent – the phase from which significant allegations of collusion stem.

---

[201] Relatives for Justice, as quoted in. Cobain. *The History Thieves*, 190.
[202] *Ibid*, 188.
[203] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 96.
[204] *Ibid.,* 107.
[205] *Ibid.,* 99.
[206] *Ibid.,* 100.
[207] *Ibid.,* 103.
[208] *Ibid.,* 109.
[209] *Ibid.,* 107.

The *Report of the Patrick Finucane Review* is quite critical on the FRU, and the other security forces, for seeking to re-recruit Nelson after the T/27 plot. In the words of the *Report*:

> Despite their knowledge of the grave threat that Nelson could pose to the lives of persons he targeted in his capacity as a UDA Intelligence Officer, and the unwillingness or inability of the RUC [Special Branch] to act on that information, the FRU had no hesitation in re-recruiting Nelson as an agent.[210]

Moreover, the ambitions that the FRU had for the new role that Nelson could play within the UDA changed significantly during his sojourn to West Germany, and deeply informed their desire to re-recruit him. In a statement given to the *Stevens Inquiry III* by A/05 – the former Commanding Officer (CO) of the FRU – the overarching intent was to infiltrate Nelson back into the UDA not as an intelligence officer, but as the UDA's *chief* intelligence officer:

> We carefully developed Nelson's case […] with the aim of making him the Chief Intelligence Officer for the UDA. By getting him into that position FRU and [Special Branch] reasoned that we could persuade the UDA to centralise their targeting through Nelson and to concentrate their targeting on known PIRA activists, who by the very nature of their own terrorist positions were far harder targets. In this way, we could get advance warning of planned attacks, could stop the ad hoc targeting of Catholics and could exploit the information more easily because the harder PIRA targets demanded more reconnaissance and planning, and this gave the RUC time to prepare counter measures.[211]

The FRU were not the only intelligence agency seeking to recruit Nelson after his sojourn to West Germany, due to the perceived potential intelligence value he could bring. An internal MI5 memo from January 1986 noted, too, that Nelson had the potential to give them 'top level access' to the UDA, and the intelligence he could provide was particularly critical given the 'increasing political links between unionists and paramilitaries', no doubt a reference to the creation of and support for Ulster Resistance which had had its inception the year before.[212] MI5 officers, alongside FRU operators met with Nelson upon his arrival to Heathrow Airport from West Germany, and upon meeting him, one of the MI5 officers wrote a telegram back to London describing how much more impressed they were with his potential after an in-person meeting, describing him as 'a much higher calibre than the average UDA

---

[210] *Ibid.,* 104.
[211] The testimony of A/05 to the *Stevens Inquiry III*, as quoted in: *Ibid.,* 108-109.
[212] Security Service internal memo from 15 January 1986, as quoted in: *Ibid.,* 109.

gouger'.[213] As such, it is clear that it was not just the FRU who saw the immense potential value of Nelson in a revamped role, but also MI5 as well, which suggests that the entirety of the intelligence machinery was in support of the re-recruitment of Nelson despite the outcomes of the T/27 plot.

Ultimately, the FRU's ploy to re-recruit Nelson was successful – despite the interest from MI5 prompting 'a bitter and acrimonious tussle between the FRU and the Security Service'[214] – and from April 1987 onward he indeed became the UDA's chief intelligence officer,[215] a move which was both acknowledged and approved by the Commander Land Forces (CLF).[216] It also marked a critical shift in the use of Nelson as an agent, one in which his central role was to *move* – in A/05's words, 'persuade' – targeting in a more useful pathway that was friendlier to state objectives. The above quotation from A/05 is a remarkably important one: it gives a deep insight into what kind of lesser evil calculations were being made by the FRU and the broader intelligence establishment regarding the usefulness of Nelson, despite previous transgressions, and the potential role he could play in abetting that shift from the random targeting of Catholic civilians to actual PIRA members with clear links to violent republicanism. Moreover, unlike more traditional agent recruitments, Nelson's re-recruitment was done with a high-level intent that was deeply linked to an overarching strategic objective, one which positioned him in a role of 'tasking' by the state. As A/05 stated at Nelson's eventual trial: 'whatever [Nelson] may or may not have done throughout his time with the UDA since 1987, he would not have done it had we in the FRU not reinstated him in the UDA in the first place'.[217] And, as stressed in the *Report of the Patrick Finucane Review*, by tasking Nelson to target PIRA members for the UDA 'and paying him accordingly', he was 'acting in a position equivalent to an employee of the MOD'; as such, 'his subsequent actions as an agent of the State must be seen in this light'.[218] The positioning of Nelson was not just one which was interpreted from a collection perspective, but rather, one which could *influence* outcomes in line with strategic objectives – and this is precisely where the greatest issues within the moral conduct in intelligence practice space fell.

---

[213] Security Service telegram from 19 January 1987, as quoted in: *Ibid.,* 110.
[214] *Ibid.,* 111.
[215] *Ibid.,* 115.
[216] *Ibid.,* 113.
[217] A/05, as quoted in: *Ibid.,* 116.
[218] *Ibid.*

Finally, it cannot be forgotten that Nelson's re-recruitment was done in a particular context of significantly increasing loyalist violence against Catholic civilians post-1985, alongside the birth of the Ulster Resistance paramilitary movement in the same year – supported by the unionists in the political establishment – and harked back to the almost mirrored phenomenon of rising loyalist violence and the birth of the UVM during the critical juncture period. Not only this, but as discussed above, the intelligence coverage of loyalist paramilitary violence continued to be underdeveloped into the late 1980s despite the aforementioned rises in violence, so the value of an asset like Nelson – and the reliance upon him – would have been heightened given the unique position he played within the intelligence structure during this late juncture of the conflict. The balancing of lesser evils in the Nelson re-recruitment was one done within this complex context, and on the surface, is arguably a proportionate action given the nature of the threatscape at this juncture and the failures of the security establishment to effectively deal with loyalist violence that was both increasing and disproportionately targeting non-combatant Catholic civilians. The strategic intent to position Nelson as the UDA's chief intelligence officer was an important move in an attempt to protect civilian lives; however, as the next few years would show, it would also allow for very serious allegations of collusion to arise, which invariably demonstrated some critical issues in the moral conduct space in relation to meeting key strategic objectives through the use of influence agents.

Evidence of Collusion? The Activities of Brian Nelson from 1987-1989

Allegations of collusion concerning the activities of Brian Nelson vis-à-vis the security forces relate to two key areas: the leaking of intelligence information to Nelson, of which he had no lawful reason to possess; and, the involvement of Nelson, whether on the periphery or directly, in the murder of individuals in support of strategic state interests and at the behest of the state. It is important to articulate at the outset of this discussion that to suggest that Nelson would never be involved in criminal activity, as the chief intelligence officer of a loyalist paramilitary organisation, would not be reflective of the reality of agent-running; and, while that conception will be discussed in greater detail in Chapter 5, it is nonetheless critical to acknowledge that his handlers, and anyone else in the security establishment, could not have been under any illusions regarding his criminality. However, to acknowledge such a reality is not a blank cheque for an agent to engage in criminality; rather, as in any case when discussing any question within the moral conduct in intelligence practice,

the permissibility of criminality, as defined by Nelson's handlers, ought to ultimately have been determined by a calculation of lesser evils, and within established and concrete parameters of acceptability. To reiterate from above, the purpose of reinfiltrating Nelson back into the UDA as their chief intelligence officer was in order to get the UDA, in the words of A/05, to 'centralise their targeting through Nelson and to concentrate their targeting on known PIRA activists', thereby allowing both a shift away from targeting Catholic civilians for murder and a greater potential for the security forces to prepare counter measures in the targeting of PIRA members.[219] Nelson's involvement in criminality, therefore, was calculated as an acceptable risk in lieu of allowing the levels and manifestations of loyalist violence to continue in the trend they were heading. Yet, it appears that the initial parameters and intent which defined those lesser evil calculations were divorced from realities on the ground, and either became muddled, lost, or entirely ignored in the heat of the conflict.

Nelson's use of P Cards, and the dissemination of intelligence materials for targeting, is an important starting point in this discussion. In order to effectively undertake his new targeting role as chief intelligence officer of the UDA after his re-recruitment, Nelson began to create and disseminate what are known as 'P Cards', or 'personality cards', comprising the details of republican paramilitary targets for potential attack; these formed the basis of 'intelligence dumps' from which targeting material was provided.[220] This was, without question, the most important *modus operandi* of his new role. According to the investigations of the *Cory Collusion Report*, upon arriving back to the province and into the paramilitary fold, the UDA had 'provided him with a large cardboard egg box containing documents and photomontages relating to PIRA, INLA [Irish National Liberation Army], and Sinn Féin' personalities, the materials of which acted as a starting point for Nelson's P Card system.[221] These P Cards were intended to be updated frequently, based on new information that Nelson derived from radio transmissions, electoral registers, and Republican newspapers; over time, Nelson's P Cards became incredibly accurate, detailed, and comprehensive, and effectively were 'an index system of intelligence on all Republican personalities'.[222] However, as the Cory report uncovered, the open source information gleaned by Nelson only accounted for so much; rather, 'his primary source material consisted of photo montages and handwritten information acquired from either the Military or the RUC', and according to Nelson's own

---

[219] The testimony of A/05 to the *Stevens Inquiry III*, as quoted in: *Ibid.,* 108-109.
[220] Cory. *Cory Collusion Report: Patrick Finucane*, 27; Stevens. *Not for the Faint Hearted*, 181
[221] Cory. *Cory Collusion Report: Patrick Finucane*, 27.
[222] *Ibid.*

testimony, information leaked from the UDR accounted for 90% of the information found in his P Card system.[223] This raises the important question as to how and why Nelson received this leaked information: whether it was intentional, as part of a broader strategic push, or whether it was from those with overlapping memberships and interests between the UDR and loyalist paramilitarism who directed this information toward him in the pursuit of an individually conceptualised higher good, is a near-on impossible question to answer without access to the classified archive.

Nelson also claimed that the FRU kept photocopies of his P Cards, and that these were being turned over to UDA operators looking for targets – a reality which was known by Nelson's handlers, according to Cory and Da Silva's assessment of contact forms[224] (CFs) between the two.[225] The FRU were aware that Nelson had 'disseminated targeting material extensively',[226] and a CF from 26 October 1987 noted specific individuals to whom P Cards were being disseminated, citing one of the reasons for justifying such dissemination was 'to increase the targeting capacity of the UDA'.[227] The latter point, of course, was part of the overarching strategic purpose of re-recruiting Nelson, as told by A/05, so it is unsurprising that the FRU were in the know and seemingly accepting of Nelson's dissemination of P Cards. However, it is the *extent* to which they were disseminated which is the most problematic aspect. As the *Report of the Patrick Finucane Review* highlights:

> It should have been apparent to Nelson's handlers that it would almost certainly have been impossible for him subsequently to have been involved in the targeting process for each and every target the UDA might go on to select from that material. By disseminating the material so extensively, he effectively relinquished his control over it.[228]

Control over that information would have been relinquished by the security forces as well. If one of the two main intents of involving Nelson in UDA targeting was to enable the RUC to prepare countermeasures, such a strategic advantage would most certainly have been lost if the sheer number of individuals being targeted was: 1) outside the scope of the RUC's capabilities; and 2) unknown in detail to the RUC. Moreover, the *Report* also found that

---

[223] *Ibid.*
[224] "Contact forms" are the record of contact between a handler and their agent.
[225] Cory. *Cory Collusion Report: Patrick Finucane*, 28; Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 122.
[226] *Ibid.,* 121.
[227] CF 26 October 1987, as quoted in: *Ibid.,* 122.
[228] *Ibid.,* 123.

Nelson did not always give his handlers all the names of the P Cards he disseminated.[229] For example, military intelligence source reports (MISR)[230] dated 8 and 11 March noted that Nelson had shared targeting information, including photographs, with a loyalist paramilitary codenamed L/38 in Co. Fermanagh who was 'most enthusiastic' about carrying out the targeting.[231] However, while Nelson's FRU handlers had forwarded this information to the RUC, Nelson had never provided his handlers with the names on the P Cards he disseminated – nor does evidence exist which suggests they sought it – making the intelligence passed onto the RUC effectively useless,[232] and rendering one of the key strategic advantages of Nelson's agency moot.

This scenario was not an anomaly; rather, the *Report* outlines in detail five such instances from 1987-1989, in which Nelson did not provide the identities of those on disseminated P Card to his handlers and in which his handlers did not follow up on seeking those identities out.[233] In the *Report's* assessment, Nelson's role as an agent 'was characterised by his repeated dissemination of dangerous targeting information throughout the UDA, and the FRU's handling of him was characterised by a willingness to allow him to engage in such activity without proper control'.[234] Moreover, the fact that Nelson was able to disseminate so widely is also suggestive of the fact that Nelson's handlers were likely not advising him on how to minimise and control distribution to best meet the strategic needs of the security establishment, although it is unclear as to why. Perhaps most damningly, however, was the reality that Nelson's wide dissemination of P Card information did not just stop at the UDA. A CF from 23 March 1988 is the first available recorded instance of Nelson disseminating to the UVF,[235] and CF and MISR documentation shows that such dissemination went on through to August 1989.[236]

Further, in at least one example investigated by the *Report*, it appears that Nelson's handlers did not admonish him for disseminating this information to the UVF. In a CF from 7 April 1989, Nelson is recorded having justified the dissemination, in the words of his handler, A/13, as such: '[Nelson] feels that if the UDA are not going to act then *it is better that the UVF do it than no one*. Although the UVF are not particular about their targets they appear to

---

[229] *Ibid.,* 124.
[230] MISRs were reports produced by source handlers, such as those from the FRU, to pass on to be actioned by the appropriate security force, which in the FRU's chain was RUC Special Branch.
[231] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 126.
[232] *Ibid.*
[233] *Ibid.,* 124-126.
[234] *Ibid.,* 125.
[235] *Ibid.,* 127.
[236] *Ibid.,* 127-129.

be more aggressive'.[237] Following this, A/13 seemed pleased at the possibility that this dissemination posed: 'if this is successful, it will enhance [Nelson's] standing […] particularly if the UVF carry out an attack on one of the targets for which [Nelson] supplied the information'.[238] It is unclear whether this was Nelson taking action alone in deciding to disseminate beyond his own organisation, or whether it was being directed by his handlers, but in practice it was representative of a complete lack of control over the outcome of targeting information, and was in no way reflective of the strategic purposes presented by Nelson as outlined by A/05. As the *Report* summarises, 'it should have been apparent to all concerned that distributing such material beyond the confines of his own organisation […] would amount to total abandonment of control over the use to which it was then put'.[239] Finally, it would have indirectly involved Nelson in the murder of an unknown amount of people over which his handlers, nor anyone else in the security establishment, would have had any control over intervening.

The statement from A/13 above regarding the enhancing of Nelson's standing is an important one to extrapolate more broadly – it begs the question of what level of criminality was required in the maintenance of Nelson's cover. While the *Report of the Patrick Finucane Review* argues that 'it must have been abundantly clear [to the FRU] that Nelson's aims in proliferating material were avowedly criminal in nature',[240] as touched on previously, this would have been a critical element to the maintenance of his cover, for to be part of a terrorist organisation without getting one's hands dirty – particularly when stationed at such a high level in said organisation – would be a requirement to remain outside of the realm of suspicion. This is in line with Omand's arguments regarding intelligence conduct requiring a 'different morality' than what is ascribed to in civilian life, but the permissibility of criminality in the case of Nelson was one which seemed to be quite broad in its scope, and once which did not seem to have even post-facto recriminations from his handlers. According to an interview given to journalist Peter Taylor, one of Nelson's handlers named 'Geoff'[241] – an individual later confirmed by the *Stevens Inquiry III* to be legitimate and codenamed A/02 within the *Report of the Patrick Finucane Review*[242] – suggests that Nelson's criminality was a lesser evil calculation made in the pursuit of the aims outlined by A/05:

---

[237] Emphasis added. CF dated 7 April 1989, and A/13, as quoted in: *Ibid.,* 127.
[238] CF dated 7 April 1989, and A/13, as quoted in: *Ibid.*
[239] *Ibid.,* 126.
[240] *Ibid.,* 122.
[241] "Geoff" would have been one of Nelson's FRU handlers from May 1987 to January 1988. See: *Ibid.,*
[242] *Ibid.,* 135.

I'm ashamed of it. He strayed outside the law at our behest. We instructed him to carry on his job of targeting these people. There were certain risks but it was loosely seen by my hierarchy that if he carried out an action and then reported it, it would negate his guilt. In other words, he was doing his job under our direction and once he'd informed us of what he had done, it would not be illegal. Brian believed, not that he was bullet proof, but that he had protection from us and that what he was doing, he was doing at our request and therefore he had immunity.[243]

But, as the evidence demonstrates, Nelson frequently operated outside of the expectations of criminality bestowed upon him by the security establishment. While he indeed followed the instructions of targeting people – a necessary maintenance of his cover – he did this to a prolific extent, one which was 'extensive and uncontrolled',[244] and extended that dissemination outside of his own organisation. The result of this was ultimately a loss of control over how that targeting information was used, and how the security forces could intervene when it was used operationally.

Further, Nelson knowingly and frequently neglected to inform his handlers of the specifics of the P Cards he was disseminating – a manifestation of the failure of 'Geoff's iteration above regarding carrying out an action and reporting on it – which once again dismantled any strategic advantage the dissemination of that targeting information had for the security forces, meant that those being targeted could not be protected, and is representative of a breakdown of Nelson's criminality boundaries. Moreover, clarification on that targeting information was not routinely sought out retroactively by his handlers, which is demonstrative of a failure on their part as well to ensure the maintenance of the boundaries of criminality envisioned in the lesser evils calculation. In the assessment of the *Report of the Patrick Finucane Review*, Nelson disseminated targeting information 'enthusiastically and to an extent well beyond what was reasonable or necessary to maintain his cover'.[245]

As such, neither Nelson's activities nor his cover would remain secret forever. The existence of Brian Nelson as an agent of the state became public knowledge in the events following the murder of 28-year old Catholic man Loughlin Maginn at his home in Co. Down on 25 August 1989, when Maginn's murder prompted the first of the *Stevens Inquiries* to take place after an investigation into the circumstances of his death was ordered by RUC Chief Constable Sir Hugh Annesley. The UFF[246] had claimed responsibility for his murder and had

---

[243] Taylor. *Brits*, 293.
[244] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 131.
[245] *Ibid.*
[246] A reminder to the reader that the UDA used the cover name of the UFF to publicly claim responsibility for terrorist action it undertook.

justified it by claiming that he was a Provisional,[247] but there was significant public outrage to his murder as his family vehemently denied that he was involved in paramilitary activity.[248] The UDA subsequently gave access to 'intelligence material originating within the security forces' to a BBC journalist in order to justify their targeting of Maginn – an act which in itself garnered significant controversy as it raised critical questions as to why the UDA would be in possession of such material – and in response to increased media coverage, the UDA responded in kind 'by embarking upon a strategy of publicly disclosing a mass of documentation that was clearly of security force origin' to further confirm Maginn's paramilitary connection.[249] It was these disclosures that forced Annesley's hand into instigating a public inquiry, and while two UDR men with overlapping UDA membership had initially been arrested for the murder,[250] the fallout of the Maginn incident would have significant ramifications not just for those directly involved in the murder, but for Nelson, the FRU, and the security forces more generally.

Nelson, as would come to be a hallmark in his post-re-recruitment phase, did not have direct involvement in the murder of Maginn, but his relationship to this incident is indicative of the murky role that he played in the targeting of republican paramilitaries whilst an agent of the FRU and the questionable access to intelligence documentation that he had of unknown provenance.[251] According to classified MISRs and CFs accessed by the *Report of the Patrick Finucane Review*, Nelson had been in possession of security force material relating to Maginn from November 1988 onwards; this was leaked material, although it is unclear from who it originated, but a MISR from 6 December made clear that both the FRU and Special Branch were aware that Nelson possessed it.[252] Further, to the FRU's knowledge – and too in their possession – Nelson had been given access to a video tape, recorded in UDR barracks, which was a briefing on PIRA targets of interest to the security forces.[253] And, on the date of Maginn's murder, Nelson had given his handlers leaked security force material passed onto

[247] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 453.

[248] Jason Bennetto. "Will Ulster's dirty war claim one of Britain's most senior soldiers?". *The Independent*, 17 April 2003. Accessed 10/10/2020. https://www.independent.co.uk/news/uk/home-news/will-ulsters-dirty-war-claim-one-of-britains-most-senior-soldiers-115512.html.

[249] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 453.

[250] BBC Spotlight. "Spotlight on the Troubles: Episode 5".

[251] While it seems that the majority of Nelson's classified materials were leaked to him from unknown sources, some documents, according to Cory's investigation of CFs and MISRs, was indeed given to him by the FRU "on occasion […] that facilitated his targeting activities". Cory. *Cory Collusion Report: Patrick Finucane*, 102.

[252] MISR from 6 December 1989, as quoted in: Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 454.

[253] *Ibid*., 454.

him specifically relating to Maginn.[254] Following Maginn's murder, Nelson was also heavily involved in the leaking of security force material to the BBC journalist via his UDA associate, Thomas 'Tucker' Lyttle, acting as an intermediary.[255] What remains unclear, however, is whether the FRU or anyone else made any effort to determine how Nelson acquired this leaked information; if there was a lack of effort, this would not be aberrational when analysed in light of Nelson's withholding of P Card information to his handlers.

By early September, Sir John Stevens had begun his inquiry, and it became clear quite quickly to the FRU, Special Branch, and MI5[256] that Nelson would likely be investigated as part of Stevens' work. Moreover, there were specific concerns that the role FRU played in Nelson's targeting activities would come to the fore. For example, in a written statement provided to the *Stevens Inquiry I* and accessed by the *Report of the Patrick Finucane Review*, Nelson's handler A/02 – or, otherwise known as 'Geoff' from above – wrote the following:

> I remember approaching my OC to voice my personal concerns about the enquiry and was told that the FRU files would never be looked at and that in any event I would never be interviewed, if anyone was to be asked questions it would be my officers. My concern centred on the fact that I knew Nelson had been involved in targeting.[257]

That A/02 would be concerned about Nelson's targeting activities coming to light, and his and the FRU's role within them, is indicative of two realities: the first, that Nelson's cover would be blown if he was investigated as part of the *Stevens Inquiry I*; and, that there was an underlying acknowledgement that Nelson's involvement in criminality through the dissemination of potential targeting information for republican paramilitaries would raise some difficult questions not only for the security forces, but for Westminster more generally regarding their role in what may be regarded as collusive behaviour.

Stevens' investigation would prove to be difficult, particularly in the acquisition of intelligence materials related to the Maginn murder[258] and, although source protection will be discussed more in Chapter 5, briefly delving into this specific obstruction is important as it

---

[254] The FRU then passed this information on to the RUC a week later in a MISR, including a copy of an RUC document on Maginn given to them by Nelson. *Ibid.*, 454-5.

[255] *Ibid.*, 455.

[256] Documents uncovered by Da Silva demonstrate that all three organisations were discussing this potential, and that he was a figure critical to the investigation. See: *Ibid.*, 455-456.

[257] A/02, as quoted in: *Ibid.*, 455.

[258] The *Report of the Patrick Finucane Review* does acknowledge that there was only evidence of obstruction related to intelligence; the Stevens team "did receive significant co-operation from the security forces on non-intelligence-related matters", and in his report Sir John did acknowledge the non-intelligence-related cooperation received from the Army, the RUC, and the UDR. *Ibid.*, 456-457.

raises some key questions relating to how far the FRU – and perhaps the wider security establishment – were willing to go to protect their agent. Perhaps the most dramatic representation of the difficulties the Stevens team encountered was the fire on 10 January 1990 at their Belfast headquarters that almost destroyed all the evidentiary material they had collected in their investigation and, coincidentally, occurred the night before Nelson[259] – alongside eight other senior loyalists – was due to be arrested for his targeting activities[260] as part of Operation WHEEL.[261] Stevens recalled, upon arriving at the scene of the fire, that: 'our desk-top computers had melted into puddles of crumpled, twisted metal and plastic. Steel filing cabinets had buckled in the heat, setting fire to the documents inside. Piles of burnt paper were still smouldering'.[262] The origins of the fire to this day continue to be unknown; Stevens remains steadfast that the fire 'has never been adequately investigated' and that it was 'a deliberate act of arson'[263] which was 'a sure sign that our inquiry was making people uncomfortable'.[264] The *Report of the Patrick Finucane Review* found 'no reason to doubt Sir John Stevens' conclusion' of arson, but that because of the inconclusive evidence, there was no concrete possibility 'to connect the FRU, or indeed any individual organisation' to the fire.[265] However, Stevens claims that he heard from a friendly FRU operator[266] that a team had been sent over from Ashford specifically for the arson, and that the coincidental timing of the fire to Nelson's impending arrest[267] – alongside the fact that fire alarms and heat sensors in the building had not gone off, and phone lines had been cut[268] – was suggestive of a more nefarious intention related to the protection of Nelson as an agent.[269]

What can be said with certainty, according to the *Stevens Enquiry III*, is that between the first and third of his enquiries, Stevens was denied access to intelligence materials related to the Maginn murder and other incidents he was mandated to investigate – a suspicion which

---

[259] According to Stevens, Nelson had been warned by his FRU handlers of a previous impending attempt to arrest him before the fire broke out, and he fled his home; as such, the arrest attempt that was due to occur after the fire was a secondary attempt forced into fruition due to the leak that had happened earlier. See: Sir John Stevens. *Stevens Enquiry 3*: *Overview and Recommendations*. (17 April 2003), 13. This was also confirmed by Da Silva. Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 457.
[260] Stevens. *Not for the Faint-Hearted*, 3.
[261] John Ware. "A sinister crime". *The Guardian*, 20 April 2000. Accessed 12/10/2020. https://www.theguardian.com/uk/2000/apr/20/northernireland.comment.
[262] Stevens. *Not for the Faint-Hearted*, 3.
[263] Stevens. *Stevens Enquiry 3*, 13.
[264] Stevens. *Not for the Faint-Hearted*, 11.
[265] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 468.
[266] Stevens also notes that when Wilfie Monaghan arrived on the scene – who was then head of the RUC's Criminal Investigation Department – he suggested to Stevens that he suspected it was the FRU themselves who set the fire as a way to protect Nelson. See: BBC Spotlight. "Spotlight on the Troubles: Episode 5".
[267] Stevens. *Not for the Faint-Hearted*, 11.
[268] *Ibid.*, 5.
[269] *Ibid.*, 11.

was confirmed after documents he had requested access to during the first enquiry, and he was told did not exist, were handed over to him during the third.[270] To Stevens this was a clear example of security force obstruction to his investigation. And, Stevens contests, there were many more documents which were denied to have existed but that other documents point to have existed – another 'known unknown' within the intelligence archive.[271] Stevens also noted that he was initially faced with the denial that the Army was running any agents at all,[272] and that his team had no help from the RUC in intelligence gathering related to the investigation.[273] Further, the *Report of the Patrick Finucane Review* found that relevant MISRs were withheld from Stevens, as well as an MI5 investigatory compendium of RUC Special Branch leaks and Nelson's P Card intelligence dumps.[274] As such, Stevens was forced to essentially build up his own intelligence archive, predominantly based on fingerprint evidence,[275] which resulted – over the course of his three investigations – in the identification of 81 individuals, including Nelson, 'who had left their fingerprints on classified documents that they had no lawful reason to possess'.[276] Nelson was ultimately charged and tried in 1992 stemming from Stevens' investigation, and pleaded guilty to 20 charges including five for conspiracy to murder; but, as part of his plea deal a number of charges were dropped, including two counts of murder.[277] He was sentenced to ten years in prison, and at his sentencing the judge said he had acted 'with good motivation, not for gain, and with the greatest courage' whilst acting as an agent of the state, but that on five occasions he had 'crossed the line from lawful intelligence gathering into criminal participation'.[278]

It is, of course, difficult to numerically quantify the intelligence value that Nelson brought as an agent inside the UDA without access to the classified archive, or the true amount of criminality he may have participated in over the course of his time as an agent of

---

[270] Stevens. *Stevens Enquiry 3*, 13-14.
[271] Stevens has gone on the record to state that: "we've got something like a million documents, tonnes and tonnes of paper; but there is a large cache of intelligence and other documentation held elsewhere in Derbyshire which we had never seen. No one had ever told us about it, and it will take this story further". BBC Spotlight. "Spotlight on the Troubles: Episode 7 – The End Game". *British Broadcasting Corporation*, 22 October 2019.
[272] Stevens, as described in: BBC Spotlight. "Spotlight on the Troubles: Episode 5". See also: Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 461.
[273] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 461; Stevens. *Not for the Faint-Hearted*, 182.
[274] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 457.
[275] Stevens. *Not for the Faint-Hearted*, 183.
[276] Stevens. *Stevens Enquiry 3*, 10.
[277] David McKittrick. "Obituary: Brian Nelson". *The Independent*, 14 April 2003. Accessed 12/10/2020. https://www.independent.co.uk/news/obituaries/brian-nelson-115033.html.
[278] Nelson's judge, as quoted in: McKittrick. "Obituary: Brian Nelson".

the state. Speaking to Peter Taylor, Nelson's handler 'Geoff' – or A/02 – was adamant that Nelson's value was immeasurable:

> He saved, in my estimation, dozens of lives. He was essential to the war effort and gave us an insight into the loyalist organisations we never had in the past. He was the jewel in the crown. I'm ashamed at the way he's been treated by the Establishment who used him and guided him and put him in that position. He was hung out to dry. I was disgusted. I promised Brian that the Establishment would look after him and it didn't. It let him down and I'm ashamed of that.[279]

There is value in A/02's opinion, of course, given his close relationship with Nelson, but it is also important to note that it would be very much in his interests to present that relationship and targeting role in a positive light. At Nelson's trial, A/05 – who, to remind the reader, was the former CO of the FRU during Nelson's handling – made the claim that between 1985 and 1990, the FRU 'produced on Brian Nelson's information something like 730 reports concerning threats to 217 separate individuals'[280] and that 'of the 217 personalities that were named […] five of them died. One at the hands of the security forces in Gibraltar, one from natural causes and three at the hands of Protestant paramilitaries'.[281]

However, there is some controversy as to the accuracy of this statement. Cory's assessment of A/05's testimony was that the 217 figure was 'based on a highly dubious numerical analysis that cannot be supported on any basis',[282] whereas Da Silva's assessment in the *Report of the Patrick Finucane Review* suggests that the 217 figure was in fact a 'conservative estimate of threat warnings passed by the FRU to the RUC' and that, under his own estimates, this number was likely closer to 419 with four who were murdered by loyalist paramilitaries.[283] Da Silva also stressed an important distinction in his analysis. A/05, in his testimony at the trial, alluded to the point that the above numbers were reflective of MISRs passed onto the RUC which had 'life saving *potential*';[284] Da Silva, in his assessment, went on to stress that 'the information could only be said to have saved lives if it was actually exploited by the RUC to protect individuals and avert attacks'.[285] This also says nothing of the *quality* of the information being passed onto the RUC – and, as was evidenced by Da

---

[279] "Geoff", as quoted in: Taylor. *Brits*, 294.
[280] A/05, as quoted in: Cory. *Cory Collusion Report: Patrick Finucane*, 56.
[281] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 487.
[282] Cory. *Cory Collusion Report: Patrick Finucane*, 103.
[283] Da Silva also notes that of his 419 estimate, two also died from unrelated reasons, with 12 having been subjected to murder attempts by loyalist paramilitaries. Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 491.
[284] Emphasis added. A/05's testimony at the Nelson trial, as quoted in: *Ibid.,* 491.
[285] *Ibid.,* 491-492.

Silva's previous analysis of classified documents, that Nelson frequently did not provide the names on the P Cards he disseminated widely – so it is difficult to both quantify how exploitable that information actually was by the RUC, and to what extent the RUC chose to exploit it.

As such, to precisely and numerically quantify the impact that Nelson had upon the intelligence picture in terms of lives saved is near-on impossible, even with the level of access to the classified archive that Da Silva was privy to in the course of his investigation. Regardless, two high-level determinations can be made regarding the Brian Nelson era. First, given the continued lack of committed inclusion of loyalist violence in intelligence priorities, the placement of someone like Nelson at the top of the UDA would have been, without question, a significant coup for the security forces, and would have provided critically needed coverage of that threat which simply had never previously existed. But, as argued in a previous section, the Nelson era also coincided with the proliferation of loyalist violence after 1985 and, while loyalist casualties remained overwhelming Catholic civilians, there was indeed a discernible shift in their targeting which saw one in five casualties have some connection to violent republicanism by 1994. Of course, to qualify the direct impact that Nelson may have had on this shift over time is also near-on impossible to make – and to suggest that it was entirely Nelson's doing would likely be too weighty a conclusion at which to arrive. Yet, the coincidence of this shift happening during the time in which one of the two key strategic drives underpinning Nelson's re-recruitment was precisely to facilitate such a shift is certainly suggestive that Nelson's activities were impactful upon loyalism's slight divergence from sectarian violence.

Conclusions

In sum, can the argument be made that the state's relationship with Nelson, and the fallout of his exposure as an agent, was broadly indicative of a high-level directive of collusion? There are those, such as Ian Cobain, who are steadfast that the state participated in collusive acts with loyalist paramilitaries; in his words, 'the relationship between elements of the British military and loyalist groups became so complex that the usual definition of collusion – secret understanding – is hardly sufficient to describe it'.[286] But collusion, ultimately, is incredibly difficult to prove, especially without access to the classified archive.

---

[286] Cobain. *The History Thieves*, 174.

This is particularly true in the circumstances in which the allegations made suggest that there was a top-down directive straight from Westminster that told the security forces to engage in collusive acts with loyalist paramilitaries. To prove this definitively, the British state would need to be fully transparent and declassify every single document related to the conflict, but this will not – and cannot, for national security reasons – happen. While the United Kingdom is a democracy, it also has the obligation to maintain secrecy on a national security basis, within reason and particularly in circumstances where classified documents pertain to tradecraft or individuals still in play in Northern Ireland; but, it has no right to retain information which is of an embarrassing nature for the state, for that information still serves a public interest. As such, the only recourse to truth that an individual citizen has must rest in their belief that the state, through its declassification policies and practices, is operating in the interests of them and not itself. Yet, in a conflict such as that in Northern Ireland, there are those on both sides of the sectarian divide whose belief in the state has wavered, and so the collusion question will remain forever unanswered in their estimation.

However, to try and grapple with high-level allegations of collusion is near-on impossible, which is why the example of Brian Nelson, at a more micro level, is such an important one. Investigating him as an example is not just a study in his actions and his relationship with his handlers, but also one of charting the pathway, from the critical juncture period onward, of how the British state interpreted the threat of loyalist violence within intelligence priorities. The story of Nelson is not just about him, but also the policy decisions that came before him which ultimately dictated the state's necessitated trust in and reliance on him. As discussed, Nelson's actions were heavily analysed in at least three separate governmental inquiries, all of whom touched upon the question of collusion in relation to Nelson. In his investigation, Cory stressed that the definition of collusion should be 'broad', one which includes not only active collaboration, but also passive collaboration, in which action is not taken or ignored as an option.[287] In this respect, Cory argued that the FRU's lack of effort in preventing Nelson from engaging in criminal activity 'established a pattern of behaviour that *could* be characterised as collusive'.[288]

Stevens, too, worked under a broad definition of collusion and, while the *Stevens Inquiry I* has never been made available to the public and therefore specific conclusions on Nelson cannot be investigated, in his *Stevens Inquiry III* overview and recommendations, he

---

[287] Cory. *Cory Collusion Report: Patrick Finucane*, 21.
[288] Emphasis added. *Ibid.,* 102-103.

argued that – from a high-level – collusion was 'evidenced in many ways', ranging from the 'wilful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, through to the extreme of agents being involved in murder'.[289] Finally, da Silva's extensive investigation of the classified archive led to the conclusion in the *Report of the Patrick Finucane Review* that:

> There is no evidence whatsoever in any of the files that I have examined to suggest that Government Ministers either sought to direct any of the intelligence agencies to assist the [UDA] in any way, or to collude in a policy of using loyalist paramilitaries to carry out extra-judicial killings of republicans. Any such plan would have entailed preparation and would certainly be evidenced somewhere in the highly classified internal documents that I have seen.[290]

However, he also conceded that there was very little evidence to suggest ministers were in any way directing or influencing Nelson's activities and any other FRU-related activities, but this provided its own issues: 'the system appears to have facilitated political deniability in relation to such operations, rather than creating mechanisms for an appropriate level of political oversight'.[291] If one were to take the broader definition of collusion used by Stevens and Cory – ones which suggest that a lack of action, or Stevens' 'absence of accountability' – it is possible to suggest, by those terms, that da Silva's findings portend that the British state was positing itself in a position where its 'known unknowns' were facilitating a scenario in which collusion – or, at the very least, deeply questionable conduct in the intelligence practice space – could be undertaken in pursuit of national security aims.

Were there low-level collusive acts between individuals within the security forces and with loyalist paramilitaries? Most certainly. When looking at this phenomenon through a pure sectarian violence perspective, and not one directly related to intelligence, there were numerous instances of individuals with shared security force and loyalist paramilitary membership who engaged in sectarian murder over a number of years, as exemplified by the example of the Glennane Gang and that of Robin Jackson. This, however, was not a nuanced engagement in collusion, as overlapping memberships were neither a secret nor illegal; rather, this was sheer sectarian murder conducted at an individual level by those members of the security forces who interpreted the state's security objectives as synonymous with those of the loyalist paramilitary groups to which they were also tolerated to belong. Where the

---

[289] Stevens. *Stevens Enquiry 3*, 16.
[290] Da Silva. *The Report of the Patrick Finucane Review*: *Volume I,* 495.
[291] *Ibid.,* 499.

collusion argument could be made in this instance, of course, is that the continued tolerance of overlapping loyalties – alongside the reality that the UDR did not become proscribed until 1992 – was reflective of Cory and Stevens' broad definition of collusion, in which an absence of accountability and lack of action despite known problematic associations were key features in the environment which led to this violence.

More relevant to the intelligence conversation, the success of Nelson's P Card system was entirely reliant on leaks from different elements of the security forces, but particularly the UDR, and this information would have been leaked to him from individuals acting independently in those organisations. The provenance of this phenomenon, ultimately, also had its roots in the continued tolerance of overlapping memberships between the security forces and loyalist paramilitary groups; and, given the UDR's large role in leaking to Nelson, the expansion of their role into intelligence collection in the 1970s – despite the British state's knowledge of such problematic overlapping loyalties – only worked to create a breeding ground in which the UDR could simultaneously collect information and disseminate it to seemingly deserving operators such as Nelson. Ultimately, what started off as an exclusion of loyalist violence as an intelligence priority alongside a tolerance for overlapping loyalties during the critical juncture period continued post-Direct Rule almost unabated for two decades and facilitated an environment in which the potential for collusive action could take place. And yet, it cannot be ignored that Nelson was working for the state – a fact unknown to the majority of those leaking him information – which makes the calculation of collusion all the more complex. At the broadest level, that leaked information, in a most perverse way, was indeed helping to facilitate the state's security objectives in the role of Nelson as a state agent; yet, the *act* of its leaking – that is, by state security forces to an individual thought be a loyalist terrorist – remained a collusive act.

This is why it is important to investigate the idea of intent – not just of those who chose to leak classified information to Nelson, as discussed above, but also the intent behind his recruitment as a loyalist agent in the first instance. A great amount of words in this case study have been devoted to highlighting both the FRU's and the security establishment's purpose for re-recruiting Nelson as an agent, and the expected dividends that such a recruitment would bring to the intelligence picture more broadly. But what is critical to this conversation is a more high-level analysis as to *why* the security establishment was so keen to keep Nelson active, their deep trust within him and, indeed, their significant reliance upon him to help achieve their strategic security objectives. These two intertwined objectives – to shift loyalist targeting away from Catholic civilians and more toward legitimate republican

targets, in which the RUC could intervene and prepare appropriate counter-measures – were both legitimate and proportionate strategic aims given the threatscape post-1985, and Nelson's recruitment, despite having been engaged in terrorist violence, was calculated to be a lesser evil option if the state's strategic objectives could be fulfilled.

Whilst loyalist violence had historically been far more sectarian and directed toward Catholic civilians, the proliferation of loyalist violence post-1985 was on a steady and seemingly unstoppable increase. Moreover, the intelligence picture faced by the security establishment in regard to that threat was grim and insufficient to meet it head on. The previous reliance on Diplock Courts in the 1970s and early 1980s saw a focus on the criminalisation of loyalist violence over an extended prioritisation of it as an intelligence priority; as such, as republican paramilitary groups were increasingly infiltrated during this period and the background and operational intelligence picture built up to remarkably accurate levels, there was no similar effort made for loyalists. This left the security forces with a significant intelligence blind spot, particularly at a moment when loyalist violence was proliferating. The re-recruitment of Nelson, therefore, was done with the intent of bringing some much-needed clarity to that blind spot – but, is it possible that such a desperate need for intelligence allowed for greater leniencies and permissibilities in terms of the FRU's relationship with Nelson and what levels of criminality they were willing to tolerate?

This is a difficult question to answer in any kind of concrete way, but it is an important thought-experiment nonetheless. The continued lack of prioritisation of loyalist violence from an intelligence perspective created a scenario where the quick proliferation of violence post-1985 meant that the security forces did not have sufficient time to build up an informer network from scratch, nor could they build up a background and operational intelligence picture using other collection methods at a rate which would meet the rising threat. As such, a reliance on a 'jewel in the crown' agent such as Nelson became not only an attractive option, but also likely a *singular* option. In this way, the balance of power between Nelson and his FRU handlers was likely rather unequal; this phenomenon is perhaps best argued by da Silva's findings that Nelson was not always forthcoming in telling his handlers about all the P Card identities he disseminated, and that there never seemed to be any follow-up in attempting to secure those names. Was this an indication that Nelson's handlers were afraid of pressing him too hard as an agent, for fear of losing access? Similarly, their seeming tolerance in the immediate post-Maginn period for the role he played in the dissemination of classified material to the BBC journalist in support of the UDA's targeting of Maginn can speak to this relationship imbalance as well. And, moreover, the extent to which the security

forces were willing to go in maintaining Nelson as an agent, even in the face of governmental inquiries, is suggestive not only of the deep value of Nelson of an agent, but is perhaps also indicative of the security forces' acknowledgement that by 1989, Nelson had been permitted to engage in some highly questionable activities both at the behest of and in benefit to the British state's strategic security objectives.

In sum, it is a confident assertion to say that there was low-level collusion with Nelson, insofar as members of the security forces were leaking classified information to him without knowing that he was also an agent of the state. But the larger question of whether the state colluded with Nelson in order to direct the UDA to assassinate members of republican paramilitary groups seems – at this juncture and with this level of public information available – rather unlikely. But when looking at Cory's and Stevens' broad definitions of collusion, there is certainly a lot of grey area in terms of the security forces' engagement and relationship with Nelson where allegations of collusion can still be made – particularly in the space of an absence of accountability for his actions, both at a low level and from a perspective of political deniability, and a lack of action taken in regards to his engagement in criminality. Ultimately, however, the recruitment of and reliance on Nelson is also very much the story of the security forces' failure to appropriately prioritise intelligence on loyalist violence in the post-critical juncture period, placing them in a position of great need and little recourse for alternative options. As such, the story of Nelson is also a larger story of how multiple long-term failures, and a lack of lessons learned, can impact negatively on moral conduct in intelligence practice, with repercussions so large as to involve allegations of collusion. However, it is wrong to disagree with Omand's assertion that Nelson should always have been recruited; indeed, while the subsequent issues did stem from his handling, the pathways and narratives which led to those subsequent issues were established far before the FRU's approach to Nelson was made.

III. Summation: Impact of Critical Juncture Lessons on Future Engagement

It should, perhaps, be unsurprising that the sectarian divisions and biases which have been at the heart of Northern Ireland since its inception would bleed into the security and intelligence approaches taken, and related apparatuses present, in the province throughout the conflict. And yet, this is no excuse to leave such biases unaddressed, particularly when such realities have the potential to negatively impact upon the state's ability to uphold its first duty of good government: that is, the obligation to maintain national security for *all* its citizens. But what happens when only one segment of the population is, unconsciously or otherwise, seen as not inhabiting the space of 'national' but rather – either due to preconceived notions about the 'Irish character' being incomprehensible to the broader national mindset of governance, or a longstanding posturing of the majority community's interpretation of the 'other' being against the interests of what they define and express as the 'nation' – are seen to exist outside of it? This chapter has worked to analyse precisely what moral quandaries were faced by a security establishment, and the state more broadly, when preconceived notions and assumptions were allowed to bleed into the direction phase of the intelligence cycle, the setting of intelligence priorities and targeting, and the lesser evil calculations which define how that engagement manifests in practice across the breadth of a decades-long conflict. It has shown that the issues inherent in the direction phase of the cycle remained comprehensively unaddressed as the conflict wore on, and allowed for an environment to bloom in which the potential for collusive behaviour between the state and loyalist paramilitary groups was allowed to exist.

Without question, as the chapter has come to show, one of the key critical issues in the intelligence practice space that manifested during the critical juncture period was the exclusion of loyalist paramilitary violence from the direction phase of the intelligence cycle. A lack of intelligence prioritisation on this group, and therefore a lack of their targeting, affected the remainder of the intelligence cycle and beyond. More pointedly, it directly affected the victims of that violence: Catholic civilians who – comparatively to manifestations of republican violence which, broadly speaking, targeted members of the security forces rather than Protestants specifically – were overwhelmingly targeted by loyalist violence, and who occupied no combative role in the conflict. This was, concretely, a moral failing of the state to extend security to *all* those within their jurisdiction, using intelligence

as a means to accomplish that end. Moreover, this failure was not an isolated incident: rather, virtually no intelligence was being collected on loyalist paramilitary groups right at the juncture in which they were reaching their zenith in membership; were being allowed to form, organise, and equip without security force abatement; and, precisely when political support for them, as expressed through more extreme manifestations of unionism, would have worked to legitimise their existence and appeal for sympathetic individuals within the Protestant community. As such, a significant opportunity was lost in the first four years of the conflict to stymie their growth by excluding them from intelligence prioritisation.

Although the sectarian biases and compositions of the local security forces were both historical and ingrained, and had impacted upon the direction phase of the intelligence cycle since the RUC and B-Specials' inception, this was, unfortunately, not an issue which Westminster attempted to rectify during the first four years of the conflict. These foundational biases permeated upward into the Army once it arrived, who found themselves in what was supposed to be in an aid to the civilian power situation but what in reality manifested as full-blown engagement on the ground – one in which they played an important intelligence direction and collection role. Where the civilian power was in a position to take the lead, or at least offer direction, the evidence suggests that the biases of the local forces were also present, precisely in a context where the Army had no local knowledge and deferred to local expertise. And, as a new security force was being established in the wake of the B-Specials' disbandment – in the form of the UDR, under the operational responsibility of the MOD – those foundational biases permeated as well. This was further facilitated and problematised by the permissibility of overlapping – and acknowledged – loyalties of individuals who occupied membership in both the security forces and paramilitary groups. As such, it allowed for a perfect environment to be developed in which the lines between paramilitary violence and the upholding of state interests could be blurred significantly for those operating with joint membership in both ideological spaces – an issue which would continue well into the conflict.

Most critically, it produced an environment in which the security establishment was blind to loyalist violence and, as such, loyalist paramilitary groups could be seen as potential allies in the fight against terrorism. This only worked to further legitimise these groups in the eyes of the Protestant community during the critical juncture period but it also, in line with the above conversation, further complicated Westminster's positioning on overlapping loyalties despite clear evidence – as demonstrated through the critical 'Subversion in the UDR' document – that there was, even as early as 1973, collusive behaviour stemming from

its allowance. There were, of course, ground-level realities and strategic requirements that need to be addressed in this part of the conversation, stemming from the first four years of the conflict, and relate to the calculation of lesser evils in this space. Indeed, it is undeniable that the intelligence picture was hopelessly poor in the critical juncture period and that violence was increasing exponentially in 1971 and 1972. The security establishment, and Westminster more broadly, found themselves in a place of desperation for intelligence which could somehow aid in the lessening of that violence. As such, the lesser evil calculations being made during the first four years of the conflict were in reflection of that desperate intelligence need; but, those calculations were ultimately being influenced by the permeation of sectarian biases, the manifestation of which was exemplified by cooperation with loyalist paramilitary groups in pursuit of security objectives. This was at the same time that, unbeknownst to the state, these same groups were also participating in the sectarian killing of Catholics – a reality which would have been revealed if only loyalist groups were included in the direction phase of the intelligence cycle. Rather, so biased were the analytical assumptions of what constituted anti-state and pro-state violence that it seemed a strategic given that actions undertaken by loyalist paramilitaries were in line with perceived state objectives and needs.

While there were attempts in the post-critical juncture period phase to acknowledge the violence posed by loyalist paramilitaries, the lessons which remained unlearned from the first four years of the conflict only worked to perpetuate similar outcomes, in which the state continued to fail in projecting a state of national security to all its Northern Irish citizens. Although the advent of the Diplock Court system had worked effectively to address loyalist violence during the 1970s – albeit done from the perspective that Protestants were more susceptible to the regular processes of law, in which Diplock represented the criminality strand of the Way Ahead Policy – the issue of intelligence prioritisation remained unaddressed. While the intelligence machinery was able to build up an improved intelligence picture on republican activities alongside the use of Diplock Courts, the same reality cannot be said about loyalist activities. As such, once loyalist violence began to proliferate after 1985, and increased political support for it manifested alongside it – akin to the same phenomenon that occurred during the critical juncture period – the security forces were once again operating reactively and from an intelligence vacuum. In this way, the security establishment found itself in a dual situation wherein violence, particularly against Catholic civilians, was proliferating unabated, and they did not have the information which could help lead to its cessation. Therefore, the lesser evil calculations that needed to be made here had to

heed both these realities – which is where the recruitment and re-recruitment of Brian Nelson came to the fore.

However, it is critical to stress that Brian Nelson was handled and allowed to operate within an environment created and perpetuated by an exclusion of loyalist violence from intelligence priorities, and one in which the continued overlap in memberships between the security forces – and in particular, the UDR – and loyalist paramilitaries was never comprehensively addressed, even as the UDR was extended an intelligence gathering role. On the latter point, it became clear as the 1970s and 1980s wore on that individuals with overlapping loyalties were participating in sectarian murder on a staggering scale; but, where not directly involving themselves in violence, they were leaking information to those in paramilitary groups with whom they saw a kindred connection and mutual security objectives for the province. As the evidence demonstrates, Nelson was a direct and consistent beneficiary of these leaks, despite his security force colluders not knowing his dual identity as an agent of the state. Moreover, in a state of desperation to turn the tide of violence against Catholics and redirect it toward more legitimate republican targets – the main strategic objective of Nelson's re-recruitment – it appears that Nelson was given quite significant operational leeway in terms of how he could engage in that pursuit. Of course, the state's lesser evil calculation here is obvious, and not without its merit; however, it was implemented within a context where previous strategic decisions created an environment where the potential for collusive behaviour was never far from the surface and, moreover, never readily addressed by the security forces. This, alongside a lack of oversight for Nelson's conduct, led to a dual scenario in which Nelson was able to engage in questionable levels of criminality and one in which, at the very least, low-level collusive behaviour was permitted to exist.

The extent to which collusive behaviour existed between loyalist paramilitaries and the British security establishment remains one of the most pressing long-term questions of the Troubles, and one that will likely never have a definitive or satisfactory answer for all. But, as this chapter has sought to demonstrate, what can be said about allegations of collusion within the conflict's context is that the environment which led to its potential had its roots in the direction phase of the intelligence cycle, wherein loyalist paramilitary groups were excluded from intelligence prioritisation. This exclusion was, inherently, rooted in the historical biases of the local security forces which were permitted to permeate into the new security and intelligence configurations and cooperations which began to emerge at the beginning of the conflict, including within the creation of new forces within that structure. In this way, the moral misconduct stemming from the direction phase of the intelligence cycle

was not one perpetrated by singular actors but, rather, by the collective, in which entire groups of non-combatants bore the brunt of that moral failing. As such, the moral failing here cannot be defined only by individual ground-level acts; instead, it must be also analysed through a high-level representation of how lesser evil calculations were stymied by the inherent biases which permeated the security establishment as a whole and the political establishment more broadly. This moral failing, therefore, is rooted in the larger question of the state's obligation to secure national security for *all* its citizens, using intelligence as a means to accomplish that end – an end which the British state failed to provide equally across the sectarian divide.

CHAPTER 5: LESSONS IN COLLECTION
From Deep Interrogation to the Strategic Use of Touts

When looking at the broader body of literature available in the moral or ethical conduct subfield of intelligence studies, as discussed in Chapter 2, the predominance of that literature focuses exclusively on the collection phase of the intelligence cycle because it is at that juncture in which strategic approaches leading to the acquisition of that information have the greatest propensity to adversely affect the keepers of that information, as well as those actively seeking to acquire it. Although this thesis works to demonstrate that moral misconduct can occur at *any* point within the intelligence cycle, it does concede that the collection phase poses the most fertile environment for it to occur and, as such, requires concerted analysis within the Northern Irish context. Collection, from the outset of the Troubles, was the most significant issue for the security forces to overcome in their pursuit of a full intelligence picture as violence accelerated on the streets of Belfast, Derry, and beyond. More than anything, a state of desperation came to define approaches taken during this period, ones which sought to acquire information quickly, comprehensively, and unabatedly. Of course, what also came with that state of desperation were approaches that opened upon moral conduct issues in the collection context, as evidenced by the use of the Five Techniques interrogation doctrine alongside the state's internment policy in August 1971.

However, as this chapter will come to argue, the lesson learned from the application of deep interrogation measures during the critical juncture period was not one which calculated that their use was inappropriate within a domestic context, despite both domestic and international outcry. Rather, deep interrogation continued to be applied throughout the 1970s, until repeated allegations of ill-treatment forced the British state to revise its lesser evil calculation and change its strategic approach. It was at this juncture that the informer war truly began – a hallmark of the conflict, one which remains active within the collective memory and imagination of the Troubles – a 'war' which had a dramatic impact upon the eventual cessation of violence and pathways to peace. In this way, the movement to the informer war strategy is a direct result of the difficult lessons learned through the deep interrogation as collection method approach. Although it proved to be a critical strategic approach, the informer war was not without its own significant moral conduct issues, in

which balancing the need for agent penetration, access to information, and an acceptable level of criminality came to the fore.

I. 'Plenty of Slap and Tickle': Internment and the Employment of the Five Techniques[1]

After all, do repeated slaps around the face amount to torture? What about an occasional kick in the balls?[2]

In the first few years of the conflict before the implementation of Direct Rule, the use of internment without trial and the subsequent employment of the Five Techniques – a series of deep interrogation methods used in an intelligence collection capacity, which had been codified and honed through the colonial insurgencies of the post-war period – would prove to be the most controversial of the security policy decisions implemented during this period. The use of internment and the Techniques would see negative reactions not just in the United Kingdom, but further afield as well – yet, Westminster remained steadfast in the justification of their policy throughout, and saw it as a necessary act in order to meet the desperate need for intelligence at the time amidst rising levels of violence and to get known republican paramilitaries out of circulation. One of the international consequences of this policy was the Irish Republic's case against the United Kingdom, brought to the European Commission of Human Rights in 1976. In their estimation, they ruled that the Techniques constituted the use of torture, although this ruling was overturned in 1978 by the European Court of Human Rights (ECHR) upon the British state's appeal, and found that the use of the Techniques did not amount to torture, but were merely 'inhuman and degrading'.[3] Internal inquiries within Britain, too, did not go so far as to call these actions torture. Although the use of internment continued until 1975, it was this initial implementation and sweep that occurred on 9-10 August 1971 – codenamed Operation DEMETRIUS – which proved to be the most problematic in terms of moral conduct in the intelligence practice conversation.

---

[1] Quotation taken from a former Royal Ulster Constabulary interrogator, as quoted in: Ian Cobain. *Cruel Britannia: A Secret History of Torture*. (London: Portobello Books, 2013)*, 183.
[2] Former RUC officer, as quoted in: Cobain. *Cruel Britannia,* 174.
[3] Ireland v United Kingdom – 5310/71 [1978] European Court of Human Rights 1 (18 January 1978). http://www.worldlii.org/eu/cases/ECHR/1978/1.html.

The Road to Internment and the Use of The Techniques

From an historical standpoint, the clear advantage of diving thoroughly into the ramifications of internment and the use of the Techniques is the deep archival record which has been declassified on this subject. Its examination provides an excellent insight into Westminster's decision-making process regarding its implementation, its stance toward the use of the Techniques, and the value that this policy brought to the overall intelligence picture in the province. What seems the clearest about internment is that it was a not a primary policy option, but one taken out of necessity and as a last resort. In addressing the internment issue within its large assessment of the conflict during this period, the *Bloody Sunday Inquiry* concluded that:

> We have found nothing in the evidence to support the suggestion that internment was regarded as other than a grave step to take; or that its consequences were regarded as inconveniencies rather than a measure of its gravity. On the contrary it seems to us that the records of the discussions show that the question of internment and its consequences were carefully and thoroughly considered.[4]

Further, Prime Minister Edward Heath himself remembered telling his Cabinet, once the decision to go forward with interment was made, that 'although internment might offend against many of our most deeply held principles, it had begun to look like the only means by which violence could be ended [...] it was not a substitute for political progress, but seemed to be a prerequisite for it'.[5] Westminster, generally speaking, also saw it as the lesser of two evils between internment and the imposition of Direct Rule at this juncture.[6] Northern Irish Prime Minister Brian Faulkner, too, recalled that 'the decision to intern terrorist suspects was one which virtually forced itself upon us',[7] and Robert Ramsay, former Deputy Secretary of the Northern Ireland Civil Service, was equally 'convinced that no such alternatives existed'.[8] For perhaps the first time in the conflict, both Westminster and Stormont were very much on

---

[4] Lord Saville. *Report of the Bloody Sunday Inquiry – Volume 1*. (London: The Stationery Office, 15 June 2010). 156.

[5] Edward Heath. *The Course of my Life*. (London: Hodder and Stoughton, 1998), 429-430.

[6] David A. Charters. *Whose Mission, Whose Orders? British Civil-Military Command and Control in Northern Ireland, 1968-1974*. (Montreal and Kingston: McGill-Queen's University Press, 2017), 90.

[7] Brian Faulkner. *Memoirs of a Statesman*, edited by John Houston. (London: George Weidenfeld and Nicolson Ltd., 1978), 114.

[8] Robert Ramsay. *Ringside Seats: An Insider's View of the Crisis in Northern Ireland.* (Dublin: Irish Academic Press, 2009), 87.

the same page of the necessity of a security policy going forward in the face of very few other options.

There had initially been a desire to roll out interment earlier that year, in March, but it had been seen as too hasty – adequate interrogation approaches and detainment facilities had not been set up to meet the need, and 'intelligence dossiers' on suspected individuals were not yet robust enough 'to enable detention to be carried out effectively'.[9] As it would come to pass, however, the issue of intelligence-based arrests lists would prove to be similarly problematic even when internment's implementation date was pushed through to August. Further, in reviewing the potential for its implementation in March, MI5 had been tasked with providing an assessment to the Home Office, and had suggested that its application should remain solely within urban centres such as Belfast, but also conceded that such a policy would likely increase security problems across the rest of the province.[10] To help mitigate on the issue of interrogation approaches, the Royal Ulster Constabulary's (RUC) Special Branch – supported by the Director of Intelligence (D-INT) – made a request on 17 March for general interrogation training, to be provided by the Army.[11] Instructors from the Army's intelligence training centre at Ashford were brought to Northern Ireland to facilitate this training, and in addition to general interrogation training, the Special Branch officers were taught how to implement the Techniques.[12]

Although the Techniques had been used in previous colonial campaigns, they did not become properly codified, through the issuing of a Joint Intelligence Committee (JIC) directive, until 1965.[13] The JIC Directive identified the Techniques as follows: hooding detainees, subjecting them to wall-standing; subjecting them to white noise; depriving them of sleep; and, depriving them of food and drink – and saw these as necessary to implement in situations where interrogations 'may be the only sources of intelligence at a time when it is urgently required'.[14] In justifying the use of these deep interrogation methods, which fell outside the normal interrogation methods that would be conducted by police, the Directive noted quite candidly that: 'apart from legal and moral considerations, torture and physical cruelty of all kinds are professionally unrewarding since a suspect so treated may be

[9] TNA: CJ 4/95 – "Annex B – Intelligence Support for Detention Centre", Letter from B.T.W. Stewart to A.P. Hockaday, 10 November 1971.
[10] Charters. *Whose Mission,* 98.
[11] TNA: PREM 15/485 – Summary of Background Leading up to Interrogation in Depth in Northern Ireland, August 1971.
[12] TNA: CJ 4/96 – Note of a Meeting Held at the Home Office on 21 October 1971.
[13] TNA: CAB: JIC(65)15 – Joint Directive on Military Interrogation in Internal Security Operations Overseas: Report by the JIC, 17 February 1965.
[14] *Ibid.*

persuaded to talk, but not to tell the truth'.[15] It therefore did not see the Techniques as anything akin to torture, and their use was interpreted to be justifiable in the face of great intelligence need.

Moreover, the Directive itself acknowledged that interrogators needed to follow the provisions of the Geneva Convention, of which it saw the Techniques as justifiable within.[16] It also placed significant emphasis on the character of interrogators to stay within the boundaries of propriety, noting that they 'should be people of integrity, incorruptible, and firm but not bullies'.[17] However, critique against the use of the Techniques had also been made in their use during the Aden Emergency, which resulted in an inquiry conducted by Mr Roderic Bowen, Q.C. after Amnesty International had made allegations about the mistreatment of detainees.[18] One of the key critiques of the report had been that the Techniques were implemented by Army personnel, which was seen as inappropriate in terms of information collection, and that in their future use, interrogation should be done by civilian security force personnel instead[19] – a lesson learned that was applied in Northern Ireland. What the aforementioned Bowen Report did not do, however, was deem that the Techniques were an inappropriate form of interrogation in counterinsurgency scenarios. As such, their use in Northern Ireland should not be seen as an aberration in form, but rather a continuation of accepted security policy doctrine.

Strategic Advantage or Mismanagement? The Implementation of DEMETRIUS and its Immediate Fallout

Upon DEMETRIUS' launch, 342 men were arrested who had suspected links to the Provisional Irish Republican Army (PIRA); by 10 November that same year, 980 men had been arrested.[20] There had been some internal talk about the need for those suspected of loyalist paramilitarism to be on the initial arrest lists,[21] but this did not come to pass during

---

[15] *Ibid.*
[16] *Ibid.*
[17] *Ibid.*
[18] HC Deb 19 December 1966, vol 738, cc 1005-8 [Online]. Accessed 24/08/2020. https://api.parliament.uk/historic-hansard/commons/1966/dec/19/south-arabia-bowen-report-1
[19] *Ibid.*
[20] TNA: CJ 4/99 – Report of the enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out the events on 9th August 1971 (Compton Inquiry), November 1971.
[21] In a telex sent two days before internment was to begin, there was a note that the Home Secretary had 'reaffirmed that some Protestants must be on the list'. However, given that internment was due to start imminently, this does not seem as though it was a realistic or sincere request, as such a request ought to have been made significantly beforehand in order for appropriate intelligence dossiers to be compiled on potential suspects. For more, see TNA: CJ 4/216 – Telex from J.T.A. Howard-Drake to Mr H.F.T. Smith, 7 August 1971.

DEMETRIUS – and this was in line with the intelligence prioritisation issues outlined in the previous chapter. In total, 14 of the suspected terrorists who were arrested were subjected to the Techniques,[22] but the archive does not provide information on how or why those individuals were targeted for deep interrogation, merely that they were 'high grade subjects'.[23] Furthermore, knowledge of which individuals were on the lists was held quite tightly as well – allegedly, no one below the Commander Land Forces (CLF) had the need-to-know who had been selected for deep interrogation.[24] What the archive does highlight, however, are the problems associated with the composition of the arrest lists in general, and the inherent insufficiencies in the intelligence used to select individuals for internment. As David Charters argues:

> One measure of the haste is that the criteria for deciding which persons to keep in detention and which to release were not drawn up until well after the operation had been completed. This was one of the Northern Ireland government's responsibilities and one of its signal failures.[25]

But how were these lists composed, and who's responsibility was it to do so? In practice, the Techniques were carried out by a joint team of MI5 personnel and Special Branch officers, in which the latter conducted all interrogations.[26] These interrogations were carried out based on a list of 'essential elements of information' (EEI), comprised of three priority categories: first priority – imminent enemy operations; second priority – location of people, arms, and explosives; and, third priority – future enemy intentions.[27] The EEI system, in theory, would have provided a tiered list of individuals of interest, based on the desired intelligence yield required for background and operational needs. However, in practice, the system could only be as effective as the intelligence which fed into it.

Special Branch were responsible for establishing the detailed intentions and requirements of the EEI, which was a critical element of the interrogation procedures that

---

[22] Twelve individuals underwent the Techniques from 11-17 August, with another two from 11-18 October that year. TNA: CJ 4/119 – "Interogatees", Note from Sir Edmund Compton to Sir Philip Allen, 15 November 1971.
[23] TNA: PREM 15/485 – Summary of Background Leading up to Interrogation in Depth in Northern Ireland, August 1971.
[24] Desmond Hamill. *Pig in the Middle: The Army in Northern Ireland 1969-1984*. (London: Methuen London Ltd, 1985), 65.
[25] Charters. *Whose Mission*, 112.
[26] TNA: PREM 15/485 – Summary of Background Leading up to Interrogation in Depth in Northern Ireland, August 1971.
[27] TNA: PREM 15/485 – Summary of Background Leading up to Interrogation in Depth in Northern Ireland, August 1971.

needed to be issued beforehand, but they 'were not forthcoming initially' in doing so.[28] Although the reason here is unclear, it is likely that the poor intelligence machinery of the RUC was insufficient for compiling such detailed lists. For example, when Special Branch did forward their EEI, 450 individuals were on the list, but only 350 could be found because the rest had already fled to the Republic on the suspicion that internment was forthcoming.[29] Moreover, the lists were more reflective of Original Irish Republican Army (OIRA) rather than PIRA membership, and included individuals who had been Irish Republican Army (IRA) members during the Border Campaign but who had not been active during the current spate of violence.[30]

Former head of the Northern Irish Civil Service Kenneth Bloomfield, moreover, recalled that Stormont was not fully aware of Special Branch's insufficiencies in formulating the arrest list, arguing that their 'security advisors were unaware that much RUC intelligence about republicanism was woefully inaccurate and out of date',[31] and that their capacities did not allow them to include loyalist paramilitaries on the lists as there was 'no convincing effort to show that the enemy was terrorism, whatever its origin, rather than simply [PIRA]'.[32] As such, the lists were not reflective of the spectrum of violence on multiple counts – they were not up to date in terms of active potential terrorists who posed an immediate threat, and they did not include all those on the spectrum engaging in political violence. In practice, it meant that some individuals who had no real intelligence value or were no longer active were swept up in the arrests, thereby alienating potentially moderate republicans toward a more violent role, and created yet another environment where Catholics could interpret British state action as being inherently against their community as a whole.

So what intelligence value, in practice, did the use of the Techniques bring? Although this is a difficult question to answer pinpointedly within the declassified world, there is one critical document produced by the JIC which provides an important insight into what kinds of intelligence products were immediately produced following the use of the Techniques.

---

[28] TNA: PREM 15/485 – Summary of Background Leading up to Interrogation in Depth in Northern Ireland, August 1971.

[29] Tim Pat Coogan. *The Troubles: Ireland's Ordeal 1966-1996 and the Search for Peace.* (London: Arrow Books, 1996), 149.

[30] Tim Pat Coogan argues that more OIRA members were included on these lists because "despite being the more pacific of the two IRA wings, were regarded by MI5 as the more dangerous adversaries because their Marxist orientation"; as such, their potential danger "was assessed in Cold War terms, rather than in an Irish context". However, the archive does not make this selection clear one way or another. Coogan, 149-150.

[31] Kenneth Bloomfield. *A Tragedy of Errors: The Government and Misgovernment of Northern Ireland.* (Liverpool: Liverpool University Press, 2007), 190.

[32] *Ibid.*, 195.

According to a JIC assessment written two months after DEMETRIUS was implemented, the intelligence yields from CALABA – the operational name given to the use of the Techniques – became rather evident. Ten of the detainees interrogated under CALABA revealed in detail their connection to PIRA, and 'the information immediately gained was considerable'.[33] Intelligence product resulting from the information collected via the Techniques is as follows:

1. Daily INTSUMs:[34]
    o Six were produced, which contained detail of possible PIRA operations, arms caches, safe houses, communication methods, and supply routes for arms and explosives.
2. ORBAT records:[35]
    o Over 40 sheets of PIRA ORBAT were produced, which contained details for the Belfast, Derry, Armagh and Lurgan units.
3. Personality Cards:
    o Approximately 500 personalities were recorded for future Special Branch reference and use.
4. Information on major incidents:
    o Over 40 major incidents which had been outstanding on RUC records were cleared.[36]

Furthermore, one successful operation to uncover arms caches was mounted directly from the information received during the interrogations.[37] However, what of course must also be noted here is the discrepancy between the inadequacies of the initial arrest lists and the intelligence yield described above. As mentioned, the RUC was responsible for creating the EEI lists, but this was based on outdated intelligence. And yet, the intelligence yield still seems significant. While the archive does not provide any insight into how the CALABA interrogees were selected, it would follow that, based on the valuable yield listed in the JIC document, those 14 individuals did indeed have a significant intelligence value.

Moreover, although not spoken about widely, there was indeed an acknowledgement, particularly amongst high-level leadership within the Army, that the broad, low-level intelligence collection they were undertaking was both ineffective and indiscriminate, thereby impacting upon Army relations with civilians and the potential for moderates to become radicalised toward violence. In a military appreciation of the security situation written two

---

[33] TNA: CAB 163/173 – Report on Interrogation Methods Used in Northern Ireland, 22 October 1971.
[34] Daily intelligence summaries.
[35] Order of battle records.
[36] Points 1-4 all taken from the document cited here. TNA: CAB 163/173 – Report on Interrogation Methods Used in Northern Ireland, 22 October 1971.
[37] *Ibid.*

months after internment's implementation, it is clear that the Army saw internment as a way to shift to a more targeted intelligence collection:

> Our ability to conduct successful operations against the terrorists depends fundamentally on intelligence. Indiscriminate operations, which do not distinguish between the terrorists and the population among whom they live, are self-defeating. Intelligence-based operations work slowly, but as they succeed, develop a snowball effect. The dividend from internment shows the signs of entering this phase.[38]

The importance of this shift toward a more targeted collection capacity by the Army cannot be stressed enough. The broad, low-level approach taken during the early phase of the conflict – a reality stemming from the insufficiencies of the RUC's own machinery and the lack of intelligence sharing happening between the security forces – was one which tended to target the Catholic community as a whole, thereby further increasing the potential of moderates becoming radicalised (or at least increasingly sympathetic) toward violence. This would pay significant dividends going forward for the Army. As Paul Wilkinson highlights, the ramifications of the Army's increased targeting ability stemming from internment – what the Army itself assessed as giving them a 'tactical advantage'[39] – had allowed the Army to 'throttle' PIRA because their intelligence targeting had become that much more accurate, resulting in PIRA's main explosives experts being imprisoned by November 1974.[40]

However, the societal reaction to internment was negative, and is a manifestation of some of the key concerns MI5 presented in their March assessment of potential fallout. Immediately following DEMETRIUS, thousands of civilians took to the streets in protest; over the following two days, 23 people were killed and over 7,000 Catholics fled to the Republic.[41] It also saw a significant increase in paramilitary violence across the province: in the five months preceding internment, there were 382 bombings across the province, and ten soldiers were killed; in the five months proceeding it, there were 1,022 bombings and 33 soldiers were killed.[42] The immediate toll of DEMETRIUS took both Stormont and Westminster by surprise. In a telex sent to the Home Office from the United Kingdom Representative to Northern Ireland about a week after the initial sweeps, the Representative

---

[38] TNA: PREM 15/482 – Military Appreciation of the Security Situation in Northern Ireland at 4 October 1971.
[39] Ministry of Defence (MOD). *Operation BANNER: An Analysis of Military Operations in Northern Ireland.* London: Her Majesty' Stationery Office, July 2006, 2-7.
[40] Paul Wilkinson. *Terrorism and the Liberal State.* (London*: The Macmillan Press Ltd, 1977),* 154-155.
[41] Rod Thornton. "Getting it Wrong: The Crucial Mistakes Made in the Early Stages of the British Army's Deployment to Northern Ireland (August 1969 to March 1972)". *Journal of Strategic Studies* 30 (2007): 94.
[42] *Ibid.*

did not mince his words. He wrote that although 'intelligence and overt evidence show that [PIRA] were badly disrupted', there were other implications – 'the political and social consequences of internment have however been more serious than [Stormont] expected' and that 'there is an almost complete polarisation between the communities […] this is serious'.[43] Bloomfield argues that it 'produced an even more adverse reaction than the greatest pessimists would have predicted' but acknowledges that 'the background to the decision has to be appreciated. Violence was steadily building up to unprecedented and intolerable levels'.[44] Further, in the Army's own assessment of its campaign in the province, it stressed the intelligence value that internment brought, but suggested that it was an 'operational level reverse', insofar as 'the information operations opportunity handed to the republican movement was enormous', and that both internment and the use of the Techniques 'had a major impact on popular opinion across' the country.[45] While there was a clear intelligence value stemming from internment and a long-term improvement to the Army's intelligence targeting in particular, it is important to note that such an improvement came with a significant societal price.

Allegations of Brutality: From the Continued Post-Facto Support for the Techniques to a New JIC Directive

There was also, unsurprisingly, a negative response to the use of the Techniques from the men who had been interrogated under them. They were known as the 'Hooded Men',[46] in reference to one of the Techniques used upon them. Common allegations of mistreatment from the Hooded Men involved being deprived of food, being hooded for long periods, and having been prevented from sleeping due to subjugation to noise; others recalled being forced to stand for many hours at a time, the longest of which was 43.5 hours, and the shortest being nine hours.[47] For example, the experiences of one of these men, Pat Shivers, is an insight into the use of hooding and white noise. Recalling in 1973:

---

[43] TNA: CJ 4/82 – Telex from the UK Representative to the Home Office, 16 August 1971.
[44] Bloomfield, 190.
[45] MOD. *Operation BANNER*, 2-7.
[46] The hooded men were: Jim Auld; Joe Clarke; Michael Donnelly; Paddy Joe McClean; Francie McGuigan; Patrick McNally; Sean McKenna; Gerry McKerr; Michael Montgomery; Davy Rodgers; Liam Shannon; Pat Shivers; and, Brian Turley. They came from across the entire province.
[47] TNA: CJ 4/99 – Report of the enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out of events on the 9th August 1971 (Compton Inquiry), November 1971.

> [The interrogator] asked me, did I know any names to tell him? When he said that, somebody seemed to open the door and I could hear a noise in the background, someone crying, 'I don't want to go in the noise room anymore!'. So they put a bag over my head and brought me into the noise room. The noise was unbearable, it went directly into my brain, like a toothache or something. And…I tried to pull my nails out of my fingers. I couldn't take it anymore.[48]

Complaints such as that of Shivers' above related to the use of the Techniques generally. But, particular allegations of mistreatment were also made, ranging from having one's head banged against a wall for talking; being struck in the genitals for not remaining in the required stress posture; and, being kicked and beaten in order to maintain the required stress posture.[49] Other men also recalled the psychological impact that the Techniques had on their well-being. According to his daughter, one of these men, Sean McKenna, is said to have suffered a psychiatric breakdown after he was released from internment and died four years later at the age of 45.[50]

The potential that allegations of mistreatment might emerge had not been lost on Westminster, and preparation had been undertaken before DEMETRIUS for the government to positively position itself when 'it becomes known that interrogation in depth has taken or is taking place'.[51] Writing a brief on this potential to the Home Secretary a few days prior to internment, Brigadier J.M.H. Lewis noted that in order to mitigate any potential concerns, medical exams would be conducted on admission and discharge, subjects would be seen daily by a medical officer,[52] 'no brutality of any kind' would be allowed nor 'humiliating or degrading treatment', and that subjects would be treated 'humanely' – although he provided very little elaboration on any of these points.[53] Lewis made it clear, too, that such interrogations were not intended to produce evidence, but intelligence, and that the use of the Techniques in particular was critical over that of regular interrogation procedures:

---

[48] *Ireland: Behind the Wire*. Film Reel. (London: Berwick Street Film Collective, 1974). Held by the Imperial War Museum.

[49] TNA: CJ 4/99 – Report of the enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out of events on the 9th August 1971 (Compton Inquiry), November 1971.

[50] Connla Young. "Treatment of Hooded Men Shocked Nationalists". *The Irish News*, 28 October 2017. http://www.irishnews.com/news/northernirelandnews/2017/10/28/news/treatment-of-hooded-men-shocked-nationalists-1173694/.

[51] TNA: CAB 163/173 – "Interrogation – Northern Ireland", Note for the Record by Brigadier J.M.H. Lewis BGS(Int)DIS, 9 August 1971.

[52] This point was further elaborated in an administrative document written three days prior to Lewis' note to the Home Secretary. See TNA: CJ 4/101 – Regional Detention Centres: Administration (Internment), 6 August 1971.

[53] TNA: CAB 163/173 – "Interrogation – Northern Ireland", Note for the Record by Brigadier J.M.H. Lewis BGS(Int)DIS, 9 August 1971.

Whilst nothing of intelligence value is likely to be gained from the interview type of interrogation normally carried out by the RUC, it is considered that the now well tried methods [the Techniques] offer considerable possibilities for the acquisition of particularly valuable operational intelligence.[54]

Although this point will be discussed further below, it is important to note here that even in the preparation for potential blowback from the Techniques' use, the acquisition of intelligence was at the forefront of decisionmakers' minds, and the calculation to use those methods in its acquisition – even when considering potential negative circumstances – was one made in a comfortable balance.

Stemming from the Hooded Men allegations, Westminster was forced into a position where adequate investigations needed to be made. However, this was not acquiesced to out of a feeling of wrongdoing or sympathy toward the alleged victims, but rather that 'the consequences of refusal, both on domestic opinion in Britain and on international opinion, would be much worse' than whatever an inquiry might uncover.[55] As a result, the Compton Inquiry – chaired by Sir Edmund Compton – was tasked with investigating allegations of physical brutality.[56] Although it included those who had been interrogated under the Techniques, Compton's scope was broader than this and 40 allegations were investigated as part of the Inquiry.[57] In sum, Compton had concluded that none 'of the grouped or individual complainants suffered physical brutality as we understand the term', but that the use of the Techniques had resulted in ill-treatment.[58]Although there were critiques of the findings of the Compton Inquiry, insofar as some felt that its investigatory breadth did not go far enough,[59] Westminster – and the security establishment more generally – stood by its decision to use the Techniques and disagreed with Compton's findings of ill-treatment.[60]

---

[54] TNA: CAB 163/173 – "Interrogation – Northern Ireland", Note for the Record by Brigadier J.M.H. Lewis BGS(Int)DIS, 9 August 1971.

[55] TNA: CJ 4/185 – Letter from W.K.K. White (FCO) to J. Howard Drake (Home Office), 12 August 1971.

[56] Compton's mandate was to look at physical brutality *only*; he did not touch on any immediate or long-term issues stemming from mental or psychological brutality stemming from the use of the Techniques – a point of criticism directed toward Compton.

[57] TNA: CJ 4/99 – Report of the enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out of events on the 9th August 1971 (Compton Inquiry), November 1971.

[58] *Ibid*.

[59] Samantha Newbery's assessment on this point is as such: "[It] disappointed almost everyone from the outset: its composition, remit, procedures and conclusions were criticised. The British government's attitudes towards the allegations directed at the security forces can be seen in the details of the creation of the Inquiry and the reactions to its findings". Samantha Newbery. *Interrogation, Intelligence and Security: Controversial British Techniques.* (Manchester: Manchester University Press, 2015), Chapter 4.

[60] Even in light of the report's release, there was widespread support in the British media for the use of deep interrogation methods, including from unsuspecting outlets. The Guardian, for example, published the following: "Some of the methods used in detention and interrogation centres […] have been shown to be intolerable; others thoughtlessly harsh. But […] a vigorous and tough interrogation of suspects must go on.

Investigating government submissions to the Inquiry provides a deep insight into where Westminster's thinking was in this regard, even despite the negative blowback of the Techniques' use, and the strength of their conviction in their security posture on internment. From the view of the security forces, the uproar over the use of the Techniques had 'surprised and irritated many soldiers', as the rules under which the Techniques were implemented had been honed over time, and their use in Northern Ireland was not an aberration in policy, but a continuation.[61] For example, in a letter from General Sir Michael Carver to General Officer Commanding (GOC) Harry Tuzo, Carver stood steadfast that the Techniques were appropriate, and what further solidified this belief was the fact that their use had come from the highest governmental levels and 'were sanctioned by Ministers'.[62] This conclusion is also in line with the JIC's own interpretation of the appropriateness of the Techniques. In a memo written by the Director – Management and Support of Intelligence with the Assessments Staff to JIC Secretary Brian Stewart, the Director assessed the appropriateness of their use in Northern Ireland by stipulating that they were 'well-tried techniques' based on 'experience gained from a variety of Internal Security situations in various countries since the end of World War II'.[63] Moreover, much of the aforementioned surprise and irritation was based on the fact that the Army had assessed there to be a significant advantage in implementing internment and using the Techniques in that effort – an assessment which went beyond just the intelligence collection value that would arise.[64]

Further to this, in preparing to provide evidence to the Compton Inquiry, GOC Tuzo outlined his thoughts on internment to the Vice Chief of the General Staff in Whitehall, standing steadfastly behind the implementation of internment – and indeed, the Techniques – particularly from an intelligence standpoint:

Discomfort of the kind revealed in this report, leaving no physical damage, cannot be weighed against the number of human lives which will be lost if the security forces do not get a continuing glow of intelligence". As quoted in: Cobain. *Cruel Britannia,* 150.

[61] Hamill conducted numerous interviews with former soldiers and based his analysis on these oral histories. Hamill, 66.

[62] TNA: CJ 4/95 – Draft Letter from General Sir Michael Carver (CGS) to Lt. Gen. Harry Tuzo, 16 October 1971

[63] TNA: CJ 4/96 – Memo from the Director Management and Support of Intelligence to the Secretary of the JIC, 19 October 1971.

[64] In its own assessment of the advantages of implementing internment, the Army foresaw a significant advantage, which was beneficial overall. According to a document produced by HQNI three days before DEMETRIUS began, the advantages of internment were projected to be as follows: "(a) the removal of [PIRA] and associated leadership freely resident in Northern Ireland; (b) acquisition of intelligence to combat those remaining to continue terrorism; (c) reassurance of the majority community; (d) removal of the main agents of intimidation from moderate elements in the Roman Catholic community". TNA: CJ 4/101 – Internal Security Instruction, HQ Northern Ireland, 6 August 1971.

The matter of interrogation is now bound to come up in one form or another. It is surely inconceivable that the chance to gain information about the enemy could be passed up and indeed the obtaining of intelligence was an integral part of the aim. Otherwise there would have been a complete failure in duty to a public which has been sorely afflicted by that enemy over a long period. Whatever must be thought about internment as a principle, interrogation must be a normal component of it. Intelligence obtained in this way is vital to the conduct of future operations and the good results obtained so far fully justify the continuation of interrogation in depth.[65]

Those within the intelligence machinery, too, were quick to justify and stress the importance of continuing to use the Techniques even in the face of growing concern over their applicability. This included JIC Secretary Brian Stewart. In a detailed report written by Stewart on the use of the Techniques, he determined that there would be no short-term substitution for them given the security situation on the ground, particularly the use of hooding and white sound.[66] Ultimately, Stewart concluded that:

It must also be recognised that, apart from the very serious, indeed in the short term perhaps insuperable security problems that would be created if these techniques were completely banned, the use of these techniques provides, when urgency is paramount, an essential ingredient in the process of interrogation […] It seems to follow therefore that in an urgent operational situation there is a need to retain the right to use these methods.[67]

Reflecting back on this position decades later, Stewart remained steadfast in his opinion, writing that 'with years of experience of interrogation techniques […] it was difficult to empathise with those who felt strongly that to put a sack over the head of a detainee was to inflict degrading and inhuman treatment'.[68] However, Stewart did concede at the time that the continued use of the methods would need to be 'within more strictly defined limits' and that full records would need to be kept – not in the direct interests of the detainees themselves, but that 'if challenged it can be shown that the methods were indeed used defensively'.[69] As such, by examining the assessments of both the Army and the state's highest level of intelligence machinery, it is clear that – even in light of critiques against their use – the

---

[65] TNA: CJ 4/95 – Telex from GOC Northern Ireland to the Vice Chief of the General Staff, 23 August 1971.
[66] TNA: CAB 163/173 – Report on Interrogation Methods Used in Northern Ireland, 22 October 1971.
[67] *Ibid*.
[68] Brian T.W. Stewart and Samantha Newbery. *Why Spy? The Art of Intelligence*. (London: Hurst and Company, 2015), 108.
[69] TNA: CAB 163/173 – Report on Interrogation Methods Used in Northern Ireland, 22 October 1971.

security posture remained one in which the use of the Techniques was seen as a necessary policy option given the levels of violence proliferating across the province.

In line with these views were those of Westminster policymakers as well; the continued use of the Techniques was seen as an appropriate course of action, as it would yield considerable and badly needed intelligence which was determined as having tantamount importance. Even after the public furore over their use, Westminster stood steadfast in their belief that the Techniques' use was justified in the acquisition of intelligence. This was true even after Compton's report had been delivered. For Heath, the critical question was not in regards to the appropriateness of the Techniques – for he believed them to be so – but whether or not the RUC had overstepped the guidelines outlined in the Directive.[70] Heath was also allegedly furious at the report's findings,[71] and reportedly said that:

> The number of incidents involved in the arrest of 300-odd men were small and, in the conditions of war against [PIRA], trivial. They seem to have gone to endless lengths to show that anyone not given 3-star hotel facilities suffered hardship and ill-treatment. Again, nowhere is this set in the context of war against [PIRA].[72]

Further to this, when discussing the terms of reference for Compton, a note for the record states the following, which is quite indicative of the thought-process of both Westminster and Stormont more broadly at this juncture:

> As in all cases of this kind, it is naturally impossible to be sure that in the heat of the moment there may not have been some over-sensitivity in applying some of these accepted Techniques in Northern Ireland […] but it is necessary to bear constantly in mind the overriding need to sustain law and order in Northern Ireland and to protect both British troops and innocent civilians against ruthless and unscrupulous terrorism. For this purpose, prompt intelligence is indispensable; and it would be fair (to put it no more strongly) to our own Forces to forgo any permissible means for securing that intelligence.[73]

The above quotation is fundamental in understanding the lesser evils calculation being undertaken by Westminster at this stage of the conflict. For policymakers in Whitehall, the balance was thus: an established interrogation doctrine existed which, they felt, held

---

[70] TNA: PREM 15/485 – Note for the Record of a Meeting Between the Leader of the Opposition Mr James Callaghan and the Prime Minister, 18 October 1971.
[71] Richard J. Aldrich and Rory Cormac. *The Black Door: Spies, Secret Intelligence and British Prime Ministers.* (London: William Collins, 2016), 294.
[72] Edward Heath, as quoted in: Cobain, *Cruel Britannia,* 149.
[73] TNA: PREM 15/485 – Note for the Record on the Terms of Reference for Sir Edmund Compton's Inquiry, 18 October 1971.

appropriate guidelines for engagement from an intelligence collection perspective; and, when faced with an increasingly untenable situation in Northern Ireland, they felt the need to protect both the security forces and civilians – the attainment of which could be done through a better intelligence picture. As such, it seems, the calculation was not a difficult one indeed.

Furthermore, it is absolutely critical to understand that high-level representatives in both Stormont and Westminster were very cognizant of exactly what was involved in the application of the Techniques, a fact which cannot be divorced from the continued defence of their use post-Compton. The D-INT 'had one hour of personally explaining the Techniques to Mr Faulkner' prior to their use and that the Director General of MI5 had had a similar meeting with the Permanent Under Secretary at the Home Office, Sir Philip Allen.[74] This would have been a critical juncture for either one of these individuals to either voice their concerns over the use of the Techniques or to back away from them completely, but according to the declassified archive, no such opinions were articulated. What was articulated, however, is that the Techniques were seen to have not only an intelligence collection value, but that they also were beneficial to the detainees themselves. In the context leading up to Compton, there was a high-level discussion held in Whitehall which discussed how the Techniques, in fact, *protected* detainees from further harm in the interrogation context.[75] For example, hooding was alleged to have only been used as a method to prevent detainees from identifying one another and interrogators in equal measure, and that white noise helped to prevent a detainee's voice from being recognised by others.[76] Further, although the legality of security policy action is not part of the purview of this thesis, it is important to note within the CALABA context that Westminster did seek advice on the legality of interrogation methods.[77] The Attorney General stipulated that 'if the practices were to be defended from a legal standpoint, they had to be made to be seen as 'defensible in view of the imperative necessity of obtaining information which would save lives of members of the security forces and the civil population who were being subjected to a

---

[74] TNA: JIC(65)15 – Joint Directive on Military Interrogation in Internal Security Operations Overseas: Report by the JIC, 17 February 1965; TNA: PREM 15/485 – Summary of Background Leading up to Interrogation in Depth in Northern Ireland, August 1971.

[75] In attendance at this meeting was: Sir Philip Allen, Permanent Under Secretary at the Home Office; Sir Burke Trend, Secretary to the Cabinet; Neil Cairncross, Deputy Under Secretary of State at the Home Office; Colonel Nicholson; Brigadier Bremner. TNA: CJ 4/96 – Note of a Meeting Held at the Home Office on 21 October 1971.

[76] *Ibid*.

[77] Technically, the question of the legality of the methods was up to the Attorney General of Northern Ireland as the province was still operating a devolved parliament in this period, but Westminster was seeking general advice rather than legislative guidance. For more, see: TNA: CJ 4/96 – "Northern Ireland: Alleged Ill-Treatment of Internees", Confirmatory Note to Sir Philip Allen, 29 October 1971.

ruthless terrorist campaign'.[78] In line with this advice, the archival evidence demonstrates that Westminster's posturing on its use of internment and the Techniques was very much in respect of positing their need in relation to the grave threat faced by terrorism.

Finally, the Techniques were also seen to be a less severe option than other security policy options that could have been implemented in the internment context. Many former soldiers who had served previously in colonial campaigns had noted that the intensity of the Techniques' use in Northern Ireland, comparatively to their previous use in colonial emergencies, was in fact less severe and that this was down to the use of Special Branch officers, a doctrinal change which came in after Aden. Moreover, their use was seen as a way to ensure that the conflict did not become as bloody as those colonial campaigns, where 'talking' and political compromise could not occur. According to an anonymous former military intelligence officer who served in Northern Ireland during this period, his assessment of the on-the-ground realities were as such:

> Naturally one worries – after all, one is inflicting pain and discomfort and indignity on other human beings, but the facts are that first, the interrogators in Northern Ireland were not Army but Special Branch officers, and second, that society has got to find a way of protecting itself […] and it can only do so if it has good information. If you have a close-knit society which doesn't give information then you've got to find ways of getting it. Now the softies of the world complain – but there is an awful lot of double talk about it. If there is to be discomfort and horror inflicted on a few, is this not preferred to the danger and horror being inflicted on perhaps a million people? So internment and this very, very small scale interrogation was set in train and both were eventually talked out – because the world has become a more talkative place than when we used these techniques in colonial situations.[79]

From an academic standpoint, Bradley Bamford argues too that the British state could have used even more repressive methods like those employed in the colonial context – such as forced resettlement, as instituted in Malaya – but did not do so because they had to work within the 'constraints' of a liberal democratic state.[80] As such, the Techniques were not only seen in the context of being a 'necessarily evil' in the acquisition of intelligence, but that they were assessed as being more beneficial than other, more repressive methods used previously in the colonial context.

---

[78] TNA: CJ 4/96 – "Northern Ireland: Alleged Ill-Treatment of Internees", Confirmatory Note to Sir Philip Allen, 29 October 1971.
[79] Anonymous former military intelligence officer as quoted in: Hamill, 67.
[80] Bradley Bamford. "The Role and Effectiveness of Intelligence in Northern Ireland". *Intelligence and National Security* 20 (2005): 584.

Regardless of the positing and justifications presented by Westminster, Stormont, and the security forces, the Compton Inquiry would not be the last word on the Techniques' use. What followed was another inquiry into the legal and moral appropriateness of the Techniques, acquiesced to by Westminster in late November 1971, and led by Lord Parker of Waddington. However, the inquiry led to two different reports published in early 1972 – the majority report, written by Lord Parker, and the minority report, written by Lord Gardiner, who had been working on the inquiry team – as there was not a consensus reached. A report prepared by Sir Burke Trend for Heath sums the disjoint up as such:

> The essence of the difference of opinion between the majority and the minority reports is that Lord Parker and Mr Boyd-Carpenter think that, except in so far as their use is required for purposes of security and safety, the techniques in question should be used only where it is considered vitally necessary to obtain information, and then subject to the safeguards which they outline […]; while Lord Gardiner does not believe that there are any circumstances in which it would be right to employ them, even, apparently, for the security of detainees themselves.[81]

This discrepancy in opinion, ultimately, put Westminster in a difficult bind: in practice, it could have continued using the Techniques under the more rigid definition provided in the majority report; but, as Gardiner did not see the Techniques as 'morally justifiable',[82] it left Westminster with very little option but to review whether or not use of the Techniques could continue.

Stemming from the publication of the reports, Westminster decided that the use of the Techniques could no longer be justifiable. Speaking in Commons on 2 March 1972, Heath expressed that the Techniques specifically would no longer be used, but that 'interrogation in depth' would continue, although he did not specifically detail what that would look like.[83] Away from the halls of parliament, the JIC was tasked with revising its 1965 Directive – the new version of which was issued in June. The new Directive explicitly banned the use of the Techniques, but remained steadfast in the importance of using deep interrogation methods to obtain intelligence; as stated in the Directive, 'even though there will normally be other ways of gaining information, when intelligence is urgently required interrogation is often the only

---

[81] TNA: PREM 15/1035 – "Northern Ireland: Report of Lord Parker's Committee on Interrogation Procedures". Report Prepared by Sir Burke Trend for the Prime Minister, 8 February 1972.

[82] Gardiner, Lord. *Interrogation Procedures*. (London: Her Majesty's Stationery Office, March 1972). https://www.icj.org/interrogation-procedures-lord-gardiners-report/.

[83] HC Deb 02 March 1972, vol 832, cc 743-9 [Online]. Accessed 05/09/2020. https://api.parliament.uk/historic-hansard/commons/1972/mar/02/interrogation-techniques-parker.

way of gaining it in time'.[84] However, it should also be noted that the JIC had, in fact, issued the Directive in *two* parts, where Part I could be published if the government came under pressure to do so, but there was no reference made in Part I that a Part II existed.[85] Moreover, Part II was to always remain classified, considered to exclusively exist in draft form, and is the only part of the combined Directive which gives guidelines on actual interrogation conduct and methods.[86] As such, there are no public details as to what the new deep interrogation directives looked like in comparison to the Techniques. Yet, what cannot be ignored here is the British state's insistence that some form of deep interrogation method remained as a part of an accepted form of intelligence collection not just in Northern Ireland, but as part of the security establishment's more broader *modus operandi*.

Conclusions

Overall, by analysing both internment as a policy and the use of the Techniques in this early phase of the conflict offers an unparalleled insight into how the British state was attempting to calculate lesser evils within the moral conduct in intelligence practice conversation. What remains most clear from this analysis is that: 1) the use of the Techniques was seen by Westminster as a critical and urgent way to gather intelligence in the face of increasing levels of violence; 2) their use and composition was known, sanctioned, and approved of by political leadership all the way up to the Prime Minister; and, 3) their defence was upheld by that political leadership even after the domestic and international blowback stemming from their use and the findings of the Compton Inquiry. It was only after the Parker majority and minority reports that Westminster was forced into a position of reflection, but one which ultimately still found them holding steadfast to the use of deep interrogation techniques, although no longer in the form of the Techniques themselves. While this section has not attempted to critique whether or not the use of the Techniques was moral from the standpoint of intelligence collection, it has sought to demonstrate what moral lines Westminster felt it could draw in the desperation to drastically improve both its intelligence picture and to remove alleged terrorists from the streets of Northern Ireland.

---

[84] TNA: CJ 4/655 – JIC(A)(72)21: Directive on Interrogation by the Armed Forces in Internal Security Operations, Report by Joint Intelligence Committee (A), 29 June 1972.
[85] Cobain. *Cruel Britannia*, 163.
[86] *Ibid*.

There are three major themes which can be drawn when examining Westminster's calculations on this matter. The first is that, just because previous calculations on the moral appropriateness of an intelligence action made it a viable option in previous operational theatres, it does not signify that a re-calculation is not needed when transferred to a new operational theatre. Much of Westminster's decision-making on implementing the Techniques stemmed from the fact that they had been developed and honed through previous colonial campaigns prior to engagement in Northern Ireland. And yet, even though their use in Aden – the Army's last counterinsurgency campaign before heading to the province – led to an inquiry as to the potential of their misuse, there was very little questioning as to whether it was appropriate to use them within a domestic context in Northern Ireland. Most importantly, this was an institutional belief that spanned both Westminster and the security establishment; the Army saw them as appropriate, as did the intelligence machinery as far up as the JIC. As such, perhaps the question should be this: was there even a calculation *made* as to whether the use of the Techniques was a morally sound collection method to use on British citizens, or on any citizens at all? From the evidence provided by the archive, it does not appear to be so. Rather, their continued use seemed to be based on precedent alone, which fed into some of the issues inherent in the following theme.

Second, while any calculations made to determine the appropriateness of intelligence action are done so by looking at both the benefits of that action versus the damage done by not employing it, sometimes – as Michael Ignatieff argued – it is impossible to foresee all ramifications. This is particularly true when those ramifications are not directly tied to the intelligence action itself, but rather from the broader security policy to which they are connected. Ignatieff argued that while moral hazards can be conceptualised, sometimes those calculations can lead to a greater harm than was predicted or expected.[87] In examining both Westminster and Stormont's reactions to the violence, radicalisation, and displacement which occurred in the immediacy of DEMETRIUS, it is clear that such a response was a worst-case scenario that neither government predicted. And while this outcome was not related directly to the Techniques only, but the broader policy of internment, the disproportionate targeting of the Catholic community only for detention, and thereby (standard) interrogation, meant that a collective rather than individual response was reflected on the streets of Northern Ireland. Moreover, the calculation to not target loyalist paramilitaries within the arrest lists was a

---

[87] Michael Ignatieff. *The Lesser Evil: Political Ethics in an Age of Terror*. (Edinburgh: Edinburgh University Press, 2015), 18.

strategic error in calculation, one which would have allowed loyalist groups to flourish – the ramifications of which were described in Chapter 4.

Finally, and perhaps most paradoxically in this example, although the arrests lists furnished were created using out-of-date intelligence stemming from the RUC's poor intelligence machinery, the intelligence yield was formidable – and that 'formidable' assessment is *just* based on declassified documentation. The intelligence yield provided both background and operational intelligence – the latter of which was very desperately needed – and ultimately gave the Army a significant tactical advantage going forward, insofar as its targeting became demonstrably more precise based on the intelligence gleaned. Of course, it must be stressed again that the intelligence yield outlined in both this section and the declassified documents was derived entirely from the Hooded Men, and it remains unseen how both the list of men selected for the Techniques was created and what intelligence may have led to their formation. Furthermore, based on the poor intelligence machinery operating in the province, it seems impossible that the security forces, or Westminster, could have predicted the kind of yield that deep interrogation could bring; rather, their decision to use the Techniques in this context was based on an assumption that within an intelligence vacuum, as was being experienced at the time, deeper interrogation methods were more likely to yield better collection.

In this case, the calculation worked out for Westminster. And yet, one cannot help to think just how much more significant the backlash against the Techniques' use would have been had the government's 'punt' on deep interrogation not provided some of the intelligence that was so intensely being sought at this juncture. Ultimately, the lesser evil calculation here was one made based on desperation, in which the potential for harm through deep interrogation was outweighed by the timely need for intelligence. Going forward, however, the use and the fallout of internment and the Techniques left the British security establishment with a number of considerations it needed to make in terms of evolving its collection capacity as it manifested beyond the critical juncture period. This, too, needed to fit within broader strategic shifts that were happening during the 1970s, including the introduction of Way Ahead, the general expansion and centralisation of the intelligence machinery, and settling into what would become known as the 'long war'.

II.   Collection in the Shadows: The Informer War and the Strategic Use of Touts

You know, the public need to understand that there's an awful lot of people in Northern Ireland from both sides of the community that did an awful lot and put their lives at stake, and risked everything – the ultimate, don't forget, is losing your life, they risked that – to provide intelligence that kept other people alive. And people will never, ever, ever appreciate the amount of intelligence that came in from these people. Northern Ireland, they say, you know, it's stable now, but it didn't just happen – we brought it to there, you know what I'm saying? We brought it to there. We made it impossible for the terrorists to win because we infiltrated them and we had the intelligence. They will say, 'well, we didn't beat them'; well, everybody will have their own opinion but I can tell you, we would've been a hell of a lot worse off if we didn't have the agent, the source, the resource.[88]

Perhaps one of the most talked about aspects of the conflict is Northern Ireland is the prolific use of agents and informants that came to be a hallmark of the latter part of the Troubles – one which arguably had a significant impact upon the conflict's eventual pathway to peace. This period is either known by the term 'informer war' or 'dirty war', although neither moniker adequately describes or ascribes value to the importance that a shift toward the use of agents and informers as a primary intelligence collection method had upon the overall intelligence picture, nor the action which stemmed from products created using information derived from those sources. The agent/informant conversation is also one in which many questions regarding appropriate engagement in the moral conduct in intelligence practice space come to the fore. This is particularly true in relation to the activities and handling of agents – individuals who were more directly controlled by their security force handlers and provided information of strategic and/or tactical importance – compared to informants, who were not under direct control and passed on information that could be of interest rather than that which was required or desired.[89] As such, this case study will focus

---

[88] The words of "Bryan Maynard", the operator who was responsible for training RUC Special Branch's agent handlers. As quoted in: Reel 1. BBC. "Enemies Within". *BBC Radio 4*, 14 November 2008. Accessed at the Imperial War Museum Archive.

[89] In providing evidence to the *Bloody Sunday Inquiry*, Officer A – an intelligence officer with MI5 who was operational in the province during the critical juncture period – provides a useful distinction between agents and informants. Agents were run "with a number of purposes in mind and with rules in mind and with principles in mind", in which the intelligence organisation running the agent would "attempt to exert and usually does exert control and direction over the operation". Agent operations were seen as "long-term operations" in which the agent was "remunerated or rewarded" in some way. Comparatively, informants were individuals "who simply just provide information"; they were not paid, not under direct control, and therefore less reliable in terms of the quality, value, and strategic and tactical importance of the information they passed on. While these definitions

exclusively on agents – colloquially known as 'touts' within the Northern Irish context – as it will allow for a more detailed and sophisticated analysis of some of the key questions pertaining to moral conduct in the collection context.

Strategic Shifts Leading to the 'Informer War': Criminalisation, Interrogation, Allegations of Mistreatment, and the Walker Report

Internment as a policy did not end until December 1975, and up until that point remained one of the security establishment's primary intelligence collection methods – if not *the* primary method – which was facilitated through interrogation.[90] However, as the first case study demonstrated, internment and its related interrogation was not without its controversies and difficulties. As such, a new approach was needed – albeit one which still espoused an ethos of interrogation, but aligned with different outcomes in mind. From that point forward, until the late 1970s, came a strategy of promoting 'successful [PIRA] attrition through the normal processes of law', which was reflective of a shift toward the use of Diplock Courts and the implementation of the criminalisation strand of the Way Ahead Policy.[91] Although the true dominance of the informer war would not be felt until a few years later, much of the framework established in the immediate post-internment phase is what laid the groundwork for the successful proliferation of touts as the primary intelligence collection method throughout the remainder of the conflict.

The successful introduction of police primacy as part of Way Ahead, which saw the RUC take primary control for counterterrorism activities in the province and the Army take a secondary role,[92] was bolstered by Sir Kenneth Newman's promotion to RUC Chief Constable in 1976. Newman spearheaded not only the implementation of police primacy, but also a significant rehaul of the RUC as an organisation – one which fundamentally positioned the RUC to be an intelligence-focused policing body. In the words of one former Special

---

are in relation to MI5, they are broadly applicable as a valuable differentiation between agents and informants. For more, see: Lord Saville. *Report of the Bloody Sunday Inquiry*. "Intelligence Witness – Officer A (Oral Testimony, Day 326). Accessed 11/06/2020. https://webarchive.nationalarchives.gov.uk/20101017063048/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts326.htm, 80-82.

[90] CJ 4/2900 – "Security Policy", Discussion Note from J.A. Daniell to Mr Davenport, 19 October 1979.

[91] *Ibid*.

[92] For more on these exact terms, see: TNA: CJ 4/2900 – Joint Directive by General Officer Commanding Northern Ireland and Chief Constable Royal Ulster Constabulary, 12 January 1977; TNA: CJ 4/2900 – "Formalisation of Committee Structures", Note for the Record by Lt. Col. M.H. McLarney on behalf of CLF, 17 February 1977; TNA: CJ 4/1656 – "Annex C: Secretary of State's Intensification Package – Progress Report", The Way Ahead for Security Policy, September 1977.

Branch detective on the influence of Newman on the RUC: 'Newman brought us out of the dark ages'.[93] As Peter Taylor highlights, Newman 'developed one of the most sophisticated intelligence networks of any police force in Western Europe'.[94] But this was not an easy task, nor did it require a small effort. Under Newman, two critical changes were undertaken in the RUC structure. The first was a focus on centralising information. This manifested through the establishment of a criminal intelligence section at RUC Headquarters at Brooklyn in Belfast and the creation of what were known as 'holding centres'; these were effectively 'full-time, centralised, specialist interrogation centres', with the first being vested at Castlereagh in Belfast.[95] In addition to this effort, Newman reorganised the RUC Criminal Intelligence Division (CID)[96] by creating three regional crime and intelligence units – known colloquially as Regional Crime Squads – in Belfast, Derry, and Armagh to cover all parts of the province comprehensively.[97] Regional Crime Squads fed intelligence into a unified system based at Brooklyn, with the Squads acting as 'intelligence nodes', and this effort at centralisation negated what had been 'a major deficiency' in centralisation previously.[98] Further, the interrogation centres at Castlereagh – followed by those at Gough Barracks in Armagh and Strand Road in Derry – acted, too, as intelligence collection centres through the tradecraft of interrogation,[99] in which most interrogations were carried out by CID officers[100] in pursuit of evidence or confessions that could be used as part of the Diplock Court effort.[101]

For all intents and purposes, this reorganisation was successful, and resulted in a significant increase in the collection of information that could be collated, analysed, and exploited in one centralised node in Belfast. But of course, like the loyalist example provided

---

[93] Unnamed former Special Branch detective, as quoted in: William Matchett. *Secret Victory: The Intelligence War that Beat the IRA*. (Lisburn: Hiskey Press, 2016), 167.

[94] Peter Taylor. *Beating the Terrorists? Interrogation in Omagh, Gough and Castlereagh.* (London: Penguin Books, 1980), 61.

[95] *Ibid.*, 63.

[96] The RUC has historically had two main divisions: the CID, and Special Branch. How these came to deal with terrorist-related intelligence will be outlined in the following paragraphs.

[97] Andrew Mumford. *The Counter-Insurgency Myth: The British Experience of Irregular Warfare.* (London: Routledge, 2012), 110; Taylor. *Beating the Terrorists*, 63.

[98] Rory Finegan. "Shadowboxing in the Dark: Intelligence and Counter-Terrorism in Northern Ireland". *Terrorism and Political Violence* 28 (2016): 504.

[99] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. *Report to the Government of the United Kingdom on the visit to Northern Ireland carried outby the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 to 29 July 1993*. (Strasbourg: Council of Europe, 17 November 1994).

[100] Taylor. *Beating the Terrorists*, 63.

[101] TNA: CJ 4/1160 – Letter from J.B. Bourn (PUS NIO) to RUC Chief Constable K. Newman, 12 November 1976; TNA: CJ 4/2900 – Joint Directive by General Officer Commanding Northern Ireland and Chief Constable Royal Ulster Constabulary, 12 January 1977; TNA: CJ 4/2518 – Note of a Meeting Held at HQNI on Wednesday 26 January 1977.

in the previous chapter, the focus of the information being collected – while extensive – was less about background or operational intelligence on republican paramilitary groups, but rather to collect evidence and/or confessions in support of convictions or to turn those in custody into supergrasses who could provide testimony against their fellow terrorists. Comparatively to the effort taken against loyalist paramilitary groups during the Diplock era, however, it is important to note that low-level intelligence collection, by both the RUC and the Army, was still happening consistently, which meant that there continued to be an in-tandem effort to both gather intelligence on and criminalise republican terrorism.[102] But, the overwhelming effort remained the latter as part of an effort to fulfil the criminalisation strand of Way Ahead. A look into interrogation and charge numbers at the Regional Crime Squad headquarters in Belfast provides a useful insight into how extensive this system had become by 1977. Over the course of that year, 1,106 suspects were interrogated at Castlereagh to support criminal convictions, which lead to 359 individuals being charged with terrorism-related offences.[103] Further, the total amount of individuals charged in 1977 stemming from all Regional Crime Squads was 1,545 individuals, with 1,602 individual charged the year prior.[104]

The amount of interrogations listed here are extensive, and the number of charges across 1976 and 1977 are a dramatic increase stemming from the criminalisation policy and the use of the Diplock system. However, the lessons of internment – particularly, the use of allegedly heavy-handed tactics to elicit information through interrogation – were still being learned as Newman's transformation of the RUC was undertaken to meet the needs of Way Ahead. While the Techniques were no longer in use, allegations of ill-treatment began to emerge soon after the interrogation centres were set up, with Castlereagh developing a particularly notorious reputation. For example, in Taylor's assessment of this period based on his conversations with former interrogators, he found that many did not wish to work at Gough or Strand Road 'as they were not given the latitude which they enjoyed at

---

[102] For more, see: TNA: CJ 4/1291 – Note from J.B. Bourn to the Permanent Under Secretary B.C. Cubbon, 24 November 1976; CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 44th Meeting, Held on Thursday 25 November 1976; TNA: CJ 4/2900 – Joint Directive by General Officer Commanding Northern Ireland and Chief Constable Royal Ulster Constabulary, 12 January 1977; TNA: CJ 4/2519 – Note of a Meeting Held at HQNI on Wednesday 26 January 1977; TNA: CJ 4/1668 – Commander Land Forces' Directive for Future Operations, January 1977.
[103] Taylor. *Beating the Terrorists*, 121.
[104] Amnesty International. *Northern Ireland: Report of an Amnesty International Mission to Northern Ireland, 28 November 1977 – 6 December 1977*. Conflict Archive on the Internet (CAIN). Accessed 17/10/2020. https://cain.ulster.ac.uk/issues/police/docs/amnesty78.htm.

Castlereagh'.[105] In Eamon Collins' experience – a former PIRA member who became a tout, but not before enduring a number of interrogations at these holding centres – he noted that:

> With hindsight, this was always the weakness of RUC investigators' way of operating: they would not spend the necessary hours developing a particularly sophisticated, perhaps off-beat line. They were always ready to return to what they were best at: confrontation and aggression.[106]

However, it seemed that RUC interrogators felt confident in the job they were doing – or, at the very least, that the ends seemed to justify the means. Writing about one former senior RUC officer he interviewed, Taylor assessed that:

> The problem became one of success. Intelligence was so good, a senior officer claimed, that a detective didn't *think* the suspect he was going to interview had committed a crime, he *knew* it. He told me that it reached a stage where terrorists were 'vomiting confessions all over the place' and when detectives were debriefed after interrogating a suspect 'it was like emptying buckets'. Success bred success. Complaints of ill-treatment seemed an irritating distraction.[107]

Similarly, according to one former interrogator: 'we were getting headlines every day about the number of people charged, about so-and-so getting thirty years. Everything was wonderful, but there was no doubt that people were getting assaulted. There was plenty of slap and tickle'.[108]

This so-called 'slap and tickle', however, would not remain under the radar forever, and in response Amnesty International soon paid a visit to the province in late 1977 to investigate these allegations of ill-treatment.[109] The findings presented in the Amnesty report were so stark that it prompted Westminster to call an inquiry, chaired by H.G. Bennett, and the subsequent report – known as the Bennett Report – was released in March 1979.[110] The report was sympathetic to the RUC insofar as it acknowledged that there had been a significant effort in recent years to discredit the force and that no other force in the United Kingdom was dealing with 'so much violent crime in such uncompromising

---

[105] Taylor. *Beating the Terrorists*, 259.

[106] Eamon Collins and Mike McGovern. *Killing Rage*. (London: Granta Books, 1997), 271.

[107] Taylor. *Beating the Terrorists*, 143.

[108] Cobain. *Cruel Britannia*, 183.

[109] For the full report on their findings, see: Amnesty International. *Northern Ireland: Report of an Amnesty International Mission to Northern Ireland.*

[110] His Honour Judge H.G. Bennett. *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland*. (London: Her Majesty's Stationery Office, March 1979). Conflict Archive on the Internet (CAIN). Accessed 5/5/2020. https://cain.ulster.ac.uk/hmso/bennett.htm.

circumstances',[111] but ultimately provided a number of recommendations to prevent further

mistreatment of detainees as it found instances 'where there was medical evidence of injuries

sustained in police custody which were not self-inflicted'.[112] Only two of these

recommendations were immediately taken up by Westminster: that is, the installation of

closed-circuit television cameras in interrogation rooms, and that detainees should be granted

access to a solicitor after 48 hours in custody.[113] On the former point, a Dr Irwin – one of the

medical officers working at the Gough interrogator centre – is rumoured to have said to Chief

Constable Newman that installing the cameras would be 'cheaper than going to Strasbourg

again',[114] referencing the Irish Republic's case against the United Kingdom and the use of the

Techniques from earlier in the decade.

However, 1980 did mark a shift in terms of both the value of the Diplock Court

system going forward and, in tandem, the continued use of interrogation in that context. This

is the key moment when the move toward using touts as a primary collection method, and the

instigation of the so-called informer war, truly comes to the fore. Much of this effort was

spearheaded by the incoming Chief Constable, Sir John Hermon, who took over from

Newman on 2 January 1980. Hermon believed the RUC were too reliant on interrogation as a

primary collection method and,[115] as the Diplock Court system began to fall part – the

reasons for which were highlighted in Chapter 4 – Hermon sought to create a more subtle

intelligence-gathering apparatus which focused on gleaning intelligence from informants and

agents not for the purposes of conviction, but to influence, steer, and infiltrate the long-term

direction of republican paramilitarism. It was one which would also work to stymie direct

critiques of the use of interrogation methods by the security forces, and place the onus of

collection on the touts themselves. Only a couple of weeks into his tenure, Hermon

commissioned what came to be known at the Walker Report – undertaken by Patrick Walker,

who was the most senior MI5 officer operating in the province at the time – which sought to

elicit ideas on what would be the most effective strategy for implementing Hermon's

---

[111] *Ibid.*

[112] Martin Melaugh. "A Chronology of the Conflict – 1979". *Conflict Archive on the Internet (CAIN)*. Accessed 17/10/2020. https://cain.ulster.ac.uk/othelem/chron/ch79.htm.

[113] *Ibid*.

[114] Taylor. *Beating the Terrorists*, 271.

[115] Ian Cobain. *The History Thieves: Secrets, Lies and the Shaping of a Modern Nation*. (London: Portobello Books, 2016), 182.

vision.[116] The Walker Report would be hugely impactful upon the conflict's shift toward the tout-based intelligence war that would come to dominate the Troubles going forward.

Perhaps the most critical change undertaken as part of the Walker reforms was a shift in focus from CID to Special Branch, and a deep emphasis on the role of the latter going forward. While both bodies were gatherers of intelligence in their own ways, CID performed more as an operational branch of the RUC in order to collect evidence for the prosecution of crime – hence its dominance at the height of criminalisation – whereas Special Branch performed more as an intelligence organisation in its own right, with that information analysed and used operationally.[117] The 'cultivation and running of agents' was at the heart of Special Branch's *modus operandi*.[118] Part of Walker's recommendations stipulated that – while Special Branch would be the main handlers of any RUC agents[119] – the CID now had the responsibility to 'always be aware of the possibility of obtaining intelligence in addition to admissions', and that if such an opportunity presented itself, even through the course of an admission, 'he should arrange for the interview to be taken over by [Special Branch]'.[120] Most importantly, in such circumstances, the Walker Report stressed that 'the CID should not proceed immediately to a charge whenever an admission has been obtained'.[121] While not explicitly stated in the Report, proceeding in such a way would have given Special Branch the opportunity not only to exploit intelligence from that individual but, more critically, to turn them into an agent of the state in lieu of prosecution.

In practice, this meant that the centralisation of information and the setting up of interrogation centres at Castlereagh, Gough Barracks, and Strand Road under Newman became and facilitated an environment where: 1) Special Branch had the full operational brief to exploit intelligence above the CID's role of prosecution, even in situations where the CID were still the prime undertakers of interrogation; and, 2) Special Branch, through the continued focus on criminalisation, had unfettered access to suspected terrorists who could choose to become agents rather than face prosecution by the state. A few months later, the changes suggested by Walker had come into full force with Assistant Chief Constable John Whiteside having informed both CID and Special Branch of their implementation going

---

[116] Patrick Walker. *Report of the Interchange of Intelligence Between Special Branch and CID and on the RUC Units Involved, Including those in Crime Branch*. Committee on the Administration of Justice. Accessed 17/10/2020. https://caj.org.uk/2018/07/02/ruc-walker-report-1980/, 1.
[117] *Ibid*., 2.
[118] *Ibid*., 3.
[119] *Ibid*., 5.
[120] *Ibid*., 7.
[121] *Ibid.*

forward.[122] Alongside this, the remainder of the Bennett Report recommendations had been implemented under the Thatcher Government by June 1980 and, according to statistics that Hermon gave at the Police Federation's annual conference that month, in the first half of that year, complaints against the RUC's treatment of detainees had dropped by 55%.[123] The changes implemented through the Walker Report, coupled with the eventual full acceptance of the Bennett Report recommendations, facilitated a strategic shift where interrogations became the milieus where terrorists could be turned into agents – and, critically, not through coercive physical force. Most importantly, by foisting greater influence and responsibility upon Special Branch over the CID – and therefore the use of intelligence for operational rather than prosecutorial purposes – Special Branch was able to hit the proverbial ground running by adopting the framework established by Newman as part of the criminalisation and Diplock system overhaul, but use it to rapidly develop and deploy a tout system going forward.

As a final note, it is important to stress that the strategic shift toward the adoption of a tout system was also necessitated by the parallel strategic shifts that were happening with PIRA in the late 1970s as well, which speaks to how necessary it was to implement the tout system as a primary collection method. This, most importantly, is reflective of their organisational shift from a more traditional military structure in 1977 – what was seen as a 'people's army' structure – to what became known as the active service units (ASU) system as a response to the strategic acknowledgement that both sides were settling into a 'long war' scenario.[124] This was a much more decentralised structure, which worked to ensure that only the leader of each ASU would know the identities of the volunteers in their unit; moreover, they would also be the only person within the unit who would have direct contact with the upper echelons of the organisation, thereby limiting the flow of information between PIRA volunteers on the whole, particularly in regards to overall strategic approaches and objectives.[125] The impact of this for intelligence collection is obvious: the knowledge available to any singular volunteer dropped significantly as a result, and the use of low-level agents, in the form of individual volunteers within an ASU, would never be able to provide the kind of high-level strategic and tactical information that would be critical to combatting

---

[122] Cobain. *The History Thieves*, 183.
[123] Sir John Hermon. *Holding the Line.* (Dublin: Gill and Macmillan Ltd., 1997), 120.
[124] John Bew, Martyn Frampton and Iñigo Gurruchaga. *Talking to Terrorists: Making Peace in Northern Ireland the Basque Country*. (London: Hurst and Company, 2009), 74.
[125] Bew et al. *Talking to Terrorists*, 74; Mark Urban. *Big Boys' Rules: The Secret Struggle Against the IRA*. (London: Faber and Faber, 1992), 31.

PIRA in a long war scenario. While broader penetration with more low-level agents could yield some results, it became clear that deeper strategic penetration at the upper levels of the organisation would be critical to the success of the security forces going forward.

Simultaneously, and importantly for the security forces in terms of the potential for deeper penetration, PIRA also reorganised their Northern and Southern Commands, based in Belfast and Dublin respectively. Up until the restructuring, Southern Command had played the primary role in providing strategic direction for the group; however, there emerged a feeling amongst leading Provisionals that this system was 'inefficient and unfair', as it put the bulk of physical responsibility on volunteers in the north to undertake operations despite strategic control not coming from Northern Command.[126] As such, the restructuring reimagined this relationship, and created a much more empowered and responsible Northern Command – including the newly-created positions of adjutant, director of operations, an internal security unit, and a quartermaster – which posited Martin McGuinness as its officer commanding (OC).[127] Northern Command, therefore, became responsible for the war zone, whereas Southern Command retained responsibility for training and logistics.[128] In the assessment of Patrick Bishop and Eamon Mallie, this restructuring – alongside the creation of the ASU system – 'allowed for operations that struck across the whole of Northern Ireland'.[129]

In examining the archive, concerns regarding PIRA's restructuring first began appearing in government business in late 1977. In December, there was still a belief that Northern Command would not be successful at directing attacks outside of major urban centres and that it 'would be wrong to think' that they could be 'directing every move', despite the acknowledgement that PIRA were 'probably better equipped and organised to carry out reasonably co-ordinated operations than they were six months ago'.[130] That assessment changed quite quickly, however. Just one month later, it was noted that PIRA's coordinated use of blast incendiaries had become 'considerable',[131] and that the reorganisation had made them into 'a more formidable opponent', and this month marked the first disconcerting and formidable rise in violence since the implementation of police

---

[126] Patrick Bishop and Eamon Mallie. *The Provisional IRA*. (London: Corgi Books, 1989), 311.
[127] *Ibid.*
[128] Bew et al. *Talking to Terrorists*, 74.
[129] Bishop and Mallie, 312.
[130] TNA: CJ 4/2276 – "Politics and Security: Round Two", Annex to a Note from Redacted Individual at Stormont Castle to the Permanent Secretary and the Permanent Under Secretary to the Northern Ireland Office, 29 December 1977.
[131] TNA: CJ 4/2276 – Note of a Meeting in Belfast to Discuss Security Prospects and Policy, 9 January 1978.

primacy.[132] By late 1979, the reorganisation was having considerable impact – one which, by Westminster's own assessment, was not being adequately met through security force action. A security policy discussion note from October that year was quite scathing on this point:

> Whereas PIRA have changed the whole nature of their tactics and operation, we have responded by seeking to carry on as before, but more efficiently. To use a crude analogy, it might be argued that PIRA have exchanged a blunt instrument for a rapier as their method of attack, while the Government and the security forces, instead of choosing a new weapon as a counter-measure, are improving their ability to deal with an attacker who uses blunt instruments.[133]

This was a critique not of the changes made by Newman, but rather of the overreliance on the Diplock Court system despite PIRA's reorganisation into its new ASU structure. In reality, a reliance on supergrass testimony as a prosecutorial tool was a more effective strategy when PIRA's structure was still broad, hierarchical, and one in which even a low-level volunteer would likely have a comprehensive knowledge of active players, strategic approaches, and tactical capabilities. However, as PIRA's structure shifted, so did that access information, which resulted in a decline in successful prosecutions – and particularly of those deemed to be high-value targets.[134] Whereas PIRA's old military structure had left them more 'susceptible to normal policing methods', the shift to ASUs rendered the advantages of a pure criminalisation policy, as expressed through the Diplock Court system, effectively moot.

It is at this moment that the security forces take a critical strategic shift in their approach to a reorganised and revitalised PIRA. Martyn Frampton argues that a two-pronged strategy was employed, one public, and one secret: the public world 'sought to marry more effectively the constraints of legality and the demands of effectiveness by placing the emphasis on the former', as well as a secret world, 'in which an uncompromising intelligence war was fought'.[135] Part of this public effort was to ensure that the security forces 'were *seen* to act within the law', and the proliferation of the use of agents comprised the effort in the secret world.[136]

---

[132] TNA: CJ 4/2276 – "The Current Security Picture", Note from A.A. Pritchard to the Permanent Under Secretary to the Northern Ireland Office, 20 January 1978.
[133] In starting his assessment, J.A. Daniell does acknowledge that the has "deliberately set out to be provocative" in the note, hence some of the analytical conclusions. CJ 4/2900 – "Security Policy", Discussion Note from J.A. Daniell to Mr Davenport, 19 October 1979.
[134] *Ibid*.
[135] Martyn Frampton. "Agents and Ambushes: Britain's 'Dirty War' in Northern Ireland", in: *Democracies at War Against Terrorism*, Samy Cohen ed. (New York: Palgrave Macmillan, 2008), 83.
[136] *Ibid*., 84-85.

Qualifying the Outcomes of the Informer War

Before delving into an analysis of the key moral conduct questions in the use of touts by the security forces in Northern Ireland, it is first important to investigate what some of the most important outcomes of the informer war were. This investigation will be based on previous academic analysis, the testimonies of those on both sides of the agent/handler relationship, as well as testimonies from republican paramilitaries who were on the receiving end of that informer war. Unfortunately, the government archive continues to hold its secrets in this space, as files relating to the recruitment, running, and outcomes of tout-derived information remain classified. As such, it is relatively impossible to quantify the direct outcome of the informer war, in terms of plots foiled, lives saved, or individuals turned. In lieu of being able to uncover this 'known unknown' in more depth, this section will endeavour, as best as possible given the evidence available in the declassified world, to qualify the outcomes of the informer war on the pathways to peace – or, at the very least, an acceptable level of violence[137] – in Northern Ireland.

'Inside informers to a terrorists movement', argues Robin Evelegh – former commanding officer of the 3rd Battalion Royal Green Jackets, deployed during the critical juncture period – 'are like an internal haemorrhage to a human body'.[138] If the republican movement were a human body, the tout system made it bleed profusely and consistently through both self- and security force-inflicted wounds through to the end of the conflict. By the early 1990s, 70% of all planned PIRA attacks had to be aborted due to fear of detection[139] – a fear which had been embedded due to the security forces' increased proficiency of foiling attacks, stemming from tout-derived information from sources within the organisation itself. Of those remaining 30%, 80% were prevented or interdicted by security forces.[140] Even just

---

[137] A brief note on this infamous phrase. It is said to have been coined by Reginald Maudling early in the conflict, who was Home Secretary from 1970-1972. In speaking to Desmond Hamill, an anonymous close colleague of his reflected on the phrasing: "I think that arose from the realisation that one man with a rifle or bomb, in one night, could either shoot a lot of people or do a lot of damage. Whatever you did you couldn't eliminate every single person. However, if the authorities got the level of violence down to the point where very few people were doing it, that was acceptable. I would have thought that the Army, on the whole, did go along with this definition because they realised that there was no way – unless it was all called off – that you could actually guarantee that there was going to be no violence". For a brief discussion on the phrase, see: TNA: CJ 3/85 – Letter from the Northern Ireland Prime Minister James Chichester-Clark to the Secretary of State for Home Affairs Reginald Maudling, 22 October 1970. Quotation taken from: Hamill. *Pig in the Middle*, 84.

[138] Robin Evelegh. *Peace Keeping in a Democratic Society: The Lessons of Northern Ireland.* (London: C. Hurst and Company, 1978) 68.

[139] Peter R. Neumann. *Britain's Long War: British Strategy in the Northern Ireland Conflict, 1969-98.* (Basingstoke: Palgrave Macmillan, 2003), 156.

[140] *Ibid.*

through the examination of these numbers, it is evident that by the third decade of the conflict, the informer war was paying real dividends. According to an analysis by Jon Moran, this was mainly achieved through three critical outcomes. First, touts allowed for the security forces to acquire tactical intelligence at levels and in details not previously seen prior to the proliferation of the informer war, and this aided in the precise formulation and direction of operations.[141] Further, the precision of security force operations, and their increasing ability to intervene in terrorist action, forced paramilitary groups to scale down the frequency and number of their own operations for fear of detection.[142] Finally, psychologically, the informer war allowed for paranoia to fester amongst paramilitary organisations, who began purging their own members.[143] In South Armagh, for example – which had the smallest concentration of agent penetration anywhere in the province – PIRA killed 18 of their own members for allegedly being touts, despite the significant likelihood that they were not given the more superficial penetration in this region.[144]

According to figures produced by William Matchett, a former senior Special Branch officer based in South Armagh, he estimated that over 60% of the intelligence collected by the RUC during the informer war period came in from Special Branch-handled touts, and provided a 'diversity of gathered intelligence' in terms of the breadth of the touts being run.[145] This, too, is an important number when considered alongside the fact that Special Branch was also engaged in other forms of collection during this period, including technical, surveillance, and open source methods. For organisations such as the Force Research Unit (FRU), who were stood up almost exclusively to use agents as their primary collection method, it is clear that the levels of tout-derived intelligence were incredibly significant. For example, it is estimated that one in five PIRA volunteers in Derry worked as FRU agents[146] – which, again, is just the infiltration undertaken by one agent-handling body of the security forces – and in Moran's analysis, the breadth of this penetration 'seemed to surprise even republicans after 1998'.[147] Further, 'Martin Ingram' – the pseudonym used by Ian Hurst, a former collator within the FRU – recalled to the *Bloody Sunday Inquiry* that when he was

---

[141] Jon Moran. *From Northern Ireland to Afghanistan: British Military Intelligence Operations, Ethics and Human Rights*. (Farnham: Ashgate Publishing Limited, 2013), 60-61.
[142] *Ibid.*
[143] *Ibid.*
[144] *Ibid.*, 61.
[145] Matchett also claims that over 16,500 lives were saved due to tout-derived intelligence, but it is difficult to independently confirm this number in any way. William Matchett. *Secret Victory: The Intelligence War that Beat the IRA*. (Lisburn: Hiskey Press, 2016), 22 (quotation in text); 100 (figure listed in footnote).
[146] Moran. *From Northern Ireland to Afghanistan,* 50.
[147] *Ibid.*, 51.

stationed at the FRU's North Det[148] in the 1980s they had 'two 4 to 5 drawer cabinets' which stored the contact forms for all active agents and another two cabinets which stored the files for agents who had died or had been stood down.[149] Given that the FRU had three detachment locations from which they worked,[150] if Ingram's observations were reflective of the norm across all three, this would suggest a remarkable number of agents being run by the FRU. The penetration, therefore, was both deep and pervasive – and, undoubtedly, the information derived from this penetration had a critical impact on the remainder of the conflict going forward.

There is strong consensus amongst the academic literature that the informer war played a critical role in bringing the conflict in Northern Ireland to a close. The key to this success, Bradley Bamford argues, was rooted in the concept that the informer war would allow the enemy to destroy itself from within, rather than taking lethal action against its members.[151] While there certainly was kinetic action taken against terrorists, with allegations of a shoot-to-kill policy stemming from said action – the concept of which will be discussed in greater detail in Chapter 6 – a reliance on the informer war allowed for the overall levels of violence to be reduced. This permitted a so-called acceptable level of violence to be maintained, in which political strategies could take root. As Mark Urban highlights:

> The effects of the informer war are profound: the level of violence is reduced; the republican community is rendered increasingly paranoid and must eliminate a proportion of its own membership in an attempt to regain its integrity. Those in the intelligence organisations who run agents are aware that their efforts are the key to the containment of terrorist violence.[152]

The use of touts, relatedly, alleviated one of the key issues from the critical juncture period related to levels of violence: that is, it allowed the security forces to adopt a much lower profile which, in turn, diminished the potential for lethal and/or radicalising/alienating encounters between them and the civilian population. As Evelegh argues, this was a particularly important shift to be made in Northern Ireland:

---

[148] The FRU's operational base in the north of the province. The FRU operated out of three detachments.
[149] Lord Saville. *Report of the Bloody Sunday Inquiry*. "Intelligence Witness – Martin Ingram (Written Testimony, KI2)". Accessed 11/06/2020. https://webarchive.nationalarchives.gov.uk/20101017060841/http://report.bloody-sunday-inquiry.org/evidence/K/KI_0002.pdf.
[150] See: Simon Cursey. *MRF Shadow Troop*. (London: Thistle Publishing, 2013); Sarah Ford. *One Up: A Woman in Action with the SAS*. (London: HarperCollins Publishers, 1997); Jackie George and Susan Ottaway. *She Who Dared: Covert Operations in Northern Ireland with the SAS*. (Barnsley: Leo Cooper, 1999).
[151] Bamford. "The Role and Effectiveness of Intelligence in Northern Ireland", 591.
[152] Urban. *Big Boys' Rules*, 245.

It therefore emerged that the basic truth of counter-terrorist operations is that inside informers and alienation of the general population are in counterbalance. The more inside information the security forces possess, the less they need to interfere with or even be seen by the mass of citizens.[153]

Relying heavily on touts, and diminishing the public role of the security forces, also played deeply into the normalisation strand of the Way Ahead Policy, whilst simultaneously reducing the potential for violent clashes leading to greater sympathy for terrorism from the general population. In the words of Moran, 'rather than informants being used in some sort of reckless and bloodstained security force jamboree they appear to have represented the last, least worst option for controlling and countering terrorist violence'.[154] The *Report of the Patrick Finucane Review* was also 'satisfied' that the running of agents 'was one of the most effective methods by which the security forces could frustrate terrorist activity and save lives'.[155] In this way, the strategic shift toward a reliance on the tout system as a collection method had both direct and indirect consequences and, as will be analysed more deeply later, had an impact upon the lesser evil calculations made by the security forces in the moral conduct in intelligence practice space.

Furthermore, there is consensus that the informer war made a strategic difference in the long-term pathways to an eventual peace. Moran argues, for example, that 'the gradual constriction of [PIRA]'s room for manoeuvre played an important role in bringing the conflict to an end'[156] – and that room for manoeuvre, one which saw a further and further constriction of their ability to conduct operations unhindered, was impacted significantly by the informer war. It is also important to stress that agents were not just collecting operational information, but political information as well; and, as republicanism started moving more toward a political agenda through the nascence of Sinn Féin, greater opportunity arose for infiltration from a political perspective as well. As Martin Ingram notes, in the production of tout-based intelligence product, 'we had many customers to satisfy, all pressing for both strategic and tactical intelligence', of which political intelligence – falling under the former category – became increasingly important as the conflict reached its third decade.[157] As

---

[153] Evelegh, 71.
[154] Moran. *From Northern Ireland to Afghanistan,* 57.
[155] The Rt. Hon. Sir Desmond da Silva. *The Report of the Patrick Finucane Review*: *Volume I.* (London: The Stationery Office, December 2012), 68.
[156] Moran. *From Northern Ireland to Afghanistan,* 5.
[157] Martin Ingram and Greg Harkin. *Stakeknife: Britain's Secret Agents in Ireland.* (Dublin: The O'Brien Press, 2006), 210.

Neumann highlights, this need for political intelligence was a key element to Westminster's strategic acceptance that to deny PIRA a victory would be equal to its defeat and that, consequently, the end of the conflict could never be reached militarily alone.[158] Of the handful of autobiographies which exist of former agents operating in Northern Ireland, many of whom were at their operational zenith during the informer war period of the conflict, at least three were infiltrated into Sinn Féin at some point in their agent careers.[159] One of these men's intelligence, Willie Carlin, was hugely influential as he had formed a close working relationship with Martin McGuinness to the point that he helped him get elected as a member of parliament,[160] therefore solidifying his shift into political rather than violent republicanism. And, so important was Carlin as an agent that, upon his cover being blown, he was flown back to England for debrief upon Prime Minister Thatcher's command.[161] As Moran, David Omand, and Mark Phythian all agree, it was because Westminster was receiving a breadth of tout-collected intelligence, including that of a political nature, that the successive governments of Margaret Thatcher, John Major, and Tony Blair could calculate the extent to which republicans were genuinely willing to talk and the true potential for a successful peace agreement to come to fruition.[162]

Agents, too, understood the critical role that they played and for many, that thrust to turn was related to both the knowledge and the desire that the greatest damage to a paramilitary organisations could be accomplished from within. As former agent and PIRA member Sean O'Callaghan recalls in his memoirs, 'there was simply no more effective way for me to damage [PIRA] than by informing from the inside, and that is what I wanted to do'.[163] Although Kevin Fulton – who was not a tout in the traditional sense, as he was not turned, but rather approached whilst in the Army to be infiltrated into PIRA[164] – now

---

[158] Neumann, 133.

[159] These three men were Willie Carlin, Eamon Collins, and Sean O'Callaghan. Carlin spent his entire career as an MI5 agent inside Sinn Féin, whereas Collins and O'Callaghan were predominantly PIRA members during their time as agents, but with stints inside Sinn Féin collecting political intelligence as well. For more, see: Willie Carlin. *Thatcher's Spy: My Life as an MI5 Agent Inside Sinn Fein.* (Newbridge: Merrion Press, 2019); Collins and McGovern. *Killing Rage*; Sean O'Callaghan. *The Informer.* (London: Corgi Books, 1999). Further, although he did not write an autobiography, it is also important to mention here the critical work undertaken as an agent by Denis Donaldson, who for nearly twenty years provided intelligence first as a member of PIRA and then Sinn Féin, only to be murdered in 2006 after he was outed as an agent by Gerry Adams in late 2005. For more, see: "Obituaries: Denis Donaldson". *The Telegraph*, 6 April 2006. Accessed 18/10/2020. https://www.telegraph.co.uk/news/obituaries/1514926/Denis-Donaldson.html.

[160] Carlin, 78.

[161] *Ibid.*, 225.

[162] Moran. *From Northern Ireland to Afghanistan,* 5; David Omand and Mark Phythian. *Principled Spying: The Ethics of Secret Intelligence*. (Washington, DC: Georgetown University Press, 2018), 128.

[163] O'Callaghan, 133.

[164] Kevin Fulton. *Double Agent: My Secret Life Undercover in the IRA.* (London: John Blake Books, 2019), 10.

questions his role as a tout not because of the work he undertook but rather the way he was eventually treated by his handers,[165] he continues to acknowledge that the work he undertook, which was frequently at the risk of his own life, was critical to the overall cessation of violence.[166] While more of Fulton's career will be discussed in a following section, it is important to highlight here that at the zenith of Fulton's career, he was working on PIRA's explosives team, and was responsible for forwarding intelligence onto his FRU handlers about PIRA's development of infrared detonation technology[167] – the knowledge of which, in the hands of the security forces, completely scuppered PIRA's tactical advantage in this respect.

It was actions like these, Raymond White argues, that led PIRA to realise a military victory would never occur. White, who was the former head of RUC Special Branch and involved in the oversight of the handling of agents, stated in an interview to the BBC that the informer war 'played an immense part in bringing about, shall we say, a realisation within [PIRA] that they had passed the post in terms of the armed conflict. They'd given it, as they would say it, their best shot; it didn't work'.[168] But it was also an effort which, given the secrecy inherent in the informer war, remained in the shadows – and that this was part of the job, for both handlers and agents. 'Bryan Maynard', a former Special Branch handler himself who became the trainer for all Special Branch's handlers as the informer war protracted, reflected thusly:

> Anybody who joined Special Branch never joined for praise, because you were never going to get it. Well, you would've got it within your own organisation […] but the rest of the public, and the rest of the police force never knew anything about it. If we had prevented something, we couldn't talk about it. And I used to sit at meetings or in canteen having coffee, and listening to people – 'isn't it lucky we got that bomb last night, somebody could've been killed' – and I'd be sitting there going, 'yeah, well'. And you'd love to go, 'well, that was me last night that stopped the bomb'. But you'd drink your coffee and you left.[169]

The informer war was therefore also both the secret and the silent war – done in the shadows, without public accolade, but felt all the same by those both on the perpetrating and receiving end of it. And PIRA members, being on the receiving end of it, most certainly felt its effects.

---

[165] *Ibid.*, xvii.
[166] *Ibid.*, 156; 165; 187.
[167] *Ibid.*, 192-195.
[168] Raymond White, as quoted in: BBC Spotlight. "Spotlight on the Troubles: Episode 7 – The End Game". *British Broadcasting Corporation*, 22 October 2019.
[169] "Bryan Maynard", as quoted in: BBC. "Enemies Within".

White's assessment above is a sentiment shared by members of PIRA themselves, who even as the course of the conflict wore on, were aware of the impact that the infiltration of their organisation by the security forces was having not only on their ability to conduct operations, but the direction of the armed struggle entirely. To reiterate the words of Kieran Conway, a former Provisional head of intelligence, from Chapter 2:

> The attrition rate was just so appalling. The SAS, you know, the British intelligence services were in a position to, you know, intercept most operations. It was absolutely clear that we were losing, if we hadn't already lost the war – and that it was time to cash in the chips.[170]

Fellow PIRA member Anthony McIntyre has also spoken publicly, in agreement with the sentiments of Conway above. Reflecting back on the informer war, McIntyre assessed that PIRA 'did as best as it could, I suppose, in fighting the intelligence war. But they hadn't a chance – they were effectively scuppered from within and confronted officially from without'.[171]

Such a phenomenon within PIRA and its other republican paramilitary counterparts would have been a key element in demonstrating that the level of attrition being caused within their organisations as a result of the informer war and related security force action was creating an environment in which military success was becoming increasingly unlikely as time wore on. As both the academic and practitioner consensus also agrees, the informer war was a critical element in a pathway to peace in Northern Ireland. Finally, it must also be briefly acknowledged here that intelligence, even that derived from a pervasive informer war, does not win wars on its own; it must work within and in support of the broader overarching political and security strategies of the state. In this way, it can foster environments in which said political and security strategies can work in tandem to achieve a lasting peace by – to paraphrase the words of Omand – improving the quality of decision-making by reducing ignorance and shining light on otherwise hidden truths. As such, the informer war must be seen in this context: the intelligence gleaned – strategic and tactical – through the use of touts during the informer war period played a critical role in improving the quality of decision-making for Westminster by providing deep and needed insight into the thinking, capabilities, and desires of both violent and political republicanism.

---

[170] Kieran Conway, as quoted in: BBC Spotlight. "Spotlight on the Troubles: Episode 7".
[171] BBC Spotlight. "Spotlight on the Troubles: Episode 7".

Agent Handling, Blurred Lines of Criminality, and Murky Moral Conduct

The success of the informer war, however, did not come without a cost – one to agents, handlers, non-combatants, and the state more broadly. But as alluded to in the previous chapter, particularly in relation to an agent's participation in criminality, balancing the line of requiring the use of agents in pathways to the cessation of violence with the moral cost of doing so is a difficult one indeed. The use of agents, without question, is a perfect manifestation of Omand's argument that intelligence practice requires a different morality than what is ascribed to in everyday life. In the Northern Irish context, at the very broadest level, an agent's belonging to a proscribed paramilitary group was an illegal act in itself, so their participation in criminality, to some discernible level, was a base requirement for their ability to inhabit both the agent and terrorist space simultaneously and thereby enjoy unabated access to information sought by the state. However, this was not a blank page for their engagement in *any* criminality but, rather, ought to have been that which was in proportion to the maintenance of their cover and their access to information which could save lives. And yet, in the heat of the conflict, that proportionality – that is, the balancing of the lesser evil between engaging in criminality and losing access to their cover, critical information, or even their lives should their dual loyalties be discovered – was incredibly difficult to maintain. As such, this section will investigate the moral conduct concept in the agent-running context through the lens of criminality and its associated expectations in the agent/handler relationship.

At its very base level, a state's decision to engage in the use of agents requires three key acknowledgements: that deception lies at the heart of action; that the quality and maintenance of the agent's cover is critical; and, an acceptance that the possibility of harming others 'in pursuit of the broader strategic aim' is likely.[172] This is a balance that Western democracies have been engaged in historically and, as the *Report of the Patrick Finucane Review* argues, 'the recruitment of agents in, or infiltration of agents into, terrorists groups has long been recognised in all Western democracies as a legitimate means of tackling terrorism'.[173] As such, the British state's use of agents in Northern Ireland is not an aberration of this tradition, but rather is very much in line with it. But, as Omand highlights, despite acknowledging the aforementioned three realities 'it is hard to avoid the taint of having

---

[172] Omand and Phythian, 111.

[173] The Rt. Hon. Sir Desmond da Silva. *The Report of the Patrick Finucane Review*: *Volume I.* (London: The Stationery Office, December 2012), 68.

colluded in criminal acts when any well-placed agents in a terrorist organisation are likely to have engaged in criminal activity or even have blood on their hands'.[174] While Michael Quinlan notes that it would be 'absurd' to disqualify the use of agents to penetrate organisations like PIRA with the aim of bringing about a cessation of violence, he equally acknowledges that such an acceptance 'by no means follows that absolutely anything goes in achieving and sustaining such penetration'.[175] This, ultimately, means that handlers and agents must occupy a murky moral environment which acknowledges that criminality will likely exist, but must not abound – all the while balancing the need for information with the cost of keeping an agent in play.

This balance, admittedly, was not always so equal in Northern Ireland, and there have been many public pronouncements and questions – many of them more contemporary, after the conflict's cessation – as to whether a level of proportionality was always adequately struck during the conflict. There were, of course, situations in which that level of proportionality was an easier balance, and this was frequently connected to the depth of penetration of an agent. Martin Ingram, formerly of the FRU, has provided two useful examples where this balance was easier. While the FRU predominantly ran more deep penetration agents, such as Brian Nelson, they also ran 'access agents' – that is, individuals who did not have direct access to intelligence themselves, but had access to individuals who did. For example, the FRU ran an agent codenamed 'Busty Brenda', a single Catholic farmer from Derry, who engaged in a number of successful 'close liaison' operations – that is, honeypot operations – in which she elicited useful information from the PIRA men with whom she engaged.[176] They also ran an agent named 'Declan' who, although not officially a PIRA member, was very trusted by the organisation and his car was often used to transport PIRA members; as such, the FRU had it bugged.[177] In both examples, the level of criminality engaged in was virtually non-existent, and yet the intelligence yield remained useful.

However, it was from deep penetration agents that the most valuable strategic intelligence could be gleaned – but the deeper and longer the penetration, the greater potential for criminal action. In the words of A/05, the former commanding officer (CO) of the FRU:[178]

---

[174] David Omand. *Securing the State.* (London: Hurst and Company, 2010), 154.
[175] Michael Quinlan. "Just Intelligence: Prolegomena to an Ethical Theory", in *The New Protective State*, Peter Hennessy, ed. (London: Continuum, 2007), 131.
[176] Ingram and Harkin. *Stakeknife*, 55.
[177] *Ibid*, 57.
[178] To remind the reader, this was the former commanding officer of the FRU, who spoke at length to the investigators with the *Report of the Patrick Finucane Review*.

> […] you cannot report on a terrorist organisation or any paramilitary organisation, unless you have someone at the centre of things. You cannot report properly on them if you simply have an agent who happens to be a drinking companion of a terrorist. That is not going to get you anywhere.[179]

A former MI5 officer, codenamed G/07, shared A/05's sentiment. He articulated that the balance of criminality required by a deep penetration agent needed to be in relation to the potential of intelligence that could come from that criminality. G/07 provided the following example:

> […] an agent's minor involvement in a conspiracy to possess weapons might be the only realistic means of obtaining sufficient intelligence about the plot to identify the conspirators and disrupt their plans.[180]

Both G/07 and A/05, of course, provide a high-level view of what this balance looked like – but what was it like attempting to navigate proportionality for both agents and handlers on the ground? Although the next section will delve into more detail regarding how the security forces tried to strike this balance with their agent codenamed Stakeknife – the most notorious of the state's deep penetration republican agents who was run during the conflict, in which controversial actions were alleged to have been taken by both handler and agent alike – the following paragraphs will use a shorter example from an agent himself in how that balance was navigated. The example to be discussed is that of the aforementioned Kevin Fulton, a British soldier who agreed to be infiltrated into PIRA as an agent. The more traditional manifestation of a tout – that is, of a PIRA member who was turned – will be discussed through the Stakeknife example.

Kevin Fulton is an important example in this conversation, as he is representative of a tout that was neither previously engaged in any form of terrorism-related criminality nor was a previous member of a paramilitary group but, rather, agreed to be infiltrated into one. This was deeply rooted in a sense of duty he felt as a British soldier but, reflecting decades after his service, the moral cost of his action – to himself, others, and the state more broadly – was a struggle in which he frequently found himself. By his own admission, Fulton acknowledges that 'as an agent for the British Crown', he 'helped shoot and kill British soldiers, police

---

[179] A/05, as quoted in: Da Silva. *The Report of the Patrick Finucane Review*, 68.
[180] G/07, as quoted in: *Ibid.*, 69.

informants and members of the [RUC]'[181] – a significant and voluntary admission of accessory criminality. Fulton, a Catholic from Newry, was approached by the FRU to tout when he was an 18-year-old soldier in the Royal Irish Rangers.[182] At his first meeting with the men who would become his handlers, 'Gerry' and 'Andy', the association was superficial; they would meet with him at intervals, show him photographs of men from Newry, and ask him to identify anyone he recognised.[183]

However, this soon became a full association, with Fulton formally entering into an agent/handler relationship and being dishonourably discharged from the Army – a front to help form his official cover – and began a slow penetration into the republican fold.[184] According to his autobiography, he frequently had moral misgivings about the criminal action he was undertaking. After about six years as an agent, he found himself as part of PIRA's bomb-making team; in expressing his concerns to his handlers, he recalls them saying:

> Look, if you weren't grinding down the fertiliser, someone else would be doing it. These bombs would get made, be set off with or without your help. Nobody's dying because of you. This is all about saving lives in the long-term. The day will come when your information will prevent a really big one.[185]

Of course, it must be stressed that this is a paraphrased and post-facto recollection of a conversation Fulton would have had with his handlers, but ultimately, the sentiment being put across is not, fundamentally, incorrect. If Fulton had not been in the role, someone else – not known to, or controlled by, the state – would have been in lieu. Instead, Fulton's increased participation in criminality allowed him to have full-time, unfettered access to the strategic bombing approaches that were being espoused by PIRA in the late 1980s – including the aforementioned advancement in infrared technology – and, by his own admission, led to a number of attacks being prevented, including the bombing of a fully-attended Newry courthouse.[186]

Fulton's rise in PIRA did not stop there. By the early 1990s, he had been promoted to the so-called 'Nutting Squad'[187] – that is, PIRA's internal security and counter-intelligence

---

[181] Fulton, xvi.
[182] *Ibid.*, 10.
[183] *Ibid.*, 16.
[184] *Ibid.*, 22-34.
[185] *Ibid.*, 95.
[186] *Ibid.*, 142.
[187] *Ibid.*, 163.

unit – in addition to retaining his bomb squad duties; his handlers, who by this juncture had switched from the FRU to MI5,[188] were elated.[189] However, Fulton began to have some of his more serious misgivings at this juncture, knowing the brutality of which the Nutting Squad was capable; and, the alleged sentiments of his handlers – that once again, if he were not in the position, someone else would be, the actions of which would be unbeknownst to the state – did not seem adequately proportional to the potential for criminality in which he might be asked to engage.[190] Fulton recalls that:

> For the first time, I began to wonder who controlled people like my handlers. I began to wonder if, to them and their colleagues in MI5 and the [FRU], Northern Ireland was one big elaborate playground where they had carte blanche to do exactly as they pleased. They seemed a law unto themselves. I began to wonder who was running the war in Northern Ireland. I began to wonder if it was in anyone's interest for the war to cease.[191]

Despite these misgivings, however, Fulton remained a tout and occupied his dual role in both the bomb squad and the Nutting Squad. In regard to the latter, during his tenure he admits to having played a role in six punishment shootings; he states that these were 'roles of varying significance'[192] – the details of which he does not go into, for they would likely implicate him in criminality for which he still could be prosecuted. But, his position in the Nutting Squad was also incredibly valuable to the state. While it is difficult to gauge the exact level and severity of criminality he engaged in, this role allowed him to form personal relationships with the top players in the Provisional Army Council, acquire information on operational plans targeting Belfast, and insight into Northern Command's overall strategic objectives.[193]

---

[188] In fact, one of Fulton's new MI5 handlers, who he knew as "Bob", was actually Jonathan Evans, who later went on to become Director General of MI5 between 2007 and 2013. See: Jamie Doward. "MI5 chief told agents: call me 'Bob'". *The Guardian,* 11 March 2007. Accessed 20/10/2020. https://www.theguardian.com/politics/2007/mar/11/northernireland.immigrationpolicy; Fulton, 149; Security Service (MI5). "Jonathan Evans, Baron Evans of Weardale (Director General, 2007-13)". Accessed 20/10/2020. https://www.mi5.gov.uk/sir-jonathan-evans.

[189] Fulton, 166.

[190] Although the role of the Nutting Squad will be detailed more thoroughly in the section on Stakeknife, it is important to note here that the Nutting Squad's reputation was notorious for its brutality, its complete intolerance for individuals they suspected were touts (who were killed in punishment shootings by the Squad), and was the first line of counterintelligence defence for PIRA in the form of vetting new recruits. It was also, in PIRA's new decentralised structure, one of the only bodies which had a detailed knowledge of all volunteers across the entire province. Its penetration, therefore, was both incredibly important and critically strategic for the security forces.

[191] Fulton, 165.

[192] *Ibid.*, 177.

[193] *Ibid.*, 187.

While it is clear that, by Fulton's own admission, there were real life consequences for those on the receiving end of Nutting Squad punishments whilst he was a member – consequences of which Fulton formed part in an effort to retain access to information and the maintenance of his cover – there was an additional cost borne by Fulton: the weight of living a double life. In Fulton's words:

> I was sure that my information […] had saved the lives of British soldiers. I should have felt elated. Instead, I felt a sort of numb exhaustion. My role as a double agent had completely taken over my life. I lived every minute of every day either plotting with [PIRA] or debriefing my handlers. The rest of the time, I slept only fitfully. I lived every minute of every day with the terror of being shot by a loyalist death squad.[194]

Given the strategic role of Nelson, being targeted by loyalist paramilitaries was not without its significant merit. But, it was a cost which Fulton – having agreed to be infiltrated into PIRA – would not have been blind to upon his recruitment from the Army to the FRU. He recalled being told by his handlers when he agreed to tout that 'there's not medals for this work, Fulton. No official recognition. If you're found dead in a ditch, we won't claim you'.[195]

According to a former RUC handler, named 'Mike', presenting to touts the realities of what the potential cost to their own lives might entail was a key element of the recruitment process, and ensuring that there was both a level of clarity in terms of what they were signing up to and how far the state's responsibility went in protecting them: 'we didn't pull any punches. We told them the facts, what they were doing, how we expected them to do it and the risks they would run'.[196] While it would have been difficult for handlers to give their touts the exact specifics of the criminality they may have been asked to engage in – and it is important to acknowledge that spoken descriptions are very different to being faced with the potential of, for example, participating in a punishment shooting – ultimately, making them *aware* that this would be a key feature of the role, in addition to any kind of limits this entailed, would have been a fundamental step in ensuring that a level of moral conduct was maintained in their collection activities.

Herein, however, lies a fundamental question, and relates back to Fulton's above reflections on who, and what rules, controlled people like Fulton's handlers: were there any regulations in place which dictated how agents should be run, particularly in terms of the

---

[194] *Ibid.*, 156.
[195] *Ibid.*, 22.
[196] "Mike", as quoted in: Taylor. *Brits*, 150.

proportionality of criminality to which they could engage in the maintenance of both their cover and their access to intelligence? Raymond White, former head of Special Branch, suggests that handlers were mostly operating in the dark. When the true push for the informer war began under Hermon, Special Branch were operating with outdated guidelines: 'when you looked to what was available to you, you had a page and a half of Home Office guidelines issued in 1969, which didn't even recognise at that stage what you'd call organised crime, let alone terrorism. It was a steep learning curve'.[197] White, who spent his entire career with the RUC and joined before the Troubles began,[198] acknowledged that this steep learning curve required handlers to undergo a process of trial and error on the ground: 'you go back to your own imagination and, along with your colleagues, you structure and devise the mechanisms for doing it. And a lot of that arose from an analysis of what it was you're actually combatting'.[199] But, White acknowledges, much of this work was being done in a 'moral maze', in which they were 'working in the grey area that's between what is ethically right and proper, and what is morally correct and morally, as it were, incorrect'; and, as he concedes, 'that is the nature of the world in which you have to live'.[200]

When interviewed by BBC Radio and asked how close to consciously breaking the law White came, he conceded that he came 'close enough' in terms of the fact that 'the law was inadequately developed in relation to what I was permitted to do under the Home Office guidance'.[201] But, even after the conflict, broaching the line of criminality was seen by White as proportionate to the threat faced; as he argues, it was 'much better that I stretched my involvement in issues to the point whereby I got good quality intelligence that enabled me to prevent the loss of life'.[202] Fundamentally, however, without guidelines from which to draw, White's Special Branch handlers[203] were forced to navigate that moral maze using people as pawns, amidst a protracted conflict, in order to establish best practices for the maintenance of their agent's cover, their access to information, and frequently, their lives. In 1980, White recalled attempting to gain some clarity from Prime Minister Thatcher as to the levels of

---

[197] Raymond White, as quoted in: BBC. "Enemies Within".
[198] Raymond White, as quoted in: *Ibid*.
[199] Raymond White, as quoted in: *Ibid*.
[200] Raymond White, as quoted in: *Ibid*.
[201] Raymond White, as quoted in: *Ibid*.
[202] Raymond White, as quoted in: *Ibid*.
[203] It is also important to remind and to stress to the reader that Special Branch, throughout the informer war, became the single-largest agent-running body in the security forces, reflective of the police primacy strand of the Way Ahead Policy. For more on these numbers, see: Urban. *UK Eyes Alpha*. (London: Faber and Faber Limited, 1996), 196.

criminal permissibility to which his agents could engage.[204] Reflecting on this period, White recalled what led him to that conversation with Thatcher: 'I'm sitting here, with the agents and handlers out there, and I feel somewhat uncomfortable because I'm asking them to do things that technically could be construed as criminal acts'.[205] While Thatcher is alleged to have considered the question, she offered nothing in terms of boundaries; according to White, the silence from Thatcher was the equivalent of saying, 'carry on what you're doing, but don't tell us the details'.[206]

Thatcher's alleged silence to Raymond White's request on agent-handling clarity is also reflected in the secret archive as well, which Desmond da Silva had significant access to within the context of the *Report of the Patrick Finucane Review*. The *Report* notes that agent-handling, as White also highlighted, 'was developed over a number of years to meet the intelligence requirements of the political and security situation', but acknowledges that 'the management of agents was not governed by statute but by non-statutory guidance and direction'.[207] It found that White's assertion that the only guidance to which the RUC Special Branch might adhere was a Home Office circular from 1969, entitled 'Consolidated Circular to the Police on Crime and Kindred Matters', but found that, in practice, Special Branch did not adhere to them in Northern Ireland 'as they regarded them as inadequate for dealing with terrorist-related crime'.[208] Even as late as 1987, these guidelines were still seen as inadequate and/or inappropriate to the Northern Irish context. A letter dated 21 January 1987, from the RUC to the Northern Ireland Office (NIO), described the inadequacies as such:

> The [Home Office Guidelines] take no cognisance at all of the special problems relating to Northern Ireland. They were, of course, drawn up to deal with 'ordinary' criminals in a mainland context, rather than for coping with terrorists. Given our special situation the restrictions placed upon us by virtue of the guidelines are unrealistic if we are to continue paramilitary penetration/source protection.[209]

These restrictions, in the view of the RUC, effectively did not give them what they saw as adequate leeway in terms of how their agents engaged within their penetrated paramilitary

---

[204] BBC Spotlight. "Spotlight on the Troubles: Episode 4 – Secret Intelligence War Against the IRA". *British Broadcasting Corporation*, 1 October 2019.
[205] Raymond White, as quoted in: Patrick Radden Keefe. *Say Nothing: A True Story of Murder and Memory in Northern Ireland*. (London: William Collins, 2018), 309.
[206] Raymond White, as quoted in: *Ibid.*, 475; BBC Spotlight. "Spotlight on the Troubles: Episode 4".
[207] Da Silva. *Report of the Patrick Finucane Review*, 69.
[208] *Ibid.*, 71.
[209] Letter dated 21 January 1987, from the RUC to the NIO, as quoted in: *Ibid.*, 71.

organisation – a leeway which was in proportion to the threat of terrorism, which the aforementioned guidelines did not seem to take into consideration. In a paper prepared by the RUC for the NIO in February the following year, they drove this point home:

> However, major problems do arise when it comes to the application of the guidelines to the terrorist scene, for here it rapidly becomes apparent that strict adherence to the guidelines would result in a far from comprehensive or effective intelligence network ever being recognised.[210]

By the RUC's – and thereby the operators' own – estimation, the guidelines from which they could draw were not only outdated, having been issued in 1969, but also were insufficient to deal with the use of agents outside of the ordinary crime context. To follow them, therefore, would have had serious negative implications in terms of intelligence penetration.

While there were no concrete guidelines for Special Branch to follow throughout the 1980s, the *Report* did discover that there were attempts by senior RUC officers, since at least 1987, to address this problem[211] – but that the NIO were not 'overly enthusiastic' about the RUC's initiative.[212] An internal minute written by the NIO's Permanent Under Secretary concluded that, 'it would suit us if the process set in train by the RUC makes fairly slow progress', and that the NIO 'should simply desist from hastening it'.[213] White's interpretation of events, it seems, provided only one side to the story. While indeed, the RUC did not have adequate guidelines in which to follow for agent-handling throughout the bulk of the informer war, it did try to rectify this issue – and, in fact, received help from MI5 in this push as well, once it became clear that their efforts with the NIO were not being heeded.[214] MI5 had tried to circumvent the NIO's dismissal of the RUC's initiative by having their Director General go straight to Prime Minister Thatcher in May 1988.[215] This, unfortunately, did not have the direct impact that would have been desired which – given the alleged meeting that happened between White and Thatcher years prior, in which White's demands for clarity were met with silence – does not seem altogether unsurprising. A minute drafted on 27 June 1989 by the Senior Assistant Chief Constable Blair Wallace showed the ongoing frustration

---

[210] RUC commentary on the *Home Office Guidelines on the Use of Informants*, 11 February 1988, as quoted in: *Ibid.*, 71.

[211] *Ibid.*, 75.

[212] *Ibid.*, 76.

[213] NIO submission, Deputy Under Secretary to Permanent Under Secretary, 18 May 1987, as quoted in: *Ibid.*, 76.

[214] *Ibid.*, 79.

[215] *Ibid.*

within the RUC that their demands for clarity continued to be unheeded, with Wallace writing that, at the very least, a base guideline should recognise 'that informants on terrorist activities must be involved in criminality otherwise they would not be useful informants'.[216] It was not until The Blelloch Review – commissioned by the government in March 1992, in which Sir John Blelloch was asked to review agent handling in light of the Brian Nelson fallout[217] – that the question of improving agent handling guidelines began being taken seriously. However, by that juncture, the informer war had already been raging for over a decade and the Report's recommendations would not be implemented until after the conflict was over.[218]

It is also important to note briefly that while Special Branch were the primary body running agents during the informer war period, the Army, similarly, was not operating with a specific agent-handling directive when the FRU was stood up in 1982. Da Silva's investigation also found that the 1969 Home Office guidelines had no applicability to the FRU either.[219] Moreover, the FRU did not receive any form of substantive agent-handling guidelines until July 1986, in the form of command and control instructions which formed part of the Commander Land Forces' document entitled, 'Directive for the Force Research Unit (Northern Ireland)'.[220] While Annex A of the Directive stated that it would be 'unlawful for any person to authorise an illegal act',[221] A/05 – the former FRU CO – noted a stark contradiction to this in his statement to the *Stevens Enquiry III* in terms of the practical applicability of this instruction:

> The FRU ran agents who were active members of [PIRA]. The FRU ran Brian Nelson who became an active Protestant Paramilitary. This was in line with the Instruction [in the Directive] to penetrate terrorist organisations but might be said to breach the instruction that operations be conducted within the law, since membership of [PIRA] and some Protestant paramilitary organisations […] was proscribed. The apparent contradiction marks not only my period of command but also those who preceded it and those subsequent to it. As I understood it this

---

[216] Loose minute, SACC Wallace to Chief Constable, 27 June 1989, as quoted in: *Ibid.*, 80.

[217] *Ibid.*, 83.

[218] In fact, the Review did not lead to any immediate changes. In December 1992, the response of Westminster to the Review was to set up an Interdepartmental Working Group under the chairmanship of Sir John Chilcot. But, by September 1994, "the changing political landscape of Northern Ireland […] appears to have diminished the impetus to resolve the problem". As such, the changes suggested under the Blelloch Report, were not, in fact, passed as legislation until their inclusion in the Regulation of Investigatory Powers Act (RIPA) 2000. For more, see: *Ibid.*, 85-88.

[219] *Ibid.*, 73.

[220] *Ibid.*, 72.

[221] Directive for the Force Research Unit, *Instructions for Source Control and Handling in Northern Ireland*, 25 July 1986, as quoted in: *Ibid.*, 73.

apparent contradiction was acknowledged by all intelligence gathering operations within Northern Ireland.[222]

A/05 went on further to describe this contradiction to go beyond the simpler breach of law of joining a proscribed terror group to engaging in criminality as well, 'but that any involvement by an agent in a crime should only be permitted or condoned if the agent's intention was to ensure, by that involvement, that the commission of a substantive offence would be prevented'.[223] As former FRU collator Martin Ingram notes, from observing the FRU's activities during the informer war period:

> It is a fact of life that no informant inside any paramilitary organisation could possibly get to the heart of that organisation without committing criminal offences, and this is where the [FRU] walk a fine line. They have to ask themselves how far they can allow such agents to go, and when does the cost become too much.[224]

While the FRU, compared to the RUC, did indeed have some directives and guidelines to follow, the fallout of the actions of some FRU agents, such as Brian Nelson, suggest – as does the testimony of A/05 above – that those directives and guidelines were more 'best practices' rather than steadfast rules which were required to be followed. It is precisely within this grey area of blurred permissibilities that the greatest potential for moral misconduct in the intelligence practice space can make the greatest impact, and lead to the most spectacular of fallouts – of which Brian Nelson is a prime example.

By investigating the available documentation it seems, therefore, that there were two phenomena at play which had the potential to breed moral misconduct in the intelligence practice space throughout the informer war, in which one necessitated reality was not counterbalanced by a level of oversight and guidance which would have impacted positively upon the moral balance required in running agents. Without question – as argued by the handlers themselves, agents, and independent observers of the conflict such as da Silva – a level of criminality was to be expected by agents who penetrated paramilitary organisations. While it is true that that level of criminality would have differed in severity depending on the type of agent role, whether it was as an access or deep penetration agent, the likelihood of some level of criminality was a necessity for the maintenance of cover and continued access

---

[222] A/05's testimony to *Stevens Inquiry III*, as quoted in: *Ibid.*, 73.
[223] *Ibid.*
[224] Ingram and Harkin, 59.

to potentially life-saving intelligence. This was a key acceptance by the security forces, and Westminster more broadly, that an agent's likely engagement in criminality was a lesser evil compared to the potential of not saving lives.

But, this should not just be seen as a high level calculation. Rather, the security forces – after PIRA's strategic shift to their ASU formation left the Diplock Court system far less effective due to the decentralisation PIRA structure – were operating in a space where pure criminalisation was no longer effective as a method of attrition; and, the focus on criminalisation toward prosecution meant that the potential intelligence yield from interrogations was not being adequately exploited. Further, the ongoing allegations that interrogations were being undertaken in degrading and inhuman ways, in the pursuit of evidence for prosecution, forced the RUC in their police primacy role – of which engagement in an informer war was calculated by Chief Constable Hermon as the most effective way to address both strategic intelligence needs and, consequentially, bring less hard encounters and alienation to the individual on the ground. However, the critical failure here is that there was no guidance from which to draw in the handling of agents within that informer war, which would have been an absolute necessity alongside an acceptance of criminality as part of an agent's role. The ramifications of this lack of guidance, moreover, was felt across the board: by agents like Fulton, who struggled daily with what they felt they could or could not do; by handlers like White, who were cognisant that they were asking individuals to engage in criminal behaviour, and desperately sought guidance on those terms; and, by individuals on the ground, the potential collateral damage who, unbeknownst to them, may have been on the receiving end of an agent's criminal behaviour in their pursuit of maintaining their cover and continuing their access to vital intelligence.

Stakeknife: The Republican Jewel in the Intelligence Crown

The republican paramilitary agent codenamed 'Stakeknife', run by the Army's FRU, is one of the best declassified examples available of the moral cost of running deep penetration agents, particularly when they are of high value. His reputation as one of the most important touts run during the conflict– if not *the* most important tout run during the conflict[225] – makes the calculation of his criminality and the cost of his action all that much more difficult to reconcile because of the significant value he brought to the intelligence

---

[225] That has, of course, thus far come to public light.

picture. Although there has never been any official confirmation of his identity by the state –
and indeed, he denies the association himself – it is accepted that the identity of the agent
codenamed Stakeknife is that of Belfast native Freddie Scappaticci, who was outed[226] in 2003
by four media outlets in Ireland, immediately followed by those in the UK.[227] The unmasking
of Scappaticci was further extrapolated in a book written by the aforementioned Martin
Ingram of the FRU a year later.[228] Like the informer war itself, the stories behind the actions
of Stakeknife are murky, unclear, difficult to fully corroborate without access to the secret
archive and shrouded in unknowns. Despite the difficulty presented by the 'known
unknowns' in the Stakeknife story, this section will endeavour to investigate some of the key
moral conduct issues inherent in deep penetration agent-running, the value brought in from
Stakeknife, and the post-conflict ramifications of such engagement. It will do so operating
under the presumption that Scappaticci was, indeed, the agent codenamed Stakeknife.

   To date, the closest confirmation that the British state has given as to Stakeknife's
identity was during an undercover telephone call with former GOC Sir John Wilsey,[229] who
held the GOC position from 1990-1993 in the province. On the call, recorded and then leaked
over the internet, he confirmed Stakeknife as Scappaticci, and described him as 'our most

---

[226] There are two version of events as to who leaked Stakeknife's identity to the media. In one version – which claims that the leaker was Fulton – Fulton had gone to the MOD threatening to unmask Stakeknife if he didn't receive an Army pension and resettlement package. This stemmed from a sense of feeling badly treated in the aftermath of his time as an agent. However, some – including Ingram himself – argue that it may have been Ingram who initially leaked the story to the media first, prior to the publication of his exposé on the matter with Greg Harkin that was published a year later. See: BBC Panorama. "The Spy in the IRA". *British Broadcasting Corporation*, 11 April 2017.; Matt Born. "What is the truth behind the story of Stakeknife?". *The Telegraph*, 16 May 2003. Accessed 22/10/2020. https://www.telegraph.co.uk/news/uknews/1430204/What-is-the-truth-behind-the-story-of-Stakeknife.html; Ingram and Harkin.

[227] According to The Telegraph, the UK outlets are said to have contacted the MOD for clarification before running the story after the Irish papers hit the press. Andrew Jaspan, the editor of the Sunday Herald, is said to have held off publishing the story until the MOD confirmed that Scappaticci had been moved to a safe house in England which seems, in some ways, an acknowledgement that Scappaticci was likely the agent codenamed Stakeknife. However Scappaticci, in a press conference three days later, alleged he never left Northern Ireland, in addition to refusing that he was indeed Stakeknife. Unsurprisingly, Stakeknife's coming to light from the shadows was not a direct or clear path. For more, see: Matt Born. "What is the truth behind the story of Stakeknife?"; Ciar Byrne. "How Stakeknife was unmasked". *The Guardian*, 12 May 2003. Accessed 22/10/2020. https://www.theguardian.com/media/2003/may/12/pressandpublishing.northernireland2; Rosie Cowan. "He did the IRA's dirty work for 25 years – and was paid £80,000 a year by the government". *The Guardian*, 12 May 2003. Accessed 22/10/2020. https://www.theguardian.com/uk/2003/may/12/northernireland.northernireland1; Rosie Cowan, Stuart Millar, and Richard Norton-Taylor. "This man says he isn't Stakeknife, and has never left Ulster. Just what is going on?". *The Guardian*, 15 May 2003. Accessed 22/10/2020. https://www.theguardian.com/uk/2003/may/15/politics.pressandpublishing.

[228] See: Ingram and Harkin.

[229] Martin Ingram had called up Wilsey pretending to be a Channel 4 journalist called "Jeremy Chiles", and recorded the telephone conversation which he then posted on the internet. See: Liam Clarke. "Freddie Scappaticci was our most valuable spy in IRA during the Troubles: British Army chief". *Belfast Telegraph*, 20 April 2012. Accessed 22/10/2020. https://www.belfasttelegraph.co.uk/news/northern-ireland/article28739868.ece.

important secret'; further, he added that, 'he was a golden egg, something that was very important to the Army. We were terribly cagey about Fred'.[230] Wilsey stressed that Scappaticci was 'the most valuable asset'[231] in the conflict and indeed, if Wilsey's further pronouncement that 'he had saved thousands, hundreds of lives' is to be believed,[232] the value of Scappaticci was, in reality, deeply important both tactically and strategically. It follows that, in order to maintain the cover and continued access to intelligence of such a valuable agent, there were likely instances in which the permissibility for criminality was further expanded beyond that of the normal agent – or, at the very least, that deeper considerations were given as to how the FRU would continue to protect its valuable source. But how and when was Scappaticci recruited, and what heights did he reach within PIRA?

According to the leaked audio, Scappaticci was recruited as an agent by a soldier named Peter Jones in 1976 to be run by the Army,[233] before the informer war started in earnest and before the FRU had even been stood up. Scappaticci had grown up in the Markets area of Belfast and got caught up in the early phase of the Troubles, where he was interned in 1971[234] and where he remained until 1973.[235] While he had been formally ensconced within PIRA by 1974,[236] acting as brigade staff within a Belfast unit,[237] the circumstances of his recruitment by the Army are unclear;[238] however, it became evident that even during this early part of his career, his intelligence value was significant. For example, in an interview with the BBC, Lord David Ramsbotham – who had served in various roles in Northern

---

[230] Wilsey, as quoted. Further, it is important to note that the voice of Wilsey was confirmed to be authentic, according to the *Belfast Telegraph*. *Ibid*.

[231] Wilsey, as quoted in: [17:35] "Gen. John Wilsey confirms: Stakeknife is Freddie Scappaticci". YouTube video, 36:10. 18 April 2012. Accessed 22/10/2020. https://www.youtube.com/watch?v=j1ua6l-qbxE; "Scappaticci: The Wilsey Tape". The Broken Elbow, 7 April 2017. Accessed 22/10/2020. https://thebrokenelbow.com/2017/04/07/scappaticci-the-wilsey-tape/.

[232] Wilsey does also acknowledge that as GOC, these are the figures that would have been relayed to him; and that he had had "nobody to check this out", but given his consistent pronouncements of Stakeknife's value, these seem to be figures in which he has significant confidence. Wilsey, as quoted in: *Ibid.,* [25:41].

[233] Wilsey, as quoted in: *Ibid*., [18:04-18:17].

[234] Ingram and Harkin, 60.

[235] John Ware. "How, and why, did Scappaticci survive the IRA's wrath?". *The Irish Times*, 15 April 2017. Accessed 22/10/2020. https://www.irishtimes.com/news/ireland/irish-news/how-and-why-did-scappaticci-survive-the-ira-s-wrath-1.3049139.

[236] Ingram and Harkin, 61.

[237] Ware. "How, and why, did Scappaticci survive the IRA's wrath?".

[238] Ingram alleges that he was a walk-in, based on a conversation he allegedly had with one of Scappaticci's handlers in the FRU. However, many other unconfirmed rumours abound: that he sought revenge for being beaten up by a high-ranking PIRA member over an affair with another man's wife; that he was driven by ego, in which his Italian roots were seen as impure in Belfast, and he felt he had to prove himself; or, that he was easily blackmailed, due to his significant penchant for explicit pornography. A British Army record obtained by *The Irish Times* notes that he was "opposed to gratuitous violence', which the *Times* suggests may have led to his walking-in – although this seems unlikely, given his role within the Nutting Squad, which will be described below. For more, see: Ingram and Harkin, 67; Ware. "How, and why, did Scappaticci survive the IRA's wrath?".

Ireland throughout the Troubles – recalls, as a brigadier, receiving Scappaticci's file in 1978. From that file, there was no doubt in Ramsbotham's mind that Scappaticci had access to huge amounts of information at all levels of PIRA. For example, he could provide the names of those directly involved in operations, key figures operating in each area of the province, and who had most recently been recruited.[239] Critically, it was at this 1978 juncture that Scappaticci would have joined the newly-formed Nutting Squad,[240] PIRA's new internal security and counter-intelligence unit which, as mentioned above, had been stood up as a result of PIRA's reorganisation in the late 1970s. This is also in line with Ingram's assertion that by the late 1970s, Scappaticci would have played a role 'in investigations into suspected informers, inquiries into operations suspected of being compromised, debriefings of [PIRA] volunteers released from questioning and vetting of potential recruits',[241] as the Nutting Squad's purpose was to act as a centralised body for investigating and preventing counterintelligence issues.

However, merely being a *part* of the Nutting Squad was not the end of Scappaticci's rise in the organisation – and it would not be anomalous to suggest that his handlers desired to see his rise. As Stephen Grey argues, a key element to the success of the informer war was not just to recruit agents, but to orchestrate their promotion within their paramilitary organisations.[242] This was the approach taken with Scappaticci, in which he was 'helped and persuaded to gain his confidence and ascend [PIRA]'s ranks'.[243] Facilitating this rise, most surely, was the centralisation of the Army's intelligence effort through the FRU, and the real start to the informer war. It was described by Wilsey that as the informer war commenced in earnest, Scappaticci's status and value as an agent was being vied over by other intelligence agencies operating in the province; however, Scappaticci allegedly had no interest in being switched over to the RUC who he saw as 'sectarian', and equally had no interest in being handled by MI5 or MI6 either.[244] Instead, he remained with the FRU – and with his original handler, Peter Jones, who went to the FRU as it was stood up[245] – who continued to handle

---

[239] BBC Spotlight. "Spotlight on the Troubles: Episode 4".
[240] Ingram and Harkin, 61.
[241] *Ibid.*
[242] Stephen Grey. *The New Spymasters: Inside Espionage from the Cold War to Global Terror*. (Great Britain: Penguin Books, 2016), 68.
[243] *Ibid.*
[244] The reason Scappaticci allegedly gave for not wanting to be handled by MI5 or MI6 was because "he thought they were a whole lot of, sort of, university poofters and so on". "Gen. John Wilsey confirms: Stakeknife is Freddie Scappaticci"; "Scappaticci: The Wilsey Tape", [17:07].
[245] According to Wilsey, Peter Jones was a "very, very brave man" who was promoted to FRU as it was stood up. However, it is unclear whether Jones remained his handler for his entire career, or whether Scappaticci changed handlers at some juncture in the 1980s. *Ibid.*, [9:13-9:15]

Scappaticci until he was stood down as an agent in 1995.[246] Whereas his initial recruitment, according to an anonymous former intelligence officer, was for tactical intelligence, it was at this juncture, and following it, that his value became particularly strategic.[247] And, as an agent of the FRU, Scappaticci truly began to hit his stride – he became the head of PIRA's Nutting Squad.[248] It is also, however, from the acquisition of this role that the true moral conduct questions in the intelligence practice space began to arise in earnest.

The value of Scappaticci's rise to head of the Nutting Squad could not have been more important, and it is from the intelligence gleaned through this position that Wilsey and others' assertions that Scappaticci was the most valuable agent run by the British security forces are based. Importantly, under PIRA's reorganised structure, the Nutting Squad became one of the only bodies within it that was not decentralised into a cell structure.[249] Because of the counterintelligence role it played, including the vetting of new recruits, operators within the Nutting Squad needed to know the exact identities, roles, geographic location, and association of each volunteer within the organisation. While centralising this information was required for the effective fulfilment of the Squad's *modus operandi*, it also became the most exploitable and vulnerable node in the PIRA structure. As Kieran Conway, the former head of PIRA's intelligence unit recalls: 'in retrospect, it's very obvious – the British would've been rubbing their hands in glee when the unit was formed, thinking we've just got to get into these guys and find out their weaknesses, find out everything about them and turn a couple of them'.[250] Former PIRA volunteer Anthony McIntyre also echoed this sentiment:

> I mean, the security department [Nutting Squad] – they know everything about [PIRA]. They are like an electrical junction box through which every wire must flow. If the British put somebody in there, the British really held the wedding tackle of [PIRA] firmly in their hands. I mean, it's a brilliant, brilliant strategy.[251]

Even without access to the secret archive, which could have worked to quantify Scappaticci's intelligence value, it is evident that the strategic placement of a deep penetration agent like him at the heart of PIRA's most vulnerable spot – from the early 1980s onward – would have

---

[246] Ware. "How, and why, did Scappaticci survive the IRA's wrath?".
[247] Grey, 74.
[248] According to Wilsey, he became head of the Nutting Squad in the early 1980s, although he does not provide a year in the recorded telephone call. "Gen. John Wilsey confirms: Stakeknife is Freddie Scappaticci"; "Scappaticci: The Wilsey Tape", [26:04-26:21].
[249] See: BBC Spotlight. "Spotlight on the Troubles: Episode 4"; BBC Panorama. "The Spy in the IRA"; Bew et al. Talking to Terrorists, 74; Urban. *Big Boys' Rules*, 31.
[250] Kieran Conway, as quoted in: BBC Spotlight. "Spotlight on the Troubles: Episode 4".
[251] Anthony McIntyre, as quoted in: BBC Panorama: "The Spy in the IRA".

been an immense coup. It would have afforded him, and the British state, the opportunity to collect information of a magnitude and breadth not seen before by the security forces, and help to build up an intelligence picture that was clear, comprehensive, and all-encompassing. And, it is likely that this would not solely have been intelligence that was immediately actionable, but which had longer term value. Ingram too, despite his belief that the moral cost of Scappaticci's information was too high, could not deny the importance of his role: 'Stakeknife produced high-grade intelligence, much of it read at the highest levels of the political and security establishments. He was, without a doubt, the jewel in the crown'.[252]

However, two truths can co-exist about Scappaticci: that his intelligence value was second-to-none and critical to the overall intelligence picture, but that in order to access that information and maintain his cover, his participation in criminality was significant. To exist not only *within* the Nutting Squad, but as its head, would have required a deep commitment to the role – a commitment which, without question, manifested in Scappaticci's participation in violence. At the root of this duality was the brutality of the Nutting Squad. The words of Sarah Ford, a former intelligence collector with 14 Intelligence Company,[253] provide a detailed glimpse into the Nutting Squad's brutality:

> They were well known for their 'punishment squads', which they used on their own men who had fucked up in some way. Pinning the lad to the wall, they would drill his kneecap, or shatter it with a small-calibre bullet. Anyone they believed to have touted faced death: they would hood him, remove his shoes, shoot him through the head and dump him on waste land […] They also liked to smash in their chests with planks covered in nails which had been half hammered in.[254]

Further, the name itself – Nutting Squad – was a mix of Northern Irish slang, making reference to one's head, and the Squad's preferred method of execution which, as Ken Wharton describes, usually involved 'two weapons and both shots were fired through the back of the head so that the exit wounds meant that the victims' families could not have an open coffin wake'.[255] While some argue that this is the Nutting Squad that Scappaticci inherited, others argue that this is the Nutting Squad that he moulded and propagated. Given his lengthy time serving as its head, and his participation in the Squad since its inception, it is

---

[252] Ingram and Harkin, 64.

[253] Although the role of 14 Intelligence Company will feature prominently in Chapter 6, it is worthwhile to note here that they were a covert intelligence collect unit operating within the Army structure, and were the evolutionarily in line with the Military Reaction Force.

[254] Ford. *One Up,* 9.

[255] Ken Wharton. *Torn Apart: Fifty Years of the Troubles, 1969-2019.* (Stroud: The History Press, 2019), 206.

more likely that the latter sentiment is closer to the truth. But, what is impossible to know is how much of this effort was his own initiative in maintaining his cover, or – more in line with Grey's argument regarding handlers' roles in facilitating an agent's rise – whether this positioning had a greater push stemming from Scappaticci's handlers' more long-term strategic objectives. Regardless, in either case, navigating the permissibilities of both handler and agent would have been rendered all the more difficult, particularly in the context of such a high-value agent, when operating within a vacuum of official operational guidance and oversight on the handler/agent relationship.

Scappaticci's legacy, moreover, is not just one of his unparalleled intelligence value. For many volunteers within PIRA, the name 'Freddie Scappaticci' came to evoke a feeling of dread. According to one anonymous former volunteer, PIRA members 'were afraid of him, absolutely [because of] his interrogation tactics; hanging upside down, not allowed to sleep […] but he always seemed to get the job done'[256] – the 'job', of course, being the doling out of punishments to alleged touts, when he himself was one. To reiterate, Fulton was also eventually infiltrated into the Nutting Squad in the early 1990s as part of his agent role,[257] and in a conversation with Ingram, recalled the fear that Scappaticci could instil:

> I'd rather have gone down for life imprisonment for something I did not do than spend an hour alone in a room with Freddie Scappaticci. When Freddie Scappaticci was in town, you made yourself scarce, very scarce. There had always been talk that even if you had not done anything wrong, Scap could get you to confess to whatever he wanted.[258]

Further, in a secret recording obtained by the BBC, Scappaticci was recorded describing the interrogation procedure of suspected touts as such:

> The standard procedure is to strip them, and de-bug them, right, just to see if they are wired up or whatever, right, and you usually put them in a boiler suit after that. Put them in a chair facing a wall. Right, and then go from there. Maybe the room is cold. They make you all sorts of promises. And they think they are going to go home, but they don't.[259]

Indeed, under the intensity of the Nutting Squad, those suspected of touting rarely ever made it home. Eamon Collins, a former PIRA member who became a tout, was promoted into the

---

[256] Anonymous former PIRA volunteer, as quoted in: BBC Panorama: "The Spy in the IRA".
[257] Fulton, 163.
[258] Kevin Fulton, as quoted in conversation with: Ingram and Harkin, 95.
[259] Freddie Scappaticci, as quoted in: BBC Spotlight. "Spotlight on the Troubles: Episode 4".

Nutting Squad and worked alongside Scappaticci as a result.[260] He recalled a conversation he had with Scappaticci and his right-hand man, John Joe Magee, about an informer they had killed despite his confession and their offer of amnesty in return. As suggested in the above quotation, Scappaticci had insinuated to this man that he would be allowed to go home; he had blindfolded him, put him into a car, and took him to an abandoned building which he thought was his home.[261] Collins recalled Scappaticci telling him how the man stumbled along, falling at times, and asking 'is this my house yet?', and Scappaticci replying 'no, not yet, walk on some more', until the man was eventually shot in the back of the head,[262] in line with the Nutting Squad's aforementioned assassination style. Of course, this story of Scappaticci's participation in extreme criminality is just the account of one man, who himself was a former terrorist-turned-agent. However, what is undeniable is that PIRA's self-inflicted attrition through the punishment of touts, based on elevated levels of paranoia within the organisation propagated through the proliferation of the informer war, was a deep strategic coup for the security forces. And, without question, Scappaticci played a role in that outcome.

It must also be noted that, based on the open source information available and the strategic importance of Scappaticci, it seems unlikely that his handlers – and others within the security establishment who had a need-to-know regarding his role – would not have been attuned to the level of criminality to which Scappaticci was involved. The leaked Wilsey recording notes a very close relationship between Scappaticci and the security establishment. For example, while Wilsey concedes that although the Northern Ireland Secretary would not have known the identity of Stakeknife, they most certainly would have been aware of his existence, and the quality of intelligence coming in from that source.[263] Further, when the *Stevens Inquiry I* had begun, Scappaticci was said to have been concerned that his cover might be blown due to the investigation; Wilsey, as a result, describes personally assuring him, as the GOC – the highest military position in the province – that his cover would be protected.[264] Such a meeting between the GOC and an agent would have been a rarity, and the fact that the GOC would become directly involved in the handling of an agent was deeply indicative of the importance that Scappaticci played to the intelligence picture. Moreover, this was a rather significant pronouncement to make given the gravity of Stevens' investigation,

---

[260] Collins and McGovern, 233-236.
[261] *Ibid.*, 237.
[262] *Ibid.*
[263] Wilsey, as quoted: "Gen. John Wilsey confirms: Stakeknife is Freddie Scappaticci"; "Scappaticci: The Wilsey Tape", [30:26].
[264] Wilsey, as quoted: *Ibid.*, [4:34-5:35].

and raises questions as to the broad lengths that the state would go in protecting and shielding their prized agent, knowing the intelligence yield that came with his continued run in the field.

One of the most significant accusations tied to this point relates to the murder of Francisco Notarantonio, who was shot by loyalist paramilitaries in 1987. While this allegation continues to be contested, it is worth mentioning here, as it is one Notarantonio's family continues to believe and feels unsatisfied in its investigation.[265] Moreover, this is, yet again, a story where Brian Nelson comes into play. As the allegations go, Nelson was asked to collect intelligence on Scappaticci in the context of his P Card system, as the UDA, through its UFF cover, were seeking to target him for murder. However, once this became known to his FRU handlers, he allegedly was tasked by them to target Notarantonio – a former IRA member, active in the Border Campaign, but who was now an old man no longer in paramilitary service – in lieu.[266] As a result, Notarantonio was murdered in front of his wife Edith who, speaking about the murder years later, stressed that 'they murdered a very sick man who hadn't been involved in anything in years'.[267] However, more recent investigations into this allegation by former Metropolitan Police Chief Constable Jon Boutcher – made under the context of Operation KENOVA, an independent investigation into the actions of the agent codenamed Stakeknife[268] – note that a link between Notarantonio's murder and the protection of Stakeknife has yet to be found.[269] Regardless, the Notarantonio example is an important one, despite its lack of resolution: it raises critical questions regarding how far the security establishment might be willing to go in the protection of a high-value – perhaps, *the* highest-value – agent at the heart of a terrorist organisation, and the value that one man's life has when posited against the potential his

[265] Connla Young. "Family of Francisco Notarantonio ask for Stakeknife probe to be widened". *The Irish News*, 8 January 2019. Accessed 25/10/2020. https://www.irishnews.com/news/northernirelandnews/2019/01/08/news/family-of-fransisco-notarantonio-ask-for-stakeknife-probe-to-be-widened-1523113/.

[266] According to Ingram, he discussed this incident with Stakeknife and Nelson's handlers, the latter of which is alleged to have said that: "a substitute had been put in place. It caused an almighty flap, but everything is back on track". See: Ingram and Harkin, 222-223; Jon Moran. "Evaluating Special Branch and the Use of Informant Intelligence in Northern Ireland". *Intelligence and National Security* 25 (2010), 13.

[267] Edith Notarantonio, as quoted in: Ingram and Harkin, 217.

[268] KENOVA. "Operation KENOVA: An investigation into the alleged activities of the person known as Stakeknife". Accessed 25/10/2020. https://www.opkenova.co.uk/.

[269] Connla Young. "Operation Kenova chief says no link between Stakeknife and Francisco Notarantonio murder". *The Irish News*, 8 February 2019. Accessed 25/10/2020. https://www.irishnews.com/news/northernirelandnews/2019/02/08/news/operation-kenova-chiefs-says-no-link-between-stakeknife-and-francisco-notarantonio-murder-1546960/.

intelligence provides in maintaining a deep strategic advantage for the security forces in a three decades-long conflict.

      Questions surrounding the criminality of the agent codenamed Stakeknife did not end with the conflict, however, and there is certainly more than one family who, like the Notarantonios, believe that he played some role in the death of their family members. The existence of the aforementioned Operation KENOVA is a testament to that unresolved piece of the Northern Irish security puzzle. KENOVA, whose 'overriding priority' is 'to discover the circumstances of how and why people died', and what role the agent codenamed Stakeknife – or indeed, the British state – may have played in those deaths,[270] was stood up in June 2016 after Barra McGrory, the Director of Public Prosecutions in Northern Ireland, received a 'very disturbing and chilling' classified report[271] from the police ombudsman of Northern Ireland.[272] McGrory stated that the report 'paints a picture of an intelligence gathering operation at the upper levels of [PIRA] during which many, many terrible things happened', and that its contents required further investigation.[273] While Northern Ireland's public prosecution service stated in 2017 that the agent codenamed Stakeknife was directly linked with 18 murders,[274] it is estimated that by the end of KENOVA's five year mandate, the circumstances surrounding 50 murders will likely have been investigated.[275] Even if Stakeknife were involved in the periphery of those additional investigations, the level of criminality to which he was involved was immense. However, Boutcher himself has gone on the record to a parliamentary committee about the unlikelihood of prosecutions stemming from his investigations, stating that 'prosecutions are exceedingly challenging in legacy cases';[276] as such, KENOVA may work only to uncover rather than prosecute truths, and it is yet to be seen just how significant the investigation's revelations will be.[277]

---

[270] KENOVA. "Operation KENOVA: An investigation into the alleged activities of the person known as Stakeknife".

[271] Details about the provenance of the report, who wrote it, and when, remain unknown. However, the Operation KENOVA website alludes to the fact that it was related to the *Stevens Inquiries*.

[272] Barra McGrory, as quoted in: Ellen Coyne. "Stakeknife's links to 18 murders". *The Sunday Times*, 11 April 2017. Accessed 25/10/2020. https://www.thetimes.co.uk/article/stakeknifes-links-to-18-murders-exposed-m6779mw5n.

[273] Barra McGrory, as quoted in: *Ibid*.

[274] *Ibid*.

[275] "Stakeknife: Top British spy 'helped SAS kill IRA men'. *BBC News*, 1 October 2019. Accessed 25/10/2020. https://www.bbc.co.uk/news/uk-northern-ireland-49895529.

[276] Jon Boutcher, as quoted in: Henry McDonald. "Head of 'Stakeknife' inquiry says major prosecutions unlikely". *The Guardian*, 9 July 2020. Accessed 25/10/2020. https://www.theguardian.com/uk-news/2020/jul/09/head-stakeknife-inquiry-says-major-prosecutions-unlikely-ira.

[277] At the time of writing, KENOVA has yet to conclude its investigations. Its mandate will end in 2021.

In sum, even without KENOVA's conclusions, the reality that the agent codenamed Stakeknife – most likely the man known as Freddie Scappaticci – was directly involved in 18 murders and likely had some involvement in dozens more speaks to the moral cost of running deep penetration agents within the collection context. Two things are simultaneously true about this story: Stakeknife was an incredibly valuable – perhaps the most valuable – agent being run within the PIRA structure that has so far been uncovered; but, it is equally true that he participated in significant criminality, possibly so severe as to include murder. Were the lives of those 18 men, themselves undeniably members of a paramilitary organisation intent on the violent advancement of republicanism, worth the maintenance of a high-value deep penetration agent? In the words of Wilsey: 'well, the argument is that you balance the good with the bad, don't you?'.[278] The calculation, ultimately, is one which is cerebral when it is made: that the maintenance of a deep penetration agent, and their continued access to high level intelligence, has the potential to save countless lives both through the immediate actionability of that intelligence and its long term strategic purpose of helping to facilitate an overall cessation to the conflict. But, the world in which Stakeknife was operating was not black and white and, most importantly, his handlers were operating cerebrally too – without specific handler/agent guidelines in which to follow, and without specific boundaries as to the permissibility of agent criminality, Stakeknife's engagement in his agent role was one which continued to follow that cerebral calculation. It was engagement that, for his handlers, was aspirational; a lesser evil calculation which saw his criminality as a necessary cost of both the maintenance of his cover and his continued access to high level intelligence. However, for those 18 or more individuals on the receiving end of that criminality – and for the families left behind in the wake of it – that engagement was far from cerebral: it was tangible, permanent, and lethal. And yet, it was also engagement that did, invariably, lead to a significant impact upon the intelligence picture and the strategic advantages enjoyed by the security forces, rendering the overall calculation all the more difficult to balance.

Conclusions

The period of the conflict defined by the informer war, roughly starting in 1980 and moving forward through to the near-cessation of the conflict, was a critical period for two reasons: one, its impact upon lowering the levels of violence to a so-called acceptable level,

---

[278] Wilsey, as quoted: "Gen. John Wilsey confirms: Stakeknife is Freddie Scappaticci"; "Scappaticci: The Wilsey Tape", [27:15].

one in which the potential for peace talks were possible and one which demonstrated to republican paramilitaries that a military victory for their cause was increasingly unlikely; and two, it was a period in which the conflict truly moved off the public streets of Belfast and Derry and into the shadows, where power was brokered and information was collected by individuals living dual identities, often at the cost of their own lives – and sometimes at the cost of others'. The pathways leading to the proliferation of the informer war were paved with the best of intentions and yielded strategically critical results, but not without the security establishment learning some difficult lessons on the way there, and not without encountering some questionable moral conduct issues in the collection practice space as the informer war unfolded. It is within the theme of the latter that much of the collective memory of the conflict is occupied, but this does not just manifest as memory; rather, it is the period from which the greatest number of public inquiries – from the *Stevens Inquiries I-III*, the *Report of the Patrick Finucane Review*, the *Cory Collusion Report,* and many others including those which to this day are ongoing, such as Operation KENOVA – into how agents of the state may or may not have participated in significant criminality, the knowledge the state had in it, and the role that the state played in its unfolding.

To get to that informer war state, however, the security establishment first needed to shift away from its previous reliance on internment as its primary collection method. In this effort, and in tandem with the strategic security shift happening in the late 1970s through the implementation of the Way Ahead Policy, a focus on criminalisation saw the main counterterrorism impetus be to prosecute those involved in terrorism through the Diplock Court system; as such, during this period, interrogations undertaken through the RUC's newly centralised CID structure under Chief Constable Newman and within the newly established interrogation centres in Belfast, Armagh, and Derry became the main collection source for the RUC, who now had the lead on security in the province. However, this was not information being used for actionable intelligence purposes; rather, the focus on criminalisation and prosecution meant that any information collection, which frequently came in the form of confessions, was used to prosecute and identify others involved in terrorism-related offences. It was, for all intents and purposes, a system which seemed to work well, and which was propelled by its own success – but, as it would come to pass, this success was tainted by allegations of misconduct.

CID interrogators at Castlereagh, Gough Barracks, and Strand Road began to encounter mounting allegations of degrading and inhumane treatment in their pursuit of confessions and evidentiary materials which could be used in the Diplock Court system. As

discussed above, some RUC men even acknowledged a bit of 'slap and tickle' in the pursuit of information, but the situation could not hold. Findings of the Bennett Report acknowledged instances of the aforementioned slap and tickle and this, alongside the promotion of Chief Constable Hermon to the head of the RUC, saw a significant strategic shift to the implementation of what came to be known as the informer war. Overnight, seemingly, the strategy shifted, taking into deep consideration the critical recommendations of the Walker Report: Special Branch took over head responsibility from the CID, but maintained the recently implemented intelligence centralisation and creation of interrogation centres at the heart of its operations; and, moreover, the interrogation centres became ground zero for tout recruitment.

As such, the calculation made by Hermon and others involved in implementing a widespread informer war was one done with the knowledge that allegations of degrading and inhumane treatment, which had dogged the security forces from the critical juncture period through to the late 1970s, could no longer stand in the way of effective counterterrorism. Interrogators no longer needed to produce an evidentiary result, which therefore relieved pressure on interrogators resulting to strongman methods to illicit confessions. Moreover, it was done with the additional knowledge that it would reduce the potential for lethal and alienating encounters between the civilian population and security forces operating on the streets in a collection capacity. And, most importantly, a shift to the informer war addressed the intelligence issue faced by the security forces in light of PIRA's cell restructure, which dramatically decentralised their ASUs from one another and rendered the Diplock approach ineffective. The infiltration of touts throughout the organisation, therefore, could allow the security forces to patch together information across the organisation as whole in a way that a normal process of criminalisation never could, and infiltrate influence agents into positions of key strategic importance. Collection, therefore, refocused as an intelligence acquisition effort which was, in the first instance, actionable if the information was immediate and, in the second instance, an effort to turn terrorists into nodes within the broader intelligence collection machinery which could bring in both strategic and tactical information from deep within the organisations to which they previously held solitary allegiance. The informer war *was* the state's long war, and intelligence collected through the use of agents made a dramatic difference to the conflict overall in demonstrating to paramilitary groups that the race had been run and that meeting the state at the negotiating table would produce the best possible outcome.

But, to the British security establishment's discredit – and perhaps even more so, to the political establishment's discredit and indifference to ground-level realities – the implementation of the informer war did not coincide with any clear, coherent, or transparent guidelines on how to manifest the agent/handler relationship, particularly in the convoluted threatscape that was a prolonged terrorist campaign. The lesser evil calculation, therefore, could not adequately include all potential outcomes, when policy approaches were not formulated to best address and guide potential moral quandaries. The RUC were left with Home Office guidelines from 1969 which were, at best, sufficient to deal with ordinary crime as it manifested on the mainland but had no insight into the complexities of terrorism and its associated penetration from an intelligence standpoint; the other prominent runners of agents, the Army through its FRU, fared no better in terms of how they were to be guided. It was, moreover, an inadequacy which the security forces attempted to rectify; working on the frontlines of this effort, handlers saw first-hand that there needed to be guidelines in place to help them guide their agents through difficult waters, navigate them through the permissibilities of criminality in relation to the threat faced, and simultaneously maintain much-needed access to intelligence flows through agent penetration without lethal cost to the agents themselves.

These efforts, however, were unheeded and – if Raymond White's recollection is to be accounted – this was an indifference which wound its way up the echelons of British political power, all the way to Downing Street. If one were to extrapolate this indifference to its highest level, one could make the argument that the critical intelligence that was coming in from deep penetration agents as a result of the policy-less environment as it stood – a sort of 'Wild Wild West' in which the policy of 'anything goes, as long as it produces results' – was seen as more valuable than implementing guidelines in which the red tape of bureaucracy may have impeded that intelligence flow. Unsurprisingly, therefore, it was within this policy vacuum – the opaque cloud in which handlers and agents conducted their business – in which the greatest moral conduct issues emerged during the informer war period.

Finally, when the calculation was made to start the informer war, was the existence of an agent like Stakeknife, and his associated criminality, ever added into that overall summation to action? It is easy to figuratively say that any deep level agent could save an untold number of lives; this is, of course, a possibility, but at what stage does an agent's participation in real life criminality – even murder – erase or undermine that figurative and impossible-to-quantify potential? Stakeknife is, of course, an example of this paradox at play and, as mentioned previously, his existence occupied two realities: one, in which his

intelligence was critical, vital, and unparalleled; and two, he was – without question – engaged in criminality that was known and possibly sanctioned by his handlers, operating in a policy and guidance vacuum. As a deep penetration agent, occupying a space at the very top of the PIRA hierarchy, Stakeknife would have needed to engage in some level of criminality to maintain both his cover and continued access to information; yet, had there been clear policy in place to guide the handler/agent relationship, the grey space that Stakeknife occupied may have been better defined, and that aforementioned calculation – one of literal criminality versus the figurative saving of lives – could have been more clearly estimated.

However, as a final note: it must be stressed that the penetration, action, and intelligence value of agents such as Stakeknife – and his loyalist equivalent discussed in the previous chapter, Brian Nelson – would not have been the norm in terms of agents run by the state. They were the anomalies in regard to their access to information and, therefore, the severity of their criminality is anomalous too. While the above is an interesting thought experiment, it is unlikely that when then the calculation was made to engage in the informer war, the heights reached by agents such as Stakeknife or Nelson could ever have been adequately included in that calculation, for they were strategic coups – not norms – within the intelligence collection space. Rather, the running of more 'average' agents, such as the FRU's 'Declan' or 'Busty Brenda', would have more likely been closer to the norm; as such, their participation in criminality – while to some degree existent – would have been significantly less than that of Stakeknife. Yet, it cannot be denied that the heights reached by Stakeknife and Nelson were indeed reached by agents of the state, but that the state did not meet the heights equally required to address the moral conduct issues arising from their running and intelligence collection, despite pleas from the security establishment to do so. The outstanding investigations into the crimes of these agents, such as Operation KENOVA, are a testament to that failure, but it is yet to be seen whether any responsibility for that failure will ever be acknowledged.

III.   Summation: Impact of Critical Juncture Lessons on Future Engagement

The existence of the informer war, and the prolific use of agents and informants who were working within the shadows to bring the conflict to an end, is one of the most defining and long-running mythologies of the Troubles. Many of the more controversial stories stemming from the conflict have their roots within the informer war and, it seems, that many more questions remain unanswered rather than answered regarding the conduct of agents in the pursuit of intelligence, how far they were permitted to go in their criminality, and the unresolved incidents of violence that are alleged to have been linked to their conduct. And yet, while those unresolved questions remain prescient – and some, indeed, remain currently under official investigation – they can never be fully resolved without understanding *why* the use of agents and informers, and the application of the informer war more broadly, came to be a defining strategic approach used by the security forces within the intelligence context. This was not, however, an approach that was taken lightly, nor was it one arrived at without significant lessons learned along the way within the intelligence collection context. The application of the informer war is, at its heart, a result of the British state finally accepting that deep interrogation methods used on a domestic population – a realisation rooted in, first, the use of the Techniques during the critical juncture period, and a modified deep interrogation doctrine used alongside the criminalisation strand of the Way Ahead Policy during the 1970s – could no longer be morally acceptable or tenable as intelligence practice. As such, by 1980, the informer war was calculated to be the lesser evil option within the collection context, one which moved that effort out of interrogation centres and into the streets of Belfast, Derry and beyond. But, while the informer war solved one moral conduct issue, its application brought with it a host of others related to the handling and conduct of the agents themselves.

It seems, perhaps, to go without saying that one's intelligence picture can only be as good as one's collection capacity. Without information to feed into the intelligence cycle – or, feeding information into it that is incomplete, derived from unvaried sources, and unconcerned with covering both strategic and tactical requirements – the product stemming from that information will have neither value for its customers nor will it be impactful upon establishing a comprehensive intelligence picture that can be further developed over time. This is a fundamental truism of intelligence practice generally, but was particularly prescient

within the Northern Irish context at the beginning of the conflict. As highlighted in both this chapter and Chapter 3, the first two years of the conflict were defined by its poor collection capacity and incredibly superficial intelligence picture – realities which were much to the detriment of the overall security situation in the province, and which impacted negatively upon the near-unabated proliferation of violence encountered during the critical juncture period. As such, by 1971, drastic measures needed to be taken to improve this capacity, and interment without trial, using interrogation as its collection method, was assessed to be the solution and became one of the primary collection methods for the security establishment until its disuse in December 1975.

As the declassified archive has demonstrated, information collected as a result of the interment policy, but particularly in the context of the use of the Techniques during DEMETRIUS, was valuable – especially at a moment when such information was desperately needed to improve the intelligence picture. The use of the Techniques was deeply supported by both the British political and security establishments, support that was reflected as high as the JIC secretary and the prime minister. The lesser evil calculation was rooted in a number of considerations: that the Techniques had been honed, codified, and used extensively in the colonial contexts prior to the Troubles; that they were not a form of degrading treatment, or torture, as they were deemed to be justified in terms of the need for intelligence acquisition; a deep belief that their use would glean a significant intelligence yield; that the Techniques, such as hooding and white noise, were beneficial to the detainees themselves; and, that their use was a less severe option than other policies used in the colonial context. Further, their use was assessed as an opportunity to rectify some of the previous collection issues which had stymied the creation of a comprehensive intelligence picture, such as the Army's broad targeting of all Catholic civilians, which only worked to destroy their reputation in the province and radicalise and/or alienate that broader population. In sum, seen at its highest level, the lesser evil calculation in the use of the Techniques was one rooted in the ethos that inflicting a potential harm upon a selected few was a more acceptable evil than the continued violence that was being inflicted upon the many.

Internment and the use of the Techniques were not, however, without their controversies and problematic application. The intelligence feeding the arrests lists was bad and incomplete, which meant that inactive combatants were targeted, and the machinery as it existed, in practice, could not fully support the complexities needed for such an operation. But most problematic were the allegations of torture coming from the Hooded Men, who were the primary recipients of the Techniques. And yet, despite these allegations, and despite

the Compton Inquiry that stemmed from it, both the political and security establishments steadfastly stood by their use, and it was not until the delivery of the Parker Reports that Westminster finally conceded that the applicability of the Techniques had reached its end. This was not, however, a broader admission that deep interrogation methods were inappropriate to use on a domestic population; rather, both establishments remained, once again, steadfast on the applicability of their use, evidenced by both a revised JIC Directive and their continued use throughout the 1970s. In this way, while the specific use of the Techniques can be seen to have failed the Turner Test, Westminster did not interpret this as failure; instead, they saw it as an indication that the specifics of the Techniques were no longer compatible within the public interest test, but that this was no indication of a similar stance toward deep interrogation methods more generally.

The continued use of deep interrogation methods in the late 1970s – even as their focus switched from the collection of intelligence to the collection of evidence and confessions for prosecutorial use within the criminalisation ethos of the Way Ahead Policy – are indicative of Westminster's stance in this respect. Their continued use was, once again, reflective of their high-level lesser evil calculation of inflicting potential harm on a few for the preservation of the many. And yet, although the information collected during this period was indeed plentiful, it was once again not without its controversies and allegations of torture. As if replaying the events of the critical juncture period, such allegations led to an inquiry – the findings of which were presented in the Bennett Report – which were indicative that ill-treatment had indeed occurred. It was only at this juncture, in 1980, in which the use of deep interrogation methods fell out of practice – but, this seems less reflective of Westminster acquiescing to the reality that such methods were not appropriate in a domestic context, but rather more so that their use could no longer effectively fit into their lesser evil calculations as the public cost of their continued use became too high.

It was at this juncture, supported by the actions of Chief Constable Hermon and the Provisionals' shift toward an ASU structure, that the introduction of the informer war came to the fore. It was, at its heart, a strategy which not only moved the so-called war into the shadows, where there was less propensity for the security forces to come into contact with non-combatants, but it also shifted the immediate burden of collection responsibility on touts rather than directly upon the state's intelligence operators – although they remained responsible for the direction and handling of that collection. This approach, of course, had its significant merits, and dramatically impacted positively upon the pathways leading to the eventual Good Friday Agreement: it moved the conflict away from the streets; it allowed for

276

the deep and penetrative collection of both strategic and tactical information, of which political intelligence became integral for Westminster in their negotiations with PIRA; and, it impacted PIRA directly, by both fostering a sense of paranoia within the organisation which led to their own internal and lethal attrition, and it brought about a realisation that the war could not be won militarily. Taken together, the advantages of the informer war where rather formidable, and were an integral strategic approach in the creation of the so-called acceptable levels of violence through which the pathways toward peace could be paved.

And yet, controversies followed the informer war, particularly in the moral conduct in intelligence practice context. This was particularly true in the use of deep penetration agents, who needed to be involved in some level of criminality in order to both maintain their cover and their continued access to information. While a certain level of criminality was necessary, where the issues arose, however, was that the application of the informer war strategy was not done alongside any concrete oversight or guidance mechanisms through which the security forces could actively engage in a morally sound agent/handler relationship. The actions of the agent codenamed Stakeknife – as well as those of Brian Nelson discussed in the previous chapter – are the extreme end of the problematised environment stemming from this lack of guidance. It was precisely within this grey area of blurred permissibilitites that the greatest potential for moral misconduct can occur, and lead to intensely public ramifications, of which the many Brian Nelson-related inquiries can attest to, and the ongoing Operation KENOVA investigation in relation to the activities of Stakeknife can as well. Moreover, this lack of guidance was an issue that the security forces attempted to rectify over the remaining decade and a half of the Troubles, but to no avail. Indeed, it seemed as through Westminster had no particular desire to address this clear moral conduct issue within the collection context, despite pleas from its own security establishment to do so.

Whether this is indicative of a state which, in the context of a three-decades long conflict, felt that turning a blind eye to increasingly problematic criminality in the maintenance of a critically important agent such as Stakeknife was an acceptable moral calculation to take cannot be confirmed given the declassified information available. Yet, what cannot be ignored is that from a pure intelligence collection standpoint, the turning of the state's eye away in this conceptualisation had its clear and substantive advantages – ones that perhaps may not have been available to Westminster had there been more strict boundaries and guidelines issued within the agent/handler relationship context. It is, of course, important to stress here again that the examples of both Stakeknife and Nelson are integral to examine, but that they would not have been reflective of the standard calibre of

agents run during the informer war and nor, therefore, is their criminality reflective of the norm. And indeed, while the lesser evil calculation that would have been made in the running of agents – one that was more cerebral, in which the maintenance of a deep penetration agent and their continued access to high level intelligence had the potential to save lives through their collection of information that was both immediately actionable and useful to the overall cessation of the conflict – it is unclear whether the heights to which Stakeknife reached could have adequately been inserted into that calculation, thereby perhaps encapsulating once again Ignatieff's argument that not all potentially problematic outcomes can be adequately calculated when balancing lesser evils. What must equally be stressed, however, is that Westminster's inability to address a moral conduct issue, as presented to them by their own security establishment, is invariably an indictment of their moral failings within the informer war context.

In sum, the advantages of the informer war were profound, deep, and critical in creating an environment which could potentially lead to peace after three decades of conflict. In the broader scheme of strategic approaches taken during the conflict, it was, arguably, an incredibly important one, despite the moral conduct issues that stemmed from its use. These are, invariably, two realities which can be difficult to balance when seeking to engage morally within the intelligence conduct context. Intelligence collection, however, cannot always be without its controversies – it is, ultimately, an effort to seek out information which belongs to another, is secretive in its nature, and is a product of those who, in the Northern Irish context, pose a lethal threat to both the state and those who inhabit it. As such, the acquisition of such information is not inherently without its moral struggles; yet, its acquisition is also the moral requirement of the state in its obligation to maintain an acceptable end of national security for its citizens, of which intelligence – and its collection – is a means to attaining that end. For the British state, there were many lessons to be learned within the intelligence collection context before they settled upon their informer war strategy: ones which made them face the question of whether colonially-used and -honed interrogation methods were appropriate in a domestic context, and whether deep interrogation methods at all had a role to play in the collection of information from their own citizens. And, while those lessons frequently came with a cost borne to those on the receiving end of those collection methods, they were ones which ultimately came to inform and direct their decision-making within the intelligence collection context.

CHAPTER 6: LESSONS IN KINETIC ENGAGEMENT AS INTELLIGENCE OUTCOME
From Counter-Gangs to an Alleged Shoot-to-Kill Policy

Whether or not the British state engaged in an officially sanctioned shoot-to-kill policy of republican terrorists remains one of the outstanding questions of the Troubles, over two decades after the conflict officially ended. Although it is the general observation that these allegations predominantly stemmed from covert action taken from the mid-1980s onward – citing the examples of Gibraltar and Loughgall in particular as evidence to this reality – the mythology of 'assassination squads', or undercover units shooting to kill, have their inception within the critical juncture period, rooted within the counter-gang experiments undertaken within the intelligence practice context. Regardless of where these allegations stem, the use of kinetic action – an outcome originating within the actionability of intelligence product, and the context leading to its actionability – inevitably provokes some critical moral conduct questions for those undertaking that action, particularly when that action is lethal in its nature. As such, this chapter will chart how the security establishment's experimentation in kinetic action undertaken during the critical juncture period through the counter-gang model came to influence the concentrated use of covert units within the latter third of the conflict, and will demonstrate how the overall lesson learned from that initial experimentation was one which informed the ethos that covert kinetic action could bring great value to intelligence outcomes in Northern Ireland despite the potential for morally ambiguous conduct stemming from its use.

I.   Gangs and Counter-Gangs: Kinetic Engagement in the Collection Context During the Critical Juncture Period

At times, we had a distinct feeling we were like trail blazing Wild West pioneers flying by the seat of out pants. We were regularly reminded that we were operating outside the scope of regular forces and we had very few restrictions imposed on us. We were a very small unit, often working out on a limb and we had to use maximum force when it was required, to survive. We really weren't too interested in rules and regulations.[1]

The existence of so-called 'death squads', or 'assassination squads', operated by the British state in a kind of shoot-to-kill capacity is something which most associate with the latter third of the conflict, but the nascence of this mythology can undoubtedly be traced back to the creation and activities of the Military Reaction Force (MRF) in 1971. The secret archive, for all its worth, has kept hidden many of the details surrounding the MRF, and one cannot help but wonder whether their activities, given their alleged sensitivity, were ever formally recorded or acknowledged at a high level outside of the context of the Army professionals who were responsible for running, planning, and conceptualising the MRF's operations. The evidence, therefore, giving credence to their existence predominantly comes from former operators themselves, and it is through their interpretation of their own role, purpose, and function that an analysis of the MRF's *modus operandi* will be conducted. Unlike the deep and detailed state records surrounding the decision-making leading to the implementation of internment and the use of the Techniques, this analysis – of how the operators themselves understood their own moral conduct within the intelligence practice conversation – will offer a unique insight into both operational needs and realities on the ground and a grassroots-level understanding of the justification of one's actions in a morally grey space.

The MRF: Its Role, Purpose, and Jurisdiction in the Northern Irish Context

Bradley Bamford argues that, broadly speaking during the critical juncture period, information was gathered in three ways: 1) surveillance of a mostly overt nature, collected through routine activities such as observation posts, patrolling, or through plainclothes Army

---

[1] Anonymous MRF member, as quoted in an unpublished manuscript acquired by the author. Ian Cobain. *The History Thieves: Secrets, Lies and the Shaping of a Modern Nation.* (London: Portobello Books, 2016), 179-80.

units; 2) interrogation, used predominantly to acquire background information, although sometimes this would lead to actionable information; and, 3) the use of agents and informants, who could provide both background information and operational information that was actionable.[2] As mentioned previously, the precariousness of the intelligence machinery and its slow-burning improvement during this period of the conflict saw the British state begin to engage in more drastic and experimental measures to improve the intelligence picture. The MRF was part of this effort, in which the Army was looking for 'back of the envelope ideas' to improve its collection capacity; and, over the 1971-1972 period, the MRF would become the Army's main source of information in its formulation of intelligence-led operations.[3] Further, the MRF, operating in a plainclothes capacity, engaged in all three of Bamford's aforementioned collection methods.

Robin Evelegh, former commanding officer of the 3rd Battalion Royal Green Jackets and who served in the province during this period, suggests that the identification and location of terrorists was largely down to plainclothes operators such as the MRF. Although these operators comprised only a 'tiny number' of individuals, they made a significant impact upon the overall intelligence picture.[4] For example, at the moment when the Provisional Irish Republican Army (PIRA) was first emerging as a completely unknown group to a fledgling Special Branch, the information coming in from 'Freds' – what the MRF called their agents – had crucially allowed for the security forces to understand, conceptualise, and frame what PIRA's order of battle (ORBAT) looked like.[5] Knowing this would have allowed the security forces to attempt to develop a kind of a strategic advantage that could better inform their own operations and the flow of information through the intelligence cycle.

However, Evelegh also concedes that more individuals were not employed in this covert capacity because 'it was thought that the political price of increasing the scale of plainclothes operations by soldiers would be heavy […] there were doubts about their control'.[6] Similarly, an anonymous Army officer who was based at Headquarters Northern Ireland (HQNI) during this period recalls there being concerns with MRF even at the time, despite the quality of the information that they were collecting: 'there was some concern

---

[2] Bradley Bamford. "The Role and Effectiveness of Intelligence in Northern Ireland". *Intelligence and National Security* 20 (2005): 587-589.
[3] Jon Moran. *From Northern Ireland to Afghanistan: British Military Intelligence Operations, Ethics and Human Rights*. (Farnham: Ashgate Publishing Limited, 2013), 37.
[4] Robin Evelegh. *Peace Keeping in a Democratic Society: The Lessons of Northern Ireland*. (London: C. Hurst and Company, 1978), 3.
[5] Peter Taylor. *Brits: The War Against the IRA*. (London: Bloomsbury, 2001), 128.
[6] *Ibid*.

about some of the activities vis-à-vis the law and the way they were operating […] we did get the information but things weren't quite right in the MRF and the results were affecting the rest of the Army potentially adversely'.[7] But, David Omand argues that issues surrounding the use of 'Freds' in particular could have been avoided if there had been a concrete agent-running framework employed by the Army at the time, yet no such framework existed. According to Omand 'it is not clear what, if any, form of exercising right authority from the political level was obtained for delicate Army intelligence operations early in the campaign'.[8] And, as discussed in a previous chapter, this was an issue that permeated into the remainder of the conflict as well. Therefore, at this juncture, it seems unclear whether any nefarious activity was rooted in command and control (and communication) issues, or whether this was a collection of operators who were choosing to undertake action outside the purview of their permissible mandate.

As such, even without looking at direct incidents of controversial action, it is clear that the MRF existed in a kind of juxtaposed dichotomy, in which they were seen as effective operators bringing in important information, but also ones who possibly undertook some dubious methods to acquire that information. They were undoubtedly both an intelligence gathering body and a counterterrorist force,[9] and there were operational complications that came with inhabiting such a dual identity in a domestic arena. But how were the MRF actually undertaking their collection capacity, and what was their operational milieu truly like? According to a former operator, Simon Cursey, the MRF existed as a small covert unit of eight-to-nine man sections; they were only directed by one Army officer, and theirs was a flat rather than hierarchical structure where ranks were not referred to or acknowledged among members.[10] Members were drawn from amongst other security forces, such as the Special Air Service (SAS), the Royal Marines, and the Military Police.[11] Frequently, the unit recruited individuals who were of Irish origin – those who could pass for locals, which was a critical element in infiltrating republican and loyalist heartlands across the province.[12] As

---

[7] Moran. *From Northern Ireland to Afghanistan*, 38.

[8] David Omand and Mark Phythian. *Principled Spying: The Ethics of Secret Intelligence*. (Washington, DC: Georgetown University Press, 2018), 126.

[9] See: BBC Panorama. "Britain's Secret Terror Force". *British Broadcasting Corporation*, 21 November 2013.; Simon Cursey. *MRF Shadow Troop*. (London: Thistle Publishing, 2013), xii-xiii; Lord Saville. *Report of the Bloody Sunday Inquiry*. "Intelligence Witness – Martin Ingram (Oral Testimony, Day 329). Accessed 11/06/2020. https://webarchive.nationalarchives.gov.uk/20101017063949tf_/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts329.htm

[10] Cursey, xii-xiii.

[11] *Ibid*.

[12] Mark Urban. *Big Boys' Rules: The Secret Struggle Against the IRA*. (London: Faber and Faber, 1992), 36.

recalled by one former operator, Operator A:[13] 'these were selected men who had experience, were well-trained, knew their weapons, reliability and all the rest of those things which make a good soldier'.[14]

As touched on previously, the MRF's operational area fell under the purview of 39 Airportable Brigade,[15] which was under the command of Brigadier Frank Kitson and whose operational responsibility covered the entirety of Belfast and the eastern part of the province into Armagh. There is general consensus that the MRF were likely the brainchild of Kitson, the details of which will be highlighted in the next section.[16] As a milieu, former operators recalled how difficult and dangerous it was operating in a plainclothes capacity during this early part of the conflict in Belfast, particularly as they 'were told that the unit doesn't officially exist on paper […] if you're caught, you'll be killed; and if you are caught and killed, the government will probably put out a story that you were just a soldier […] who got caught'.[17] Cursey, too, recalled the near impenetrability of some of the more difficult areas of the city, and how this reality weighed heavily on the cognition of his own mortality:

> In Belfast, driving through and around those 'hard areas' of the Falls Road, Divis Flats, Unity Flats, Andersonstown and the Ardoyne, was just like driving through the streets of Beirut; burned out, derelict houses passed by row on row. Most that still stood were boarded up. Rubble and glass covered the roads while clouds of smoke billowed over the city from houses and burning vehicles destroyed by rioting the previous night. It was a desperate place to be and to work in. I often wondered if I was ever going to get out of the place in one piece, to see the sunshine and flowers in some peaceful park back in North Yorkshire, on the blessed mainland.[18]

While not unique to the MRF, calculating the personal cost of operating covertly in complex milieus with that of the greater good has frequently been the reality of covert undercover units operating in the intelligence space, particularly throughout the twentieth century – a need for plausible deniability on behalf of the state, and an acceptance by operators that these were the rules by which the secret game was played. What made Northern Ireland a unique

---

[13] BBC Panorama has provided one of the most comprehensive looks into the MRF, and through their documentary have interviewed three former operators anonymously. For the purposes of reproducing their opinions in this thesis, these individuals will be described as Operators A, B, and C. See: BBC Panorama. "Britain's Secret Terror Force".
[14] *Ibid*.
[15] Also known at the 39th Infantry Brigade, but the name it used in Northern Ireland was 39 Airportable Brigade.
[16] There is only one outlier in this generally accepted opinion – that of Peter Taylor. For more, see: Taylor. *Brits*, 129.
[17] Operator B, as quoted in: BBC Panorama. "Britain's Secret Terror Force".
[18] Cursey, 215.

calculation for MRF operators, of course, was the domestic nature of the conflict, which would have made for an even more complex calculation of personal versus greater cost.

However, the archival record is unclear as to whether Belfast alone was their only area of operation. Given the near-complete impenetrability of Derry, for example, it would seem unlikely that – even though the MRF was likely Kitson's brainchild – their operations would not have expanded outside of that original Belfast mandate in order to try and meet a clear and desperate collection gap that was manifesting in the province's second-most populous city. Questions presented and answered during the evidence given to the *Bloody Sunday Inquiry* suggest that the MRF – or a body very closely resembling it – was indeed operating in Derry, at least in 1972. In his oral testimony to the *Inquiry*, 'Martin Ingram', a former collator with the Force Research Unit (FRU), was asked whether or not he had had any knowledge of the MRF operating in Derry at the time of Bloody Sunday.[19] Basing his answer on surveillance reports he had access to from that juncture in the conflict, it was clear that specialist covert plainclothes units *were* operating in the area, although he could not confirm it was the MRF:[20] 'I do not know if the MRF were operating at that time, but a unit which had a similar capability undoubtedly was'.[21] Similarly, in analysing the oral testimony given by 'David', the director of intelligence (D-INT) to the *Inquiry*, there seems to be increasing evidence of an MRF-like unit, if not the MRF itself, operating in Derry at the time. When pressed about 'special anti-terrorist units' operating in Derry, 'David' denied having any knowledge of such things[22] – which, given his role as D-INT, seems unlikely. The greater likelihood is that any existence of such groups would have fallen under the Official Secrets Act, information about which he could not divulge. The silences in his testimony, coupled with his flat-out refusal to acknowledge that even similarly composed plainclothes covert groups could have been operating in Derry throughout 1972 at least, is suggestive that the archival record is not fully comprehensive on the operational jurisdiction of the MRF.

---

[19] Although Ingram would not have been serving in the province at the time of Bloody Sunday, when he was posted to Northern Ireland in 1981 as part of the Intelligence Corps, he was part of 121 Intelligence Section at HQNI. In that role, he had access to historic and current intelligence products, as part of his role was to digitise new records as part of the Army's new computerisation plan. For more, see: Lord Saville. *Report of the Bloody Sunday Inquiry*. "Intelligence Witness – Martin Ingram (Written Testimony, KI2). Accessed 11/06/2020. https://webarchive.nationalarchives.gov.uk/20101017060841/http://report.bloody-sunday-inquiry.org/evidence/K/KI_0002.pdf, 1.

[20] Lord Saville. "Intelligence Witness – Martin Ingram (Oral Testimony, Day 329), 37.

[21] *Ibid*., 34-35.

[22] Lord Saville. "Intelligence Witness – 'David' (Oral Testimony, Day 330), 48-49.

Frank Kitson and the Transfer of the Counter-Gang Experiment to Northern Ireland

Regardless of the questions surrounding their operational reach across the province, one thing is clear – evidence of the emergence of the MRF directly coincides with the arrival of Brigadier Kitson to the province, his taking over the helm of 39th Brigade in September 1970,[23] and the MRF's first operations in early 1971.[24] Kitson was not just a soldier, but became a prominent counterinsurgency theorist too; he had arrived at the helm of the 39th after a stint at University College Oxford where he had developed *Low Intensity Operations*, which effectively became the British Army's manual on counterinsurgency and counter-subversion campaigns going forward.[25] However, his ideas were not just developed in theory; rather, his experience was honed during the colonial campaign in Kenya – his first – in which he learned the value of intelligence in the counterinsurgency context.[26] By his own admission, his knowledge of intelligence comprised 'scarcity' and upon arrival in Kenya he had not even completed the Army's intelligence course, but learned much on the ground through the experimentation in counterinsurgency approaches that he was allowed to undertake with effectively no restrictive parameters.[27] Arguably, Kitson's greatest lesson learned from his development of counterinsurgency tactics as employed on the Kenyan population was one of the value of experimentation. In his own words, 'the problem of preparing an intelligence organisation to deal with subversion and insurgency is not therefore merely one of expansion. Developing new *methods* to deal with new requirements is just as important, and far more difficult'.[28]

One of these key experiments in Kenya, which found itself transported to the Northern Irish milieu, was the use of so-called 'gangs and counter-gangs'. Kitson saw similarities in the Kenyan and Northern Irish contexts – most notably that, in both instances, Special Branch was not able to collect intelligence in an effective way because of the intensity of policing the rising levels of violence.[29] In light of this deficiency is where his experimentation took hold in Kenya. He created what he called 'counter-gangs', which were comprised of local security forces who had the knowledge, cover, and ability to move among

---

[23] Desmond Hamill. *Pig in the Middle: The Army in Northern Ireland 1969-1984.* (London: Methuen London Ltd, 1985), 42.

[24] Cobain. *The History Thieves*, 180.

[25] James Hughes. "Frank Kitson in Northern Ireland and the 'British way' of counterinsurgency". *History Ireland Magazine*, Issue 1 (January/February 2014), Volume 22. https://www.historyireland.com/volume-22/frank-kitson-northern-ireland-british-way-counterinsurgency/

[26] Frank Kitson. *Gangs and Counter-Gangs.* (London: Barrie and Rockliff, 1960), 6.

[27] *Ibid*.

[28] Emphasis in text. Frank Kitson. *Low Intensity Operations.* (London: Faber and Faber, 1971), 72.

[29] Kitson. *Gangs and Counter-Gangs*, 27.

the local population unburdened and undetected, operating in a collection capacity.[30] The individuals selected for these groups were ones with a 'spirit of adventure' who 'thought it would be fun […] to carry a pistol'.[31] In the Kenyan context, these counter-gangs became so effective at collecting information that it frequently proved to be immediately actionable, which meant that the counter-gangs operated in both a collection and kinetic action capacity.[32] This meant, in practice, that these counter-gangs' operational scope encompassed the entire breadth of the intelligence cycle in their own units: they collected, analysed, and acted on their product, always in a kinetic form of engagement. Most importantly, as will be discussed below, this conceptualisation of the counter-gang – one which collected, produced, and actioned its own intelligence – would be transposed into the Northern Irish context; but, like other colonial tactics, without a recalculation by Westminster as to the appropriateness of its use in a domestic context.

Reviewed in such a way, it is impossible to divorce the description and *modus operandi* of Kitson's Kenyan counter-gangs and the MRF operating in Northern Ireland. However, as is always the case with Northern Ireland, the complexity of operating such intelligence gathering bodies within the domestic context undoubtedly gave rise to greater challenges in the moral conduct conversation. Importantly, it must also be noted within this conversation that Kitson himself believed in the importance of moral conduct in the intelligence practice space, and his calculation in the counter-gang context most evidently espoused this ethos:

> There is of course an element of truth in the idea that an effective domestic intelligence system could be used to jeopardise the freedom of the individual if it fell into the wrong hands, but the danger posed by subversion[33] unchecked by good intelligence is far greater. The right answer in a free country is to have an efficient intelligence organisation in the hands of people who are responsible to, and supervised by, the elected government.[34]

For Kitson, this was a clear balancing of finding the lesser evil between the threat posed by the potential of insurgency versus the harm that may exist in the use of intelligence methods to combat that threat. This, undoubtedly, underpinned his entire approach to the conduct of

---

[30] *Ibid.*, 75.
[31] *Ibid.*, 126.
[32] *Ibid.*, 91.
[33] Kitson uses the terms "subversion" and "insurgency" quite interchangeably throughout this work. But, in sum, for him the definitional difference resides in levels of progression: for example, subversion is a starting point which leads to the more serious (and more difficult to combat) stage of insurgency. For more on this, see: Kitson. *Low Intensity Operations*.
[34] Kitson. *Low Intensity Operations*, 71.

intelligence practice in the counterinsurgency context, and where he understood the state's moral responsibility to exist in that space – ultimately, that balance of responsibility fell on the side of intelligence practice, in which the pursuit of quashing insurgency through the acquisition of 'good intelligence' was justified when the intelligence machinery pursuing that end was in the hands of those responsible to an elected government. By those standards, for Kitson, the use of the MRF would have been, in theory, acceptable in the pursuit of improving the desperate intelligence picture in the face of increasingly uncontrollable violence. Unfortunately, the archival record is silent on Westminster's thinking in this space, so it is through Kitson's calculation that one must analyse the decision to employ the counter-gangs model. However, given Westminster's propensity to rely on and ascribe to the moral adequacy of colonially-honed intelligence practice, it is likely their calculation would have fallen in line with that of Kitson.

Once the counter-gang model was adopted in Northern Ireland, what did MRF operations actually look like? MRF operators were expected to participate in a number of passive collection activities, ranging from plainclothes foot patrols and vehicle patrols – practiced in various formations, using a number of different unmarked vehicles – to observation post surveillance and photography.[35] When not conducing passive collection, some MRF operators were also running agents. According to information revealed by Seamus Wright, a former Fred who turned double agent and worked for both the MRF and PIRA, the unit managed both republican *and* loyalist informants[36] which, considering the lens of targeting during this period, would have provided unique, untapped, and much-needed coverage across the political violence spectrum. Freds, according to Murphy, would often be shown photos, newsreel footage or the like and would be asked to point out individuals known to them and their potential association to paramilitary violence; in other instances, the MRF – in plainclothes and in an unmarked car – would drive Freds around and, similarly, would ask them to point out individuals or locales of interest as a form of collection.[37] However, not all Freds remained loyal to the MRF. Wright himself had originally been a member of the Provisionals, but had been turned by the MRF at some undisclosed point in time after having been apprehended and his association known; shortly afterward, he became disillusioned with his role and, using his wife as an intermediary, confessed to PIRA and

[35] Cursey, 80-81.
[36] Patrick Radden Keefe. *Say Nothing: A True Story of Murder and Memory in Northern Ireland*. (London: William Collins, 2018), 114.
[37] *Ibid*., 116. Also, similar activities – that is, driving Freds around to enable passive collection on people or places of interest – is also mentioned in: Martin Dillon. *The Dirty War*. (London: Arrow Books, 1991), 37.

promised to work as a double agent in exchange for his life.[38] In doing so, he also outed another fellow Fred who was a PIRA member, Kevin McKee, and the duo found themselves working as double agents, both feeding false information to the MRF and reporting back to PIRA about MRF operations.[39]

Their revelations eventually led to the calamitous end of the MRF's Four Square Laundry operation, their most well-known – and publicly known – operation, and its analysis provides an interesting insight into the kinds of operations the MRF were engaging in during this early phase of the conflict. The premise of the operation was simple: a door-to-door laundry truck would collect people's clothing to be laundered, posing as a legitimate business; the clothing would then be returned about seven days later once it had been cleaned by an actual laundering service, but not before it had been sent to HQNI to be forensically tested for explosives.[40] The amount of laundry being picked up from one house, for example, could be compared to the amount of individuals who were thought to live there, and any discrepancies could potentially indicate whether it was a drop or safe house.[41] Additionally, the roof of the truck had been hollowed out in such a way that an MRF operator could ostensibly hide inside of it, taking photographs of people and places of interest as the laundry truck made its way door to door.[42] The truck focused predominantly on the Twinbrook Estate in Belfast, which was inhabited by both Catholics and Protestants, providing a broad community collection opportunity; moreover, part of its appeal to the locals was the fact that its prices were cut-rate.[43]

By the time its existence had been revealed in October 1972, it is said to have been operating for about two months,[44] although Cursey suggests that it had actually run for a much longer time than has been routinely suggested.[45] Further, as Cursey attests, the Four Square Laundry operation was 'fully instrumental in the finding of hoards and hoards of weapons and explosives'.[46] However, the information provided by Wright and McKee to their PIRA handlers would prove to be the operation's downfall. On 2 October, as the truck was doing its run, it was ambushed by a group of Provisionals, and Sapper Telford Edward

---

[38] Keefe, 114.
[39] *Ibid.*, 116.
[40] Margaret Urwin. *Counter-gangs: A history of undercover military units in Northern Ireland, 1971-1976.* (Glasgow: Public Interest Investigations, November 2012), 18-19.
[41] Keefe, 119.
[42] *Ibid.*
[43] Keefe, 113.
[44] Dillon, 51; Urwin. *Counter-gangs*, 18.
[45] Cursey, 172.
[46] *Ibid.*

Stuart of the Royal Engineers – an MRF operator and native of Co. Tyrone who was driving the truck – was shot dead at Twinbrook.[47] His co-operator, Lance-Corporal Sarah Jane Warke of the Royal Military Police, survived the ambush because she had been in the process of collecting clothing; she was later awarded the Military Medal for Bravery in September 1973.[48] The day the operation was exposed, both McKee and Wright were abducted by PIRA and executed; however, their bodies were never found, and they are considered to form part of the group of individuals during this period known as the 'Disappeared'.[49] As such, the Four Square Laundry operation provides an important insight into various relationships and mechanisms at play in the province during this period: that of the success of covert operations; that of the potential lethal danger in running agents; and, that of the absolute ruthlessness of PIRA in its actions not just against the security forces, but against its own – a theme which proved to persist throughout the entirety of the conflict.

Assassination Squads or Proportionate Action? Kinetic Engagement and the Lethal Use of Intelligence Through the Eyes of Operators

In addition to passive collection and surveillance, like that of the Four Square Laundry operation, it is clear that the MRF were also expected to engage kinetically with the enemy – or, at the very least, this was the interpretation of MRF operators. This is where the most operationally problematic aspects of their conduct came to the fore. As mentioned in the Kitson/Kenyan context, the original manifestation of counter-gangs not only collected information, but they also became their own consumers too, acting as a full intelligence cycle within the units. As such, the kinetic action in which they engaged was, in practice, an outcome of that intelligence product. This, in turn, became true of the MRF's actions as well. Cursey recalls being actively tasked with being 'out and about all day and night in the city, gathering information, trying to spoil and interfere with [PIRA] plans and operations'.[50] Although he does not engage with further discussion as to how this actually manifested, what he alludes to here is the fact that the MRF were expected to collect, analyse, and then make actionable that information which would 'spoil and interfere' with paramilitary operations. Under his own admission, another former MRF member identified as Operator B, was

---

[47] Urwin. *Counter-gangs*, 19.
[48] *Ibid*.
[49] The "Disappeared" were individuals who PIRA killed for allegedly acting as agents of the British state. In most instances, their bodies were never found, hence the "disappeared" moniker. *Ibid*., 20.
[50]*Ibid.*, 173.

unblinking in describing these kinetic engagements: 'on the hard-hitting side, we went out and shot the terrorists […] we were hunting down hardcore baby-killers. Terrorists. People who would kill you without even thinking about it'.[51] In the same interview, Operator C also highlighted that individuals were targeted by the MRF based on a developed body of intelligence: 'if you had a player who was a shooter that carried out quite a lot of assassinations, then he had to be taken out […] killed […] these people were people who were main players, main shooters'.[52]

However, most operators admit that the experimental nature of the MRF, particularly in the context of kinetic engagement, meant that operators frequently had to rely on their own intuition of how to engage and make actionable the information they now held through their collection activities. Cursey notes that 'there was little time or any existing structure to departmentalise our responsibilities and efforts' and that operators 'had to just get on with the tasks and operations, whatever they were and be ready, when required, to confront and deal with the terrorists head on'.[53] Operator B echoed this sentiment, stipulating that the MRF was 'a prototype counter-terrorist unit and we had to make up our procedures as we went along – and we did'.[54] It would appear that both the experimental and covert nature of the MRF meant that there was, perhaps, a disjoint between what operators were actually doing on the ground versus what was being mandated from above – if any direct action even was being mandated from above at all.

Further to Operator C's point, it appears that as the MRF honed its intelligence machinery and improved its own intelligence picture, as its ability to target became more precise, which led to an increase in kinetic – and sometimes lethal – engagement.[55] And, according to more than one former operator, this evolution in ability and engagement fell in line with the implementation of Direct Rule.[56] By mid-1972, one anonymous former MRF

---

[51] Operator B, as quoted in: BBC Panorama. "Britain's Secret Terror Force".
[52] Operator C, as quoted in: *Ibid.*
[53] Cursey, 78.
[54] Operator B, as quoted in: BBC Panorama. "Britain's Secret Terror Force".
[55] This phenomenon – that is, the improvement in the intelligence picture leading to the improvement in one's ability to target terrorists more precisely, frequently through kinetic (and sometimes lethal) engagement – would prove to be an underlying theme across the entirety of the conflict for the security forces, the ramifications of which will be discussed across the following chapters.
[56] There is also a key document in the archive, written by Kitson, which describes the need to augment the MRF effort in 1972. Although written in December 1971, before Direct Rule was implemented, it is clear from the reading of the document that it was Kitson's intent to augment both the number of operators in the province as well as the frequency and intensity of operations in the new year. This augmentation, according to Kitson, was needed due to the ongoing "clumsiness of the Security Force machine", and noted that "future successes will be increasingly hard to achieve from an operational point of view, unless we are able to make our own organisation very much more efficient". TNA: CJ 3/98 – "Future Developments in Belfast: By Commander 39 Airportable Brigade", Report by Frank Kitson, 4 December 1971.

operator noted that 'in the past, we would open fire at anyone seen to be carrying a weapon in the "hard areas". Now we would be going out on patrol, targeting selected groups and stirring up trouble in the streets'.[57] As Cursey recalls, even the language of engagement had begun to change by that period. Whereas before MRF operators had been instructed to 'deal' with the enemy, he alleges that the language had then shifted to 'eliminate', and that he and other operators had interpreted this as 'destroy':[58]

> We didn't really care which words they used, the end product would still be the same as far as we were concerned, at the sharp end [...] We felt we were indirectly being sanctioned to go out and specifically hunt down [PIRA]. 'Seek and destroy', 'cut it off and kill it' – whatever phrase you preferred, we knew it wasn't going to be easy.[59]

Speaking in less strong terms, Operator A noted that kinetic engagement 'would depend on how the situation developed', and stressed that any kinetic engagement undertaken was done under the specifications outlined in the Yellow Card.[60] Cursey stressed this too, that they had 'obviously kept strictly in line with the Yellow Card' but that they 'also had a relatively free hand with regard to spoiling and compromising [PIRA] activities'.[61] The Yellow Card was a physical piece of paper, carried by each soldier in the Army, which detailed a set of rules of engagement in which a soldier was allowed to open fire – effectively, it was a doctrine which outlined the reasonable use of force. The Card, it seems, was a fluid thing; it was updated three times during the critical juncture period, as it was seen to be 'unduly restrictive; its clauses allowed too little latitude to meet the changing conditions of the campaign'.[62] Interestingly, a breach of the Card was 'not necessarily a breach of the law', and breaches of the Card which did not breach the law could be dealt with 'by disciplinary action' as decided by the battalion commander.[63] This, in effect, provided a lot of leeway in terms of what kind of engagement was possible given circumstances which could be justified through the use of Card rules.

---

[57] Anonymous former MRF operator, as quoted in: Cobain. *The History Thieves*, 180.
[58] Cursey, 216.
[59] *Ibid*., 217-218.
[60] Operator A, as quoted in: BBC Panorama. "Britain's Secret Terror Force".
[61] Cursey, 225.
[62] The revisions during this period were in July 1970, January 1971, and November 1972. TNA: CJ 4/5158 – "The Yellow Card: Instructions by the Director of Operations for Opening Fire in Northern Ireland (Code 70771)", Annex to a Letter from Brigadier B.W. Davis to I.M. Burns (NIO), 6 September 1979.
[63] *Ibid*.

Yet, not all operators agree that the Card rules even applied to them. For example, when pressed by the interviewer about whether Card rules were relevant to MRF operators, Operator C noted that while he 'knew the rules to the Yellow Card inside and out', his response to the interviewer was a firm 'no'.[64] However, a former officer commanding of the MRF, Hamish McGregor, stressed that the unit had always been expected to abide by the Card, and to not do so would be a criminal offence: 'I am extremely disappointed that a very few have […] sensationalised a routine and often humdrum job and invented fictitious incidents to give the impression that the MRF was anything other than just another properly controlled and accountable unit'.[65] Similarly, although never acknowledging the MRF by name, writing in May 1972 former Army Undersecretary Geoffrey Johnson Smith also stressed that any operations undertaken by soldiers, including those in covert plainclothes roles, needed to conduct themselves – and indeed, were conducting themselves – in accordance with Yellow Card rules.[66]

Regardless of Card adherence, two things are clear: first, that MRF operators on the whole did not believe they were operating as an assassination squad; and second, it is an undeniable fact that members of the public, whether paramilitary or not, were shot by MRF operators.[67] In December 2015, the Police Service of Northern Ireland's (PSNI) Legacy Investigation Branch launched Operation EVERSON, which was tasked with looking into alleged killings and injuries committed by the MRF.[68] This stemmed from the interviews undertaken with Operators A, B, and C, in addition to the interview of four others who did not appear on camera but who participated in a BBC Panorama documentary in November 2013.[69] According to the EVERSON investigation, the MRF is believed to have been involved in the shooting of seventeen people[70] – two of which were fatal – with the youngest alleged victim being only fifteen years old.[71] According to analysis undertaken by the

---

[64] Operator C, as quoted in: BBC Panorama. "Britain's Secret Terror Force".

[65] Hamish McGregor, as quoted in: *Ibid.*

[66] In the same statement, he also stressed in no uncertain terms that the British state was not operating assassination squads in Northern Ireland. Geoffrey Johnson Smith MP, as quoted in: *Ibid.*

[67] Although investigations are still ongoing regarding alleged shootings, this premise is taken from the fact that former operators have said on the record that they had engaged kinetically against the enemy and, as such, would have shot individuals as part of their duties.

[68] Ciarán MacAirt. "Britain's Military Reaction Force and Operation Everson". *Paper Trail*, 26 February 2020. Accessed 19/08/2020. http://www.papertrail.pro/military-reaction-force-operation-everson/.

[69] "Police investigate Military Reaction Force allegations". *BBC News*, 10 June 2014. Accessed 19/08/2020. https://www.bbc.co.uk/news/uk-northern-ireland-27785433.

[70] To put this in perspective, when including both paramilitary and state kinetic action, there were over 10,000 shootings in Northern Ireland in 1972. BBC Panorama. "Britain's Secret Terror Force".

[71] The incidents under investigation are: the fatal shootings of Patrick McVeigh and Daniel Rooney, and the shooting of fifteen other people, ages ranging from 15-to-34 years old. See: "Military Reaction Force:

independent research group Paper Trail, there are a number of other shootings associated with the MRF that are not currently being investigated under the EVERSON terms of reference.[72] EVERSON also does not include an investigation into allegations that the MRF were involved in the shootings of Gerry and John Conway of Ballymurphy in April 1972, two brothers who were ambushed on their way to work at a fruit stall.[73] It is suggested that the Conway brothers had been mistaken for two of PIRA's most deadly snipers, and their shooting precipitated conversations amongst the people of Northern Ireland as to whether there was a covert military unit operating within the city.[74] Archival evidence demonstrates that in relation to the Conway attack, Westminster was forced to publicly deny the existence of assassination squads in the province[75] – a thematic denial that it would make more than once throughout the conflict. In any case, based on the information that is publicly available, it is unclear whether all the aforementioned individuals were members of PIRA, other paramilitary groups, or if they were unarmed civilians. As such, makes it difficult to gauge whether any kinetic engagement against these individuals fell within Yellow Card permissibility. As of yet, no criminal proceedings have been brought against any former MRF operators.

However, former MRF operators who have spoken out about their time in the unit do not ascribe to the idea that they were operating as part of an assassination squad on behalf of the British state. Operator C, for example, is quite steadfast in this opinion, and juxtaposed any action he undertook as being proportional to the threat being faced in which there were very few other options available to the security forces:

> We were not a death squad. We were there to do a job – to eliminate an enemy that was ruthless, dedicated to their cause. I totally reject a death squad […] put yourself in my situation: we were on our home land, we've got a dirty war, a war that was out of control; we knew who the operators were, we knew who the shooters were. So, what are you going to do about it […] I'm asking you the question now, what are you going to do about? Are you going to allow these

---

Breakthrough in PSNI Investigation". *BBC News*, 2 December 2015. Accessed 19/08/2020. https://www.bbc.co.uk/news/uk-northern-ireland-34980462.

[72] Ciarán MacAirt. *Shooters: Britain's Military Reaction Force and Operation Everson, Part 1/2.* (Belfast: Paper Trail, 2020), 4.

[73] The widow and daughter of the two men have commenced civil proceedings against the MoD and the PSNI Chief Constable. Claire Williamson. "Families sue over 1972 shooting by Army". *Belfast Telegraph*, 25 August 2017. Accessed 19/08/2020. https://www.belfasttelegraph.co.uk/news/northern-ireland/families-sue-over-1972-shooting-by-army-36066457.html.

[74] BBC Panorama. "Britain's Secret Terror Force".

[75] See: TNA: CJ 4/266 – Draft Statement Regarding "Murder Squads", Prepared by the Office of the Parliamentary Under-Secretary of State for Defence for the Army, 18 May 1972; TNA: CJ 4/135 – Northern Ireland Office: Note of a Meeting Held on 19 May 1972.

people to carry on, killing innocent people? Planting bombs, killing ordinary civilians? People in this country were killed. So how would you define it?[76]

Similarly, when asked about the use of lethal force, Operator A said: 'if you're talking about assassination squads, certainly not'.[77] Cursey, too, felt strongly about the MRF operating within the confines of allowability and acceptability: 'it has always been loosely mentioned that the MRF was a rogue unit, which is absolutely ridiculous […] if we had been some kind of rogue unit, operating totally independently, driving around randomly blowing people away, we would not have lasted very long'.[78] Further, in his assessment, any kinetic action undertaken, particularly in the covert context, was both integral to the overall intelligence effort and critical in shaping perceptions about British state power:

> These were harsh murderous times and we had to be as aggressive as they were – if not more so. We had to show them that we could be just as horrendous and vicious as they were, in order to give them second thoughts about their chosen course of action […] It was survival of the toughest, mentally and physically and [PIRA] had to see they were not the only ones that could be bad.[79]

There appears, too, to be significant respect for MRF operators from those who served during the province during this early period. For example, General Sir Mike Jackson, who served as a young paratrooper during this period in Belfast and later became head of the British Army, noted that it took a certain level of operational skill to work in Belfast during these heady days: 'that takes a lot of courage – and it's a cold courage, not the courage of hot blood'.[80]

 Assessing perceptions here, from a variety of angles, is important: MRF operators saw their actions as a moral good considering the threat before them; that they conceptualised kinetic action as part of a broader effort to act proactively against the enemy against future potential engagement; and, following this, that their actions were seen by those within the security establishment as taking a unique, developed, and trusted level of operational skill. Although a lesser evil calculation had been made to permit the use, based on the colonial experience, of the counter-gang model, it appears that individual operators were also expected to make that lesser evil calculation daily, balancing permissibility within an Omandian different morality than traditional operators. It was a belief, too, that seems to have

---

[76] Operator C, as quoted in: BBC Panorama. "Britain's Secret Terror Force".
[77] Operator A, as quoted in: *Ibid.*
[78] Cursey, 271.
[79] *Ibid.*, 88.
[80] General Sir Mike Jackson, as quoted in: BBC Panorama. "Britain's Secret Terror Force".

been rooted in Kitson's own conceptualisation of what constituted moral conduct in intelligence practice.

There is, admittedly, a certain amount of irony in Cursey's words above regarding the shelf-life of the MRF and its relationship to the hard-headedness of their actions. The existence of the MRF was both intense and short-lived; by the end of 1972, their actions were actively being wound down by Westminster after their exposure in the wake of the Four Square Laundry incident and mounting accusations of their involvement in shootings, with Heath alleged to have indicated that whatever group replaced them needed to be operating within 'the confines of the law'.[81] Kitson had also left the province earlier that year,[82] and the archive is not clear as to who would have been running MRF operations until their disbandment. However, it is clear that the need for an MRF-style group was being perpetuated by the intensity of the conflict, and they were quickly replaced with the Special Reconnaissance Unit (SRU), which was placed under more centralised control and was comprised solely of individuals who had undergone SAS training.[83] Although the actions of the SRU will not be discussed in great detail in this thesis,[84] it is important to note that their creation is indicative of the reality that the British state's winding down of the MRF was not an acknowledgement that covert plainclothes operations were problematic, but rather that the uncovering of the MRF by the Provisionals and the public discussions of their covert kinetic action made the group lose its overall strategic advantage. As such, the SRU's creation was likely more reflective of a 'classic British *modus operandi* in the wake of bad publicity – to re-form and re-name'.[85]

Conclusions

On the whole, it appears that the MRF only existed for a mere eighteen months but remains a critical example of issues arising from operating within the grey area of the moral conduct in intelligence practice space. In both the creation and employment of the MRF, there were a number of realities that decisionmakers would have needed to consider, which ultimately would have impacted upon the lesser evil calculation in the MRF's strategic use.

---

[81] BBC Panorama. "Britain's Secret Terror Force".
[82] *Ibid*.
[83] Urwin. *Counter-gangs*, 21.
[84] It is important to note that the SRU's existence, too, was short-lived, but two other groups would eventually emerge from the MRF tradition: the Force Research Unit (FRU) and 14 Intelligence Company, the origins stories and activites of which will be discussed in the following chapters.
[85] Urwin. *Counter-gangs*, 21.

From a high level, it cannot be ignored that while there had been an effort to implement strategic changes to the intelligence machinery in 1971, these were either purposefully long-term in their scope or were slow to translate into actual change on the ground, particularly in the context of intelligence sharing and cooperation between the Royal Ulster Constabulary (RUC) and the Army, thereby creating information silos. as such, the actual intelligence picture remained consistently unclear, and the levels of violence continued to rise unabated. Moreover, although the results of internment had begun to shift the picture into a more comprehensive direction, its implementation was not without its controversies and it made no impact on the actual machinery operating in the province. In light of these realities, decisionmakers were forced to take more drastic measures in their approach, of which the MRF is the prime example.

The use of the MRF brought numerous strategic advantages. The operational milieu of Belfast was incredibly difficult for both the Army and the RUC, with republican enclaves being completely impenetrable for the RUC and armed altercations between the Army, civilians, and republican paramilitaries increasing every day. Covert, plainclothes operators allowed for a deeper, more sophisticated penetration of difficult operational milieus like Belfast: passive collection, where the collectors looked like civilians and could work relatively unperturbed; targeted intervention, based on an increasingly developed intelligence picture; and, less set piece opportunities for PIRA to goad uniformed security forces into direct conflict with both themselves and civilians, which had been a significant part of their strategy in the early days of the conflict and had resulted in both civilian and security force deaths. Further, the RUC had lost almost the entirety of its agent penetration in republican enclaves, which dramatically impacted the levels of operational information coming into the security forces. Plainclothes access to these areas provided an opportunity for these networks to be developed again – as evidenced by the MRF's use of Freds – which would prove to be critical when considered alongside the future reliance on agents that came to be the cornerstone of the conflict in the post-Direct Rule phases, the ramifications of which were outlined in Chapter 5.

Finally, the MRF's focus on *both* republican and loyalist paramilitarism was very much a unique feature in its strategic approach to intelligence collection, particularly at a period in the conflict when security force coverage of loyalist violence was essentially non-existent. It made the MRF one of the only intelligence operators in the province trying to create a truly comprehensive intelligence picture during this early phase. The Four Square Laundry operation is a prime example of this in practice. By choosing to focus the operation

on the Twinbrook Estate – a rare, mixed estate in the city – it allowed the MRF penetration and a collection opportunity that was a microcosmic representation of the conflict itself. When the collection capacity of the MRF is considered alone, there is little that is hugely problematic with their conduct; while passive collection has the potential to bring harm to illegitimate targets vis-à-vis their right to privacy, this was a small price to pay given the critical need to collect both background and operational information during this early phase of the conflict. Moreover, their covert nature and penetrability into problematic milieus allowed for less of both a physical and existential burden to be placed on the Army and RUC, the value of which is incalculable.

And yet, passive collection was not the MRF's only *modus operandi*, and it is within this space that their most problematic engagement from the moral conduct standpoint comes to the fore. Most importantly, what it does is highlight some key questions that continue to be unaddressed. What remains unclear about the MRF's kinetic engagement is whether or not the British state had ever formally sanctioned this effort, merely turned a blind eye to it, or left those calculations to military officials on the ground like Kitson – and this a question that the secret archive will likely never provide a declassified answer to. What can be analysed is that, according to the operators, they felt they had a role to 'take out' the enemy, but not assassinate them. This differentiation in language for operators is critical because, operating under 39 Brigade and being seconded from other Army sections meant that they considered themselves to be part of regular Army operations – that they were, functionally, in a war zone, with known enemies; and, if the intelligence available was able to directly identify those enemies, it seems logical to conclude that they would feel there was adequate permission to engage. But, one of the key issues in terms of enemy identification was that information collected by the MRF never went through a formal intelligence cycle, because they were operating as a solitary covert unit and, being both a collection body and a kinetically-engaged anti-terrorist unit, they were also their own customers. In practical terms, this would have meant that MRF operators were collectors, assessors, and producers all in one, where executive decisions were made in their customer capacity as well. Their intelligence product, therefore, was only as good as they thought it was, and making the decision to engage kinetically on that information – sometimes lethally – made the lesser evil calculation more difficult to balance, even if operators themselves may have been blinded to the ramifications involved. This arrangement, without question, speaks to the inherent problems involved when there is no high-level oversight ingrained within the body of covert

units, and when a lack of objectivity in the intelligence cycle results from operators being both producers and consumers all in one.

Finally, on the issue of kinetic engagement, by the operators' own admission – and the reality that the counter-gang system had been theorised, developed, and only once used previously, in Kenya – the MRF was still ultimately experimental in nature, meaning that lessons learned and adjustments made had to be applied along the way. But, at the cost of what and to whom is not always clear; experimentation, and the constant changing of the parameters of engagement, leaves little space for an adequate calculation of the lesser evils to be made. It seems, too, that much reliance as part of this ethos of experimentation was placed on the operators themselves to ensure that the nature of the unit never went too far; their selection from other Army units – being the elite of the elite – was, in effect, the assumption of a reliance on 'British common sense' to drive the moral parameters of engagement. And, where there were rules for engagement, most notably through the use of the Yellow Card, it is unclear even amongst operators whether or not they were expected to adhere to them. However, in many ways the use of the Yellow Card as a measurement of moral conduct seems like a moot point, as during this period in the conflict, it was changed three times, for reasons relating to its restrictiveness in terms of kinetic engagement. As such, it would appear that MRF operators themselves were responsible for the establishment of not just moral parameters, but general rules of engagement, which ultimately would have impacted upon levels of kinetic permissibility in the covert engagement space.

But what of the operators' own belief in what they were doing? All operators who have thus far spoken publicly have framed their own action – whether through a collection or kinetic capacity – as part of an over-arching 'moral good' in terms of the threat faced by the conflict itself. This cognitive alignment cannot be discounted when considering the calculations operators made in trying to establish where the lesser evil options existed. Two things are clear when analysing both the words of Kitson and those of former operators: that yes, there was an absolute acknowledgement that their operations would have fallen outside of Omand's civilian morality, but that ultimately everything they did outside of that civilian morality was justified given the threat the state faced. For Kitson, who addressed moral conduct directly in his own writings, kinetic anti-terrorist forces *were* moral because without them, the intelligence picture could not be improved, and a poor intelligence picture would lead to a more dire situation for civilians and security forces alike. The use of non-civilian morality, moreover, was justifiable too, as any actions undertaken by such a force would be seen as proportionate to the threat faced as long as that analysis had the oversight of an

elected government such as that at Westminster. For him, the morality of the state was the highest form of morality, which was to act as a barometer in establishing justifiable engagement. It is also clear that MRF operators believed deeply in the work they were undertaking in Northern Ireland, and that the kinetic engagement – even when fatal – was morally justified. It cannot be discounted, too, that the analysis of their engagement was based on the existential threat they would have faced as operators: they knew that if they were caught they would be disavowed; that their successes would never be publicly acknowledged, just their failures; and that, in a covert scenario, when things go badly, it is often the operators themselves who pay the dearest price – as evidenced by the Four Square Laundry operation. To add one's life to the calculation of moral conduct in the intelligence practice calculation makes the parameters of what one is willing to do, whether from a collection or kinetic engagement standpoint, that much more complex.

In sum, the MRF is a fascinating, complex, and critical example of some of the issues in the moral conduct in intelligence practice space. When seen from the outside, the existence and operations of the MRF are cited as an example where experiments in intelligence practice went clearly wrong, but in analysing the MRF more deeply, it is evident that such an analysis does not take into account of certain complexities – e.g. the MRF's impact on the intelligence picture when such an insight was desperately needed; that their use as a covert unit likely made a positive contribution to a reduction in direct confrontations between uniformed security forces, civilians, and paramilitaries; and that MRF operators themselves believed deeply in the work they were doing, and sometimes paid with their lives. However, although charges have never been laid in relation to potential MRF casualties, it is likely that civilians – targeted incorrectly in MRF kinetic action – paid with their lives, too; and, structural issues within the unit, including their use of the intelligence cycle and the experimental nature of the unit itself, contributed to those outcomes.

II. Ambushes, Set-Pieces, Shoot-to-Kill? The Proliferation of Covert Action in the 1980s

If you do shoot, then you don't shoot to tickle, you don't shoot to miss, you do shoot to kill [...] The thing about 'shoot to kill', as though it's sort of self-evidently wicked, is absolutely wrong. It's nonsense. You don't shoot to do other than to kill in the circumstances where the law permits you to shoot.[86]

Perhaps one of the most significant and longstanding debates within the Troubles historiography is whether the British state engaged in a shoot-to-kill policy toward terrorists, but particularly toward those on the republican paramilitary side of the spectrum. While it is often assumed that whisperings of such a policy began under the government of Margaret Thatcher, as shown in the previous section the actions of the MRF are those in which the initial questioning of such a policy, or that of state-sanctioned and supported assassination squads, first came to the fore. Undoubtedly, the MRF engaged kinetically based on the information it collected, analysed, and turned into intelligence product; and, the short-lived nature of the unit would suggest, on the surface, that the existence of an anti-terrorist unit, which both acted in an intelligence and kinetic capacity, was too extreme to exist within the intelligence machinery of a liberal democratic state. However, a surface-level analysis does not always provide an accurate portrayal of reality. The lesson learned from the MRF experience by the British state was not one of banning anti-terrorist units altogether; rather, their protracted use in the form of 14 Intelligence Company, the SAS, and other police-led anti-terrorist units would continue until the end of the conflict, albeit in a modified capacity which – comparatively to the unilateral action taken by the MRF – saw a centralised intelligence and kinetic action effort involving multiple moving parts of the British intelligence machinery. And, with the continued use of covert units would come the increasing suspicion that shoot-to-kill policies were indeed being sanctioned by the British state, building from the mythology first developed through the actions of the MRF.

Key Security Policy Approaches Under the Early Thatcher Years

Before delving directly into an analysis of actions undertaken by covert units in regard to alleged shoot-to-kill incidents, it is first important to examine some of the security

---

[86] Sir Patrick Mayhew, Northern Ireland Secretary from 1992-1997, as quoted in: Taylor. *Brits*, 256.

policy changes that were accompanying the units' development and use in the 1980s. As such, their actions would have been directly impacted by the security policies implemented under Prime Minister Margaret Thatcher, who took office in 1979. Thatcher's introduction to the violence of Northern Ireland was swift and immediate. She made her first visit to Northern Ireland directly in the aftermath of the Warrenpoint attack, the deadliest attack on the Army by the Provisionals during the conflict, and the murder of Lord Mountbatten, both which had occurred on the same day only three months after Thatcher took office.[87] Thatcher recalled that 'words were always inadequate to condemn this kind of outrage',[88] and that the immediacy of violence seemed to dictate her security approach during her long tenure. Peter Neumann argues that Thatcher had a 'an explicitly hawkish' attitude toward PIRA,[89] and Thatcher herself acknowledged that, in light of her early months in office, her 'reluctant conclusion was that terrorism would have to be met with more and more effective counter-terrorist *activity*'.[90] Although Thatcher did not explicitly elaborate in her memoirs as to what this entailed, it is clear that the use of the term 'activity' did not equate to a passive approach in the security space.

Thatcher was also a strong proponent of the use of intelligence as a primary means of combatting terrorism, and her interest in intelligence matters was very much a hands-on activity. Thatcher was the first British prime minister to ever attend a Joint Intelligence Committee (JIC) meeting since the body's creation,[91] and she was not merely a passive observer. She offered detailed feedback on current intelligence assessments, including those related to Northern Ireland, and provided ideas on ways to improve their presentation for consumers.[92] Also during her first year in office she appointed the former chief of MI6, Sir Maurice Oldfield, to the position of Security Coordinator in Northern Ireland in October 1979, in which his role was to 'assist the [Northern Ireland Secretary] in improving the coordination and effectiveness of the fight against terrorism'.[93] In a telex distributed announcing Oldfield's appointment, it was made clear that a shift toward a more intelligence-

---

[87] Margaret Thatcher. *The Downing Street Years*. (London: HarperCollins Publishers, 1995), 56.
[88] *Ibid*.
[89] Peter Neumann. *Britain's Long War: British Strategy in the Northern Ireland Conflict, 1969-98*. (Basingstoke: Palgrave Macmillan, 2003), 129.
[90] Emphasis added. Thatcher, 407.
[91] Ian B. Beesley and Michael S. Goodman. "Margaret Thatcher and the Joint Intelligence Committee". HM Government, 1 October 2012. Accessed 9/9/2020. https://history.blog.gov.uk/2012/10/01/margaret-thatcher-and-the-joint-intelligence-committee/.
[92] TNA: CAB 185/27: JIC(80) – Minutes of 9th Meeting, Held on Thursday 29 February 1980 in the presence of the Prime Minister, the Rt. Hon. Margaret Thatcher.
[93] TNA: CJ 4/3301 – "Security Co-ordinator – New Appointment": Northern Ireland Information Service Brief, 12 June 1980.

heavy security posture was being developed and promoted. The telex instructed that 'if asked if this means an increase in intelligence effort you should say also unattributably that the security forces in Northern Ireland naturally depend heavily on intelligence in dealing with terrorism. The more they have the better'.[94] The most significant and immediate change stemming from Oldfield's appointment was the creation of the Joint Operations Planning Committee at Castlereagh,[95] which allowed for the development of a more comprehensive operational security approach, and the single-source coordination and deployment of operations in which all security force bodies could be mobilised.[96] This was a significant development which would see increased support and collaboration between the security forces going forward.

Further, the archival evidence demonstrates that covert action in particular was a key proponent of Thatcher's security strategy, one which not only supported the increased use of intelligence-led operations, but was also reflective of the limitations now faced by overt action as the conflict wore on. Writing his official review of the security situation in Northern Ireland in 1981, Oldfield stressed the absolutely critical role that covert operations needed to play going forward:

> The terrorist organisations have now been refined into relatively small and secure groups. Faced by this threat, the role of overt elements of the Security Forces is largely defensive and deterrent in nature. The successful attack on the terrorist organisations comes from intelligence-based covert operations. […] I am satisfied […] that selective, intelligence-based operations, leading to convictions, still provide the most effective counter to the current forms of terrorism, and, linked to some change in the political balance, offer the best hope of a long-term solution.[97]

There are a few critical points to take from this assessment. First, it is clear that – at least in writing – the intention of intelligence-led covert operations was not one which sought a kinetic operation resulting in the death of terrorists. Rather, as Oldfield stresses, such operations should lead to the *conviction* of these individuals as a way to remove them as players within the violent paramilitary milieu. Second, the focus on intelligence-led operations was also seen as a precursor to creating an environment in which a political

---

[94] TNA: CJ 4/2900 – "Security Coordination in Northern Ireland", Telex with General Distribution from the Foreign and Commonwealth Office, 2 October 1979.

[95] Stephen Dorril. *The Silent Conspiracy: Inside the Intelligence Services in the 1990s*. (London: Mandarin Paperbacks, 1994), 89.

[96] The planning committee had member from the Army, RUC Special Branch, MI5, MI6, and the SAS.

[97] TNA: CJ 4/3301 – Review of the Security Situation in Northern Ireland: Report by the Security Co-ordinator to the Secretary of State for Northern Ireland, November 1981.

solution to the conflict could be developed, and therefore must be seen as being tied to the Thatcher Government's broader political strategy as well. As such, the use of intelligence-led operations during the Thatcher decade was both a key political and security strategy, one which ultimately would have been undermined if a deliberate shoot-to-kill policy were sanctioned at the highest levels of government.

The early Thatcher period also saw the creation of Tasking and Coordination Groups (TCGs), the development of which were reflective of the evolution of security policy changes implemented as a result of the Way Ahead Policy a few years prior. Further, the emphasis on intelligence and covert action for targeted intervention was supported by and critical to the functioning of the TCGs. The role of the TCGs was to act as integrated intelligence centres that were under permanent Special Branch command – specifically, under the command of a detective superintendent, with an army officer acting as a liaison with the Army – in line with police primacy objectives.[98] By late 1979, three TCGs were set up across the province: one at Castlereagh to serve Belfast; one at Gough Barracks in Co. Armagh to serve the south region; and one at Shackleton Barracks in Co. Derry to serve the north region.[99] These TCG locations were also linked up to the newly established interrogation centres, as discussed om Chapter 5, at Castlereagh, Gough Barracks, and Strand Road thereby further centralising the intelligence effort.

In addition to being in line with the ethos of the Way Ahead Policy, the introduction of TCGs was also reflective of a phase in the conflict which shifted once again to a more classic counterinsurgency approach – but one that was ultimately more successful than in the critical juncture period of the conflict due to the shifting emphasis on coordination. As Andrew Mumford highlights, the centralisation of the intelligence effort, albeit within three regional contexts, 'allowed for localised "hot" intelligence to be acted upon without being lost in a hierarchy of authority'.[100] This, in practice, would have allowed for more operations to occur more quickly. Whereas the MRF could, too, launch its own kinetic operations quickly, it had no centralised intelligence coordination effort from which to do so, but rather operated within the guidance of its own intelligence cycle. This lack of oversight, ultimately, impacted upon the potential for questionable moral conduct to occur.

---

[98] Jack Holland and Susan Phoenix. *Phoenix: Policing the Shadows*. (London: Hodder and Stoughton, 1996), 91.
[99] Rory Finegan. "Shadowboxing in the Dark: Intelligence and Counter-Terrorism in Northern Ireland". *Terrorism and Political Violence* 28 (2016): 505.
[100] Andrew Mumford. *The Counter-Insurgency Myth: The British Experience of Irregular Warfare*. (London: Routledge, 2012), 15.

Most importantly, TCGs were also given control of the deployment of all covert units.[101] In this capacity, it had at its disposal the RUC's covert units, a resident SAS troop, and 14 Intelligence Company, in which the TCG retained full control of each group's operational tasking and delegation.[102] In planning these operations, intelligence would come in to the TCG and they would consider at length how to or whether to use it in an operational capacity, and Jon Moran argues that 'armed encounters were only a very small proportion' of the operational activity stemming from these assessments.[103] Moran also argues that the creation of TCGs should not be equated to an increase in kinetic action in the province, as it was not the group's main *modus operandi*, 'particularly as lethal force encounters were few and far between and heavily context dependent'.[104]

However, contrary to this, Rory Finegan argues that the evolution of TCGs allowed for set-piece encounters to become more lethal, insofar as TCGs played a critical role in providing the parameters in which covert units could engage in 'executive action' – that is, 'locking together intelligence […] with the surveillance and ambushing activities of undercover units'.[105] Additionally, it is also important to note that Yellow Card rules were once again updated in late 1980 – this time, rather significantly – in which the instructions were reduced from 22 paragraphs to only six.[106] Most importantly, the new rules offered a more broad basis for kinetic action, in which an operator or soldier could open fire if a person 'is committing or *about to commit* an act likely to endanger life, and there is no other way to prevent the danger', including firing or about to fire a weapon, planting/detonating/throwing a bomb, or deliberately driving a vehicle at a person.[107] This broadening of engagement rules does, inevitably, lead to questions regarding the suitability of set-piece encounters with terrorists that occurred during the 1980s and the increased potential for kinetic action as a result.

---

[101] TNA: CJ 4/2944 – "Active Covert Operations", Annex to a Letter from I.M. Burns to J.A. Daniell, 11 May 1979; TNA: CJ 4/7419 – Combatting Terrorism in border Areas: Joint Directive by the Chief Constable and the General Officer Commanding, 20 May 1988.
[102] Finegan, 506.
[103] Moran. *From Northern Ireland to Afghanistan,* 46.
[104] *Ibid*., 46.
[105] Finegan, 507.
[106] TNA: CJ 4/5158 – "Rules for Opening Fire", Letter from C. Davenport (NIO) to ACC David Cushley (RUC), 13 October 1980.
[107] Emphasis added. *Ibid*.

The Proliferation of Covert Units in the 1980s

As alluded to previously, for the British state, the overarching lesson from the morally problematic conduct of the MRF in the kinetic action space was not to completely move away from the use of covert intelligence units, but rather continue their use in a modified capacity. This evolution in use was one which developed alongside the centralisation of the intelligence machinery in the province, and this critical change prevented a covert unit from taking unilateral action, like the MRF did when it was the sole covert unit operating in the province and within its own intelligence cycle. Rather, the centralisation of the intelligence machinery resulted in the centralisation of intelligence operations, in which covert units would frequently work in tandem with one another, or in a sole capacity but with the support of and direction from the rest of the machinery involved. This, in practice, meant that any operations undertaken were done so with the oversight of a centralised intelligence effort, which does raise some interesting questions regarding where the responsibility for moral conduct in the intelligence space resides.

An important place to start with the evolution of covert units is with one of the direct evolutionary descendants of the MRF. 14 Intelligence Company, also known as the 'Det', was, like the MRF, under the control of the Army. However, although it followed in the footsteps of the MRF, it is unclear as to the exact date when the unit was created, but it would have been sometime in the late 1970s after the SRU – the direct successor the MRF – was wound down.[108] Cursey highlights that while the MRF had taken on 'all these offensive, defensive, and surveillance roles ourselves', the Det was restructured so that it took on a more passive, surveillance role in the intelligence collection space.[109] According to a former Det operator, James Rennie, the unit had 'complete freedom' to plan its surveillance operations and 'fulfil the missions we received' from the TCGs, who would 'usually defer to our judgment on operational matters' when dealing with the 'hard areas' of the province.[110] Another former operator, Sarah Ford, highlights that each operation would be conducted based on information fed to them 'from the spooks and Special Branch', and based on this,

---

[108] Some of the literature argues that the SRU and the Det were one and the same; however, there is not concrete evidence to back this up. According to the autobiographies of former operators, it seems that the Det's creation dates to the late 1970s, once the Way Ahead Policy was formalised into practice, and there was a strategic shift toward the long war approach for the security forces. For more on Det's creation, see: Cursey; Sarah Ford. *One Up: A Woman in Action with the SAS*. (London: HarperCollins Publishers, 1997); Jackie George and Susan Ottaway. *She Who Dared: Covert Operations in Northern Ireland with the SAS*. (Barnsley: Leo Cooper, 1999).

[109] Cursey, 78.

[110] James Rennie. *The Operators: Inside 14 Intelligence Company – The Army's Top Secret Elite.* (London: Century, 1996), 190.

they would plan their operation, follow a target to report back on their actions, gather more information to form further operations, and so on – the effort of which was to 'swell the intelligence agencies' knowledge of known players and to help build a three-dimensional portrait of grassroots activities'.[111] In Ford's own words:

> When you're conducting surveillance you get to know all the nitty gritty of the terrorists' sad little lives. You know their full names, their nicknames, what brand of beer they drink, how many children they have, where their wife shops, where she holds down her little cleaning job, where their kids go to school, who they're shagging on the side, all their vehicle details, and most crucially of all, where they go to socialise – that is, meet other known players. All this minutiae brings them right down to size.[112]

Further, Rennie stresses that the role of the Det was not to 'initiate ambushes on armed terrorists', but not for reasons one may think; rather, he explained that 'anyone who opens fire in Northern Ireland is likely to have to appear in relatively open court and such public exposure would inevitably compromise a covert operator's future usefulness'.[113]

Some things between the MRF and the Det had remained the same, however; for example, they continued to be a unit within the province that gave equal focus to both loyalist and republican paramilitary violence.[114] The Det also remained steadfast in its recruitment of both men and women as operators,[115] in operational roles, which continued to make them an outlier in the overall security force machinery.[116] Further, although to a significantly lesser extent than the MRF, the Det did run its own agents. While Special Branch had the lead in the 1980s on running agents, the Det played a role in recruiting those individuals of interest who refused to engage with Special Branch.[117] Within that role, too, the Det also provided the current intelligence, gleaned through their surveillance activities, that would work to bolster the information that had been provided through agents, both their own and from other agencies within the security force framework. As 'Alan', one former Det operator recalls, '14

---

[111] Ford, 156.

[112] *Ibid.,* 169.

[113] Rennie, 156.

[114] Rennie, 191.

[115] See: Ford; George.

[116] Other forces had recruited women, but these were not in operational roles. For example, there was the Women's Section within the RUC reserve force and some women had been recruited into the UDR by the late 1970s, but they were not allowed to carry arms, and their roles were reserved for positions where it was assumed a feminine touch – such as domestic assault – was required. See: TNA: CJ 4/128 – Note of a Meeting at the Royal Ulster Constabulary Headquarters on Thursday, 5 October 1971; TNA: CJ 4/2164 – The Future Role and Organisation of the Ulster Defence Regiment, Document Prepared by HQNI, 15 February 1978.

[117] Moran. *From Northern Ireland to Afghanistan,* 38.

Intelligence Company was set up to provide the surveillance that would generate the positive intelligence that would support – or not – source information. It was vital in the war against terrorism'.[118] This is an important example of how, within the newly centralised intelligence machinery that was evolving from the late 1970s onward, covert units could be used in support of both police primacy needs and greater intelligence collaboration across the board.

From the late 1980s, the Det's collection capabilities saw a significant increase in sophistication, stemming from the evolution of technical and electronic surveillance capabilities that occurred during the decade. For example, according to one of the Det's technical surveillance experts operating during this era, the information they were able to collect from 1987 onward meant that they no longer had to remain predominantly reliant on physical surveillance and HUMINT.[119] Advances included live, real-time video feeds transmitted by microwave link to intelligence-monitoring stations more than 50 miles away; covert cameras, used for cross-border surveillance; and, tiny lens cameras for close surveillance, usually hidden in rocks or walls.[120] What this meant, in practice, is that operators were less likely to be involved in high-risk collection activities – and this had an impact not only on the intelligence picture, but on the risk posed to the operators themselves, which previously had been quite high indeed.

As Ford writes in her memoirs, the risk of being caught performing covert collection were significant: 'the consequences of being compromised were always in the back of your mind […] if [PIRA] didn't slot you immediately, you faced the prospect of hours of torture'.[121] Further, Ford also recalled finding the body of a fellow operator, Corporal Paul Harmon, a day after he was 'lifted in the Turf Lodge, a bad-arse area of Belfast […] Geneva Convention? I think not'.[122] Although another operator, 'Frank', was never caught by PIRA, he still suffered from what would now be described as post-traumatic stress even after leaving the province. For him, 'frustrations grew and the ghosts of Ireland would not go away'; he began bugging and surveilling his own wife, who he had suspected of having an affair, but speaking retrospectively, insisted that he had no regrets about his service.[123] Although there is not a huge amount of primary source material on this subject, it is important to stress that the human cost of covert action was not just suffered by those on the receiving end of that action,

---

[118] "Alan", as quoted in: Taylor. *Brits*, 7.
[119] As quoted in: Taylor. *Brits*, 300.
[120] *Ibid.*, 300-301.
[121] Ford, 9.
[122] *Ibid.*
[123] "Frank", as quoted in: Taylor, *Brits*, 7.

but also those undertaking it as well – a cost which, for operators like 'Frank', was held deeply for the remainder of his life.

The SAS were the other branch of the Army that were acting as a covert unit within the province during the 1980s, alongside the Det. While they had been deployed in a small capacity during the critical juncture period,[124] they did not formally have a permanent place within the province's intelligence machinery until 1976 – one which was described officially as 'patrolling and surveillance'[125] exclusively within the difficult border regions of South Armagh.[126] Even from the outset of their deployment, efforts were made to ensure that any questionable kinetic engagement with terrorists could not 'unjustifiably be blamed on the SAS' if they were not involved, accomplished by forensically testing all their weaponry before deployment.[127] Very soon after their permanent deployment to the province, discussions began regarding the expansion of their presence outside of South Armagh, particularly between the General Officer Commanding (GOC), Northern Ireland Secretary Roy Mason and Defence Secretary Fred Mulley,[128] but these discussions were cognizant that their expanded remit was 'liable to excite disproportionate interest' in the province[129] and that it would once again bring up questions about whether or not state-sanctioned assassination squads were operating in Northern Ireland.[130] In other words, as early as 1976 it was not lost on ministers that the presence of the SAS in the province was likely to be interpreted as problematic and that the kinetic nature of their existence could potentially bring up some unwanted questions about the necessity of such hard force being used in a domestic context.

---

[124] For example, it seems that the SAS were used to conduct interrogations in the post-Compton Inquiry period, according to allegations made by those who had been arrested between December 1971 and January 1972. The predominance of allegations of brutality made during this period, according to this document, were against SAS interrogators. However, the archive is neither unclear as to the provenance of this SAS force, its size, nor how long it had been in the province. See: TNA: CJ 4/241 – Collection of Statements from Civilians Regarding Allegations of Brutality Against the Army and the RUC in the Post-Compton Period, February 1972.

[125] In fact, this document outwardly states that all denials should be made that the SAS had previously served in the province. TNA: FCO 87/582 – Speaking Notes for the Prime Minister on Deployment of Elements of the SAS to Northern Ireland, 8 January 1976.

[126] TNA: CJ 4/1291 – Letter to the Rt. Hon. Roy Mason from the GOC NI, 11 November 1976.

[127] TNA: FCO 87/582 – "SAS Weapons", Letter from the Ministry of Defence to Julian Hartland-Swann (Republic of Ireland Department, FCO), 19 January 1976.

[128] TNA: FCO 87/582 – "SAS Weapons", Letter from the Ministry of Defence to Julian Hartland-Swann (Republic of Ireland Department, FCO), 19 January 1976; TNA: CJ 4/1291 – Letter from the Rt. Hon. Roy Mason to the Rt. Hon. Fred Mulley, 18 November 1976.

[129] TNA: CJ 4/1291 – Letter from the Rt. Hon. Roy Mason to the Rt. Hon. Fred Mulley, 18 November 1976.

[130] TNA: CJ 4/1291 – Letter to the Rt. Hon. Roy Mason from the GOC NI, 11 November 1976; TNA: CJ 4/1291 – Defensive Brief for sue when SAS Operations are Extended, December 1976.

Regardless, the SAS' operational remit was expanded to the entire province by 1977,[131] in response to increasing republican paramilitary violence.[132]

By late 1978, questions had already begun to emerge regarding the SAS' conduct. This had stemmed from the fact that, in 1978 alone, the SAS was responsible for killing three civilians and seven PIRA volunteers.[133] However, Westminster remained steadfast in the appropriateness of their use in a domestic scenario, even from a legal standpoint. Writing to the Attorney General in December that year, Secretary of State Mulley stressed that to prosecute SAS soldiers for morally and/or legally problematic conduct would be detrimental to the overall security effort, and that the government would continue to support them:

> […] we might even have to abandon [covert operations], if the SAS and other soldiers involved in such operations felt that they could no longer act decisively when necessary because of the possibility that they would subsequently be prosecuted for doing so […] covert surveillance […] is a 'high-risk' policy and, if it is to continue, the soldiers involved must be confident that they will be supported by those of us who adopted the policy.[134]

Although the archival record is more scarce on having declassified documents relating to the Thatcher Government's opinions on the use of the SAS, evidence of their continued and more robust deployment during the 1980s is quite indicative of Thatcher following the precedent and supportive ethos established under her predecessor, James Callaghan. A further indication of this reality is the fact that by the mid-1980s, SAS tours were extended to 12 months,[135] contrary to the Army's regular troop deployments of only four months, which is likely indicative of a growing desire for SAS soldiers to have a more longstanding operational and background knowledge regarding their milieu, thereby allowing them to engage based on a more robust understanding of the conflict and its players.

The kinetic action of the SAS relied heavily on the groundwork of the Det to ensure that their operations were based on a solid intelligence picture of the task at hand, and this relationship only matured as the 1980s unfolded. Although the Det may have been able to independently plan its surveillance operations to fulfil its intelligence collection role, unlike

---

[131] TNA: CJ 4/1668 – Commander Land Forces' Directive for Future Operations, January 1977.
[132] For example, Mark Urban argues that this was in response to increasing republican violence, such as the Kingsmill Massacre of 1976, in which the South Armagh Republican Force stopped a bus full of Protestant workmen and gunned down everyone inside, aside from the Catholic driver. Urban. *Big Boys' Rules*, 4.
[133] Moran. *From Northern Ireland to Afghanistan,* 41.
[134] TNA: CJ 4/2527 – Letter from the Defence Secretary to the Rt. Hon. Fred Mulley to Attorney General the Rt./ Hon. Samuel Silkin, 19 December 1978.
[135] Taylor. *Brits*, 254.

the MRF, the Det also acted in support of other elements of the security machinery – and particularly the SAS.[136] While this will be discussed in detail below, this was the exact arrangement that led to the operational realities of the Loughgall Police Station incident. According to Rennie, operations would frequently manifest as such: the Det would provide the information about an upcoming terrorism-related event; however, in situations where the RUC could not be called in to arrest because of difficult operational circumstances, such as insufficient operational time, the Det would support the deployment and operation of the SAS: 'the SAS troop would be tasked to lay an ambush, the primary mission of which would be to arrest the terrorists. If armed terrorists do not surrender when challenged they are shot dead'.[137] But it is also important to stress that the Det were not standing idly by during these scenarios. Rather, they were on the ground with the SAS, and the SAS-backed training they had to undertake as part of their selection process made them equally-skilled operators in the field.[138] In this way, the SAS and the Det frequently worked in tandem during operations which occasionally led to kinetic action, some of which have been cited as examples in an alleged shoot-to-kill policy.

Finally, it is critical to note that the RUC also began to develop and operate its own covert units after Special Branch underwent a significant rehaul after the introduction of police primacy as part of Way Ahead. In line with that policy, the idea was that these covert units would be the first line of operational capacity in dealing with terrorism scenarios, whereas the SAS and the Det were deployed in scenarios where this was not possible[139] – for example, in the border regions where the levels of violence were so high that an RUC presence still remained unsustainable and untenable during the 1980s,[140] or where the

---

[136] This is according to a number of former operators. See: Ford; George and Ottoway; Rennie.

[137] Rennie, 159.

[138] Many former operators point out that their training was based SAS principles and frequently implemented by SAS trainers. Female operators, too, were expected to undertake the same training. Ford; George and Ottoway; Rennie.

[138] Rennie, 159.

[139] Rennie describes in detail how the division of responsibility between the different covert branches manifested during the 1980s. Rennie, 156.

[140] The area known as "Bandit Country", in which the RUC still had little operational capacity during the 1980s, encompassed the border regions of South Armagh, North Derry, and East Tyrone. The border regions were particularly difficult to control due to the porousness of the border and difficulty in ensuring that security forces south of the border such as the Garda Síochána – the Republic's police force – were equally steadfast in pursuing terrorists as they crossed between the Republic and the North. While Special Branch became increasingly successful throughout the 1980s of penetrating urban areas such as Belfast and Derry, they were reliant on military intelligence and Army forces to engage in that activity in the rural areas. See: TNA: CJ 4/3301 – Review of the Security Situation in Northern Ireland: Report by the Security Co-ordinator to the Secretary of State for Northern Ireland, November 1981; TNA: DEFE 25/532 – Northern Ireland: Monthly Intelligence Summary, 6 December 1982; TNA: DEFE 25/532 – Operational Summary: 1 January to 28 February 1983.

likelihood of needing a harder kinetic Army-related force was suspected. In practice, this meant that the SAS and the Det were more likely, by the space they occupied within the division of covert action in the intelligence machinery, to engage in more kinetic operations than the covert units under the supervision of Special Branch. Although these police-related covert units do not feature as heavily in the set-piece encounters that will be analysed in the following section, discussing their existence and *modus operandi* is an important exercise in highlighting that all branches of the intelligence machinery – military, police, and secret services[141] – all had operators functioning in a covert capacity.

Initial discussions as to what covert operational role any unit of the RUC should play started in December 1978,[142] and, if such a role 'is to mean anything', it would require the RUC to 'develop all of the skills associated with a modern police force in an increasingly violent society'.[143] However, there was a deep questioning 'whether the use of these paramilitary skills' would 'impair the ability of the RUC to become accepted by the community as a whole',[144] and there was a lengthy series of discussions over the course of two years between various ministries, the MOD, and the Army regarding where command and control roles needed to fall. This was a significant calculation to be made not just within the ethos of police primacy, but also based on the historical bias of the RUC which had made it so unacceptable to the Catholic community during the critical juncture period of the conflict. And, it seems that some lessons learned from the critical juncture period had followed security policymakers into the new decade – an example of the ramifications of poor moral conduct in the intelligence practice being used to improve future practice. Discussing this matter in 1979, the observations of Cabinet Secretary Sir Robert Armstrong after a visit to the province noted that 'what we do have to guard against is the evolution of a paramilitary force in the sense of the B-Specials; it is harmful for uniformed policemen to be seen touting machine guns and deploying in a military fashion'.[145] As such, it was within this

---

[141] While there is very little detail about any specifics regarding covert action undertaken by MI5, it is safe to assume that – given the nature of their general *modus operandi* as intelligence operators – MI5 was undoubtedly undertaking covert activities, particularly in relation to surveillance and collection. Further, according to a former Det operator, MI5's covert surveillance role was frequently undertaken in situations where Special Branch did not have the resources or skills to conduct those activities themselves; as such, they were generally responsible for handling the technical expertise, such as bugging, for Special Branch from the 1980s onward. For more, see: Rennie, 156.

[142] TNA: CJ 4/2527 – Letter from the Permanent Under Secretary for the Northern Ireland Office Sir Brian Cubbon to the Permanent Under Secretary to the Home Office Sir Robert Armstrong, 21 December 1978.

[143] TNA: CJ 4/2844 – "Visit of Sir Robert Armstrong", Note from J.A. Daniell to the Permanent Under Secretary to the Northern Ireland Office, 9 May 1979.

[144] *Ibid.*

[145] *Ibid.*

mindset where the strategic approach for using the SAS with Det support as a course of action only in instances where RUC covert units could not be successfully deployed.

While a covert division called Bronze Group had been set up by the RUC's Special Patrol Group in 1976[146] to conduct covert surveillance, this effort was small, 'evidently something of an experiment',[147] and was quickly overshadowed by the more permanent covert units that were created soon after. Over 1980 and 1981, Special Branch was reorganised into several different E divisions, the most relevant to the covert operations conversation were E3 (intelligence) and E4 (operations), who worked in support of one another.[148] E4 had within it E4A, who conducted surveillance; E4B, which consisted of the Headquarters Mobile Support Units (HQMSUs), who carried out covert operations in support of E4A; and as well as E4C/D, who carried out technical surveillance.[149] Detective Superintendent Ian Phoenix, who played a significant role in the setup of the E4 units, noted in his diaries that the aim in creating E4A in particular was to provide province-wide coverage for surveillance operations, but that it also went through a series of restructuring during its initial years as the overall machinery came to terms with increasing centralisation.[150] E4 also fed intelligence back into the TCGs for further operational conduct with the other covert units, and vice versa.[151] Although the evidence does not appear in the archive, secondary source materials suggest that HQMSUs were similar to the Det in terms of their covert role,[152] and while they did receive SAS training in 'surveillance and ambush', they did not engage as kinetically as the SAS did in the province[153] – in line with the political discussions noted above.

However, according to former Det operators, the covert units operating within the RUC structure brought with them some of the old RUC issues, particularly relating to sectarian bias in targeting and collection. For example, writing in her autobiography, Jackie George recalled being frustrated by the lack of impartiality shown by the RUC:

> I believe that I had been sent to Ireland to help bring terrorists to justice and to make it a safer place in which everyone, Protestant and Catholic alike, could live. Of course I know that the RUC recruited almost entirely from among the

---

146 Mumford, 112.
147 TNA: CJ 4/2844 – "Visit of Sir Robert Armstrong", Note from J.A. Daniell to the Permanent Under Secretary to the Northern Ireland Office, 9 May 1979.
148 Dorril, 91.
149 *Ibid*.
150 Holland and Phoenix, 77.
151 Dorril, 90.
152 Dorril, 90; Holland and Phoenix, 78; Taylor. *Brits*, 242.
153 Finegan, 505.

Protestant population, but surely the police were meant to be impartial. How on earth would the situation ever change if a police force, entrusted to keep the peace between all sections of society, actively pursued Republican terrorists whilst turning a blind eye to the actions of the Protestants?[154]

George refers here to a particular incident in which the Det was called into a Protestant area to surveil an alleged arms cache. When her and her fellow operator saw the transfer happen between two suspect vehicles, they trailed the car and called the RUC in to arrest. However, they were told to stand down and were subsequently debriefed by the RUC, who told them that 'under no circumstances were any records to be kept' of the incident.[155] In practice, though, this could be one of two phenomena; the first, that indeed, the RUC were still operating under the bias which had led to problematic moral behaviour, as evidence both in the critical juncture period and before; or, that those being surveilled were somehow connected to the RUC's tout network that was increasingly being expanded during the 1980s. Indeed, perhaps, it could have been a circumstance which was precipitated by both.

For better or for worse, with lessons learned and lessons ignored from the critical juncture period, one of the key themes of the security picture during the 1980s was the development and proliferation of covert units within an increasingly centralised intelligence machinery. These were units and operators that were evidenced within the military, police, and secret service structures and, comparatively to the first four years of the conflict, found themselves working in much greater cooperation and in much greater support of one another. However, sometimes those collaborations lead to deadly kinetic action, in which terrorists were killed in instances where – it is argued – arrests could have been made. As such, the following section will investigate three of those kinetic engagement incidents, where questions regarding Westminster's alleged shoot-to-kill policy truly came to the fore.

---

[154] George and Ottaway, 126.
[155] *Ibid*., 125.

<u>Set-Piece Encounters; Shoot-to-Kill? The Experiences of Belfast, Loughgall, and Gibraltar[156]</u>

The security policy changes undertaken and implemented during the late 1970s and early 1980s significantly impacted, positively, upon the intelligence picture for the remainder of the conflict. By the end of the 1970s, one regular soldier in eight was directly involved in intelligence work.[157] By 1980, Special Branch had managed to build up a comprehensive picture of PIRA's Northern Command, including a list of 27 names of Belfast's top Provisionals.[158] And, a decade later, it is estimated that 80% of all PIRA-related attacks were either stopped entirely or interdicted by the security forces due to the sophistication of the intelligence machinery.[159] Further, as Mark Urban and Bradley Bamford argue, the accuracy and reliability of intelligence product being produced during the 1980s meant that the security forces often had foreknowledge of attacks,[160] and that shift toward being able to use pre-emptive intelligence in order to stop attacks became a hallmark of the conflict by 1983.[161] This positioning would have offered the security forces two options in situations when an attack was known to be imminent: 1) arrest if irrefutable evidence existed which could guarantee prosecution – for it is critical to remember here that intelligence alone does not meet the same threshold of admissibility as does hard evidence, and; 2) allow terrorist operations to go ahead with the aim of catching them 'in the act', thereby alleviating the need to square the intelligence-to-evidence issue.

As Rimington highlights, the implementation of the first option can be the most difficult, even when the intelligence is good:

> The objective of a counter-terrorist operation is to be there first, so that the terrorists can be thwarted and the bomb does not go off. By the nature of things, intelligence will nearly always be partial, so it is rarely clear exactly what is planned. When a crisis develops, when the partial information indicates that a terrorist operation is imminent, it frequently comes down to assessing the risk of doing nothing against that of doing something and possibly getting it wrong.[162]

---

[156] Set-piece encounters are defined as pre-planned kinetic, often military-centric, confrontations used to 'eliminate a threat', and can only be functionally used in a scenario where an effective intelligence capacity is in operation. For more, see: Fionnuala Ní Aoláin. *The Politics of Force: Conflict Management and State Violence in Northern Ireland*. (Belfast: The Blackstaff Press, 2000), 62.
[157] MOD. *Operation BANNER: An Analysis of Military Operations in Northern Ireland.* (London: Her Majesty's Stationery Office, July 2006), 2-11; Mumford, 110.
[158] Holland and Phoenix, 83.
[159] Neumann, 156.
[160] Bamford. "The Role and Effectiveness". *Intelligence and National Security* 20 (2005): 594.
[161] Urban. *Big Boys' Rules*, 162.
[162] Stella Rimington. *Open Secret*. (London: Arrow Books, 2002), 209.

Even when the intelligence coming in is good, and can essentially be used in a pre-emptive capacity, an operational approach in attempting to stop an attack is not as straightforward as it may initially appear, and a calculation between taking and not taking action must be made. Further, David Omand highlights that in circumstances where pre-emptive intelligence is available, it can create an environment in which security forces can take 'effective action to protect the public […] with minimum disruption to the community'; it allows, in respect of state action, 'the bludgeon to be exchanged for the rapier', and, as such, a more precision-like blow to the enemy in question.[163] As a pre-emptive intelligence capacity was developed and operationally implemented as the 1980s wore on, it brought with it some difficult calculations within the moral conduct in intelligence practice conversation: first, what value there was in arresting suspected terrorists ahead of planned action; second, that creating set-piece encounters, in which security force action would not be taken until the moment the figurative bomb was dropped, would likely lead to oft-deadly kinetic action; and third, it brought up serious questions about whether or not the use of pre-emptive intelligence was to be applied equally on both sides of the sectarian divide. It is from these difficult calculations, and their application on the ground, that questions regarding whether or not the British state was operating a shoot-to-kill policy came to the fore.

The first incident to examine is that of the Loughgall Police Station ambush, an operation carried out on 8 May 1987 between the SAS and the Det in which PIRA's East Tyrone Brigade – consisting of Declan Arthurs, Seamus Donnelly, Tony Gormley, Eugene Kelly, Patrick Kelly, James Lynagh, Patrick McKearney, and Gerard O'Callaghan – was in the midst of planting a bomb. It was PIRA's largest loss of life in a single incident during the Troubles.[164] The station, located in Co. Armagh, was not a heavily manned station – only open four hours a day – which made it seem like an easy place to attack.[165] The intention of the attack was to use a digger to push into the station compound, ram a car behind it so it could not be moved, and leave behind a 200lb bomb within the digger's bucket.[166] This was a consistent *modus operandi* for the East Tyrone Brigade, who had undertaken similar (and successful) attacks from the mid-1980s.[167] Moreover, they were known as particularly brutal

---

[163] David Omand. "Reflections on Secret Intelligence", in *The New Protective State*, Peter Hennessy ed. (London: Continuum, 2007), 102.

[164] BBC Spotlight. "Spotlight on the Troubles: Episode 4 – Secret Intelligence War Against the IRA". *British Broadcasting Corporation*, 1 October 2019.

[165] Taylor. *Brits*, 274.

[166] *Ibid*.

[167] George and Ottaway, 166.

operators from a particularly violent part of the province, and Jackie George, who was part of the Det squad assisting the SAS that day, recalled them as such: 'we knew that it was possible that the operation could succeed, as the active service unit (ASU) was a skilled and highly professional unit. We had the heavy responsibility of stopping it'.[168] Further, it is also important to note, from a threat perspective, that by the time Loughgall had happened, PIRA capabilities overall had changed as a result of a significant arms shipment from Libya; while they had previously not had heavy weaponry, the shipment provided them with machine guns, AK-47s, and the difficult-to-detect plastic explosive known as Semtex.[169] PIRA, by this juncture, had the capabilities of inflicting serious and extensive damage due to their increased weaponry from international sources.

Due to the location of the station, TCG South would have been given the operational command of dealing with this threat. However, as George suggests in her autobiography, the initial desire was not to ambush the ASU as it was planting the bomb. George's Det team and E4A had mounted surveillance operations on the Brigade over an extended period to gather enough information that could lead to their arrest beforehand, but this strategy could not come to fruition as the intelligence coming in could not support prosecution.[170] However, their intelligence did provide them with a clear picture of operational plans.[171] The aforementioned Detective Superintendent Phoenix was head of TCG South at this juncture, and while he does not go into significant details in his diaries about Loughgall, perhaps for obvious reasons, he would have been responsible for crafting the operation which led to the initial ambush.[172] As a former unnamed Special Branch colleague of his noted, in relation to the ambush:

> None of these operations were set up with a deliberate aim of killing anyone, but because of the firepower in the hands of the terrorists and their willingness to use it, their deaths were unavoidable. [Phoenix] did not celebrate after these deaths. He regretted that anyone had to die. But he knew as commander of TCG(S) it was his job to coordinate an operation on the intelligence provided and, using the right agencies, thwart the terrorists' plans.[173]

---

[168] *Ibid.*
[169] Taylor. *Brits*, 272.
[170] George and Ottaway, 166.
[171] *Ibid.*
[172] For more, see: Holland and Phoenix.
[173] Holland and Phoenix, 164.

While this thesis will not go into a detailed breakdown as to how the operation unfolded, it is important to note that the SAS were stationed at Loughgall in anticipation of the attack, and once the digger had impregnated the compound and the armed Brigade members allegedly began shooting at the station, the SAS returned fire.[174] The bomb then detonated and badly damaged the station,[175] and two civilians were also caught up in the crossfire, one of whom – Anthony Hughes – died.[176]

According to a number of operators who had participated in the incident, the operation had been a great success. George recalls that the SAS were 'like small children, excitedly re-enacting the parts that they had played that afternoon', and that when it had been confirmed that the entire Brigade had been killed, 'a great cheer went up […] the party mood lasted for days'.[177] Another former Det operator, 'Anna', recalls that the Det too 'were jubilant about it, there's no two ways about it. We thought it was a job well done […] it was a huge blow for [PIRA] and a big victory for the security forces, a "coup" if you like'.[178] In reflecting on the incident, another former Det operator, 'Matt', framed it as a form of operational survival:

> I hate to see anybody being killed, but they were there to kill us. If we hadn't been there, the police officers in the station would have been annihilated. These guys were responsible for lots and lots of deaths in that area and other parts of the province. Dead terrorists are better than dead policemen.[179]

'Matt', in his assertion of the lethality of the Brigade, was not wrong. Forensics carried out on the PIRA weapons found at the scene confirmed that they had been previously used in eight murders and 33 shootings.[180] And, the impact of the Brigade's eradication upon the security situation in Armagh and further afield cannot be discounted. An Army source codenamed JR stressed that 'their removal brought about a great deal of ease within Tyrone […] their demise saved countless lives'.[181] An unnamed Special Branch detective working in the county backed up this sentiment too: 'they stood the entire brigade down after Loughgall.

---

[174] Peter Taylor. *Provos: The IRA and Sinn Fein*. (London: Bloomsbury, 1998), 273.
[175] Graham Ellison and Jim Smyth. *The Crowned Harp: Policing Northern Ireland*. (Dublin: Pluto Press, 2000), 122.
[176] Raymond Murray. *The SAS in Ireland*. (Cork: Mercier Press, 1990), 380-383.
[177] George and Ottaway, 168.
[178] "Anna", as quoted in: Taylor. *Brits*, 277.
[179] "Matt", as quoted in: *Ibid*.
[180] Taylor. *Brits*, 277.
[181] "JR", as quoted in: Martyn Frampton. "Agents and Ambushes: Britain's 'Dirty War' in Northern Ireland", in: *Democracies at War Against Terrorism*, Samy Cohen ed. (New York: Palgrave Macmillan, 2008), 92.

It totally wrecked them mentally. They'd lost all confidence. Nobody was in a rush to join or at least nobody with any sense. After Loughgall they were never the same'.[182] Kieran Conway, a former head of PIRA's intelligence unit, recalled the impact of the attack on PIRA's psyche, too: 'any time volunteers are wiped out like that there's great despondency, particularly as I knew a few of them and I was despondent as well'.[183] Finally, there was a political advantage to the removal of the East Tyrone Brigade too. They had been the unit within PIRA who had was most against the political programme of Sinn Féin and the shifting of the republican movement away from violence. In fact, their desire to *increase* the violent campaign had been shot down by PIRA Council, and this approach by the Brigade effectively ended after Loughgall.[184]

Important to note within both the Loughgall and Gibraltar contexts, the latter to be subsequently discussed, is where government thinking was in terms of approaches that security forces could take as the intelligence picture improved and more precise action could be taken against terrorists. There is, of course, no declassified document existing in the archive which would state explicitly that a shoot-to-kill policy was in operation and sanctioned at the highest levels of government. However, what the archive does provide is an insight into what kinds of ideas were being thrown around by policymakers as potential options for engagement. In this respect, one critical document exists. Writing to the Permanent Secretary of State at the Northern Ireland Office (NIO) Brian Cubbon in 1976, J.B. Bourn – himself the Permanent Under Secretary at the NIO – provided both an overview of the current security situation and potential ideas for future engagement. On the latter point, he stated:

> I think we have to consider and examine why the Army kill so few terrorists. We all know the common sense reasons why this is difficult; it is obvious that terrorists are not going to present easy targets to infantrymen. Nevertheless, we all acknowledge the value of those cases where the Army does kill terrorists in the conduct of direct operations. *We therefore need to think out how more terrorists might be killed in direct operations.* One possibility that might be examined is the idea of ambush. Terrorists frequently set up ambushes for soldiers. Why should soldiers not set up ambushes for the terrorists? I do not minimise the difficulties here […] I realise that it is easy enough to sit in London

---

[182] Unnamed Special Branch detective, as quoted in: William Matchett. *Secret Victory: The Intelligence War that Beat the IRA*. (Lisburn: Hiskey Press, 2016), 23.
[183] BBC Spotlight. "Spotlight on the Troubles: Episode 4".
[184] There were other covert attacks on the East Tyrone Brigade during the 1987-1992 period which also facilitated this ideological shift. Moran. *From Northern Ireland to Afghanistan,* 49.

thinking up these ideas and quite another thing to do anything effective about them on the ground in Northern Ireland.[185]

The extremity of this statement should not go without analysis. Whether this opinion is an anomaly, or whether this document happened to slip quietly through declassification processes undetected where other such similar documents did not, cannot be substantiated. Therefore, a direct assessment on whether or not – or how – ambush-like scenarios were sanctioned, knowing they would lead to terrorist deaths, equally cannot be made. But what is critical here is that the idea of augmenting the level of fatally kinetic engagement with terrorists who, ultimately, were still British citizens, was being discussed at the highest levels of the NIO in the 1970s. Ultimately, this seems to be a calculation of pitting, in policymakers' eyes, the lesser evil of terrorist deaths against the potential violence they could cause if left to continue living within Northern Irish society.

Further, the archival record shows that policymakers, even about a decade later, were still trying to find ways to expand what options were available to the security forces, albeit this time with new problems. Discussions throughout 1987 focused on finding solutions amidst two realities: the increased precision of the intelligence picture that could lead to pre-emptive action, and the difficulties in securing prosecution for terrorists and keeping them in prison. For example, in a written minute seeking to discuss measures to assist the security forces, the document describes the difficulty of evidence leading to prosecution; that 'even though there was absolutely clear intelligence information to show exactly who [the terrorists] were and what role they played', it did not amount to prosecutable evidence, and the discussion sought to determine what more could be done to 'prevent terrorist crimes'.[186] These discussions, moreover, cannot be seen as stemming from nowhere. Rather, the failure – and subsequent disuse – of the Diplock Court system must also be kept in mind when considering how policymaking was emerging during the late 1980s. The difficulty here is clear: as the intelligence picture grew increasingly sophisticated, it was not one which resulted in the ability to prosecute. However, whereas this was an issue initially encountered in the immediacy of the post-critical juncture period, the difference at this stage in the conflict is that the intelligence machinery had improved so dramatically that the option of pre-emptive engagement became ever-more possible and appealing.

---

[185] Emphasis added. TNA: CJ 4/1291 – Note from J.B. Bourn to Permanent Under Secretary B.C. Cubbon, 24 November 1976.
[186] TNA: CJ 4/6931 – "Measures to Assist the Security Forces", Mr D.J.R. Hill's Minute to PS/Secretary of State, 11 March 1987.

A few months after this initial discussion – and a month after Loughgall – a background paper on combatting terrorism continued to discuss different approaches as to how to get terrorists 'out of circulation', again stressing the difficulty in both bringing them to prosecution and keeping them in prison. Ultimately, the background paper concluded that 'executive detention' introduced without warning – that is, a rehashing of the old controversial internment policy used during the critical juncture period, but this time with the advantage of a better intelligence picture from which to draw detention lists – would be the ideal option to take terrorists 'out of circulation', but the paper acknowledged that this was not a realistic option as 'it would almost certainly alienate the minority community'.[187] From a high level, these discussions are demonstrative of the difficulties faced by Westminster at the time of Loughgall and Gibraltar: one in which the intelligence machinery had improved so dramatically as to provide the potential for stopping terror attacks, but not one in which advanced evidence was sufficient to prosecute and detain – alongside the collapse of the Diplock Court system – and one in which the lessons learned from previously applied morally-problematic security policy prevented those options from becoming policy again.

Regardless of whether Bourn's suggestion to increase the use of ambush-like scenarios to kinetically (and fatally) engage with terrorists was ever formally adopted as policy, the spirit of his suggestion is perhaps best exemplified by Operation FLAVIUS: the Gibraltar incident of 6 March 1988. In recalling the incident, Rimington, who would have been the newly appointed director of counterterrorism at MI5 at this juncture, called Gibraltar 'a classic example of the difficulty of counterterrorism work' – that is, calculating the risks of whether to arrest beforehand or intervene at the last minute, when it is absolutely certain what the intentions of the terrorists are.[188] FLAVIUS was the operational name given to counter an attack by PIRA's Belfast Brigade – consisting of Seán Savage, Daniel McCann, and Mairéad Farrell – who were believed to be mounting a car bombing attack against Army personnel stationed in Gibraltar. Unlike Loughgall, MI5 had the lead on the operation because it was taking place outside of Northern Ireland, so the jurisdiction fell to them.[189] Between all the arms of the intelligence machinery in the province, and MI5 collection outside of it, they had received hard information on the substance of the attack by February.[190] Once established, MI5's primary role was to assess when and if an attack would take place, and subsequently

[187] *Ibid.*
[188] Rimington, 209.
[189] Christopher Andrew. *The Defence of the Realm.* (Toronto: Viking Canada, 2009), 739.
[190] Mark Urban. *UK Eyes Alpha.* (London: Faber and Faber Limited, 1996), 88.

work with the other security forces involved to plan operationally based on that assessment.[191]

By 19 February, surveillance teams consisting of both MI5 and the SAS had been set up at the Rock Hotel in Gibraltar,[192] with the SAS having operational jurisdiction for any ground-level operations, wherein the SAS' objective was to assist the local civil power in arresting the unit.[193] The SAS team deployed as part of FLAVIUS were long-time veterans to the regiment, and had had significant experience in counterterrorism operations.[194] However, the unit's arrest would not come to pass – the three-person PIRA unit would be shot dead by SAS men in plainclothes who had waited until the last minute to engage and believed that the unit 'was about to detonate a car bomb by remote control and/or draw their weapons'.[195] The aftermath of the shootings led to significant questions regarding the use of lethal force by the security forces, likely made particularly prescient due to the high-profile nature of the conflict having spilled out so dramatically to continental Europe. Of course, their deaths beg the question, much like Loughgall – why were they not apprehended ahead of time?

There seem to be numerous reasons, none of which appear directly related to the existence of a shoot-to-kill policy. Urban argues that they were shot 'because the intelligence information prior to the operation meant different things to people from the very different worlds of MI5 and SAS',[196] and that the SAS had waited until the last minute because there was a concern that the Belfast Brigade may not have been the only unit who had travelled to Gibraltar for the operation.[197] Further, Christopher Andrew, in his official history of MI5, suggests that 'there is no persuasive evidence that the decision [to shoot] was premeditated', and that the reason they could not be apprehended beforehand was 'derived from the incompleteness of the evidence at the time'.[198] There is, most likely, significant credence to Andrew's point. For example, the vehicle that the unit drove to the alleged attack site had no bomb in it; rather, two days later in an underground car park in Marbella, a 140lb bomb was found in a secondary car, alongside three false passports.[199] This suggests that the intelligence picture was not as clear as some would have assumed but, equally, its murkiness alone does not wholly justify the use of lethal force.

---

[191] Riminton, 208.
[192] Urban. *UK Eyes Alpha*, 88.
[193] Taylor. *Brits,* 281.
[194] Urban. *UK Eyes Alpha*, 88.
[195] Andrew. *Defence of the Realm*, 739.
[196] Urban. *UK Eyes Alpha*, 91.
[197] *Ibid.*, 93.
[198] Andrew. *Defence of the Realm*, 743.
[199] Holland and Phoenix, 135.

Questions arising from the use of lethal force were not the only ramifications of the actions taken in Gibraltar. Unlike Loughgall, where there as a tangible security benefit, it is arguable that Gibraltar was a net negative – although the series of events which subsequently unfolded could never have been adequately calculated or predicted by either the security forces or policymakers alike. Back in Belfast, troubled brewed quickly. At the unit's joint funeral, Ulster Freedom Fighter (UFF) Michael Stone attacked mourners with a handgun and grenades, leading to two civilian deaths, and one PIRA death, that of Caoimhin MacBradaigh.[200] Stone later said it was in retribution for the Enniskillen bombings the previous November, in which the local war memorial was bombed during the annual Remembrance Day gathering, leading to multiple casualties.[201] At MacBradaigh's funeral, two Army corporals – who happened to accidentally run into the funeral cortege by car after wandering down to the funeral out of curiosity – were pulled from their car by mourners, who had assumed it was a replay of the Stone attack, and were subsequently bundled into a black cab by PIRA members in attendance and taken away to be executed.[202]

To bring this back to Michael Ignatieff, the ramifications of the two weeks post-Gibraltar were an impossible outcome that could not have been predicted as part of the lesser evil calculations undertaken on whether or not to engage kinetically in Gibraltar. However, another interesting outcome, this time experienced on the UK mainland, came to the fore post-Gibraltar as well. According to Bamford, the general mainland public felt very little sympathy for the terrorists killed; such a reaction 'showed the moral ambivalence of a liberal democratic society toward the use of lethal force in counterterrorism operations'.[203] This is another important example of the Turner Test for the British state: as the actions of Gibraltar became public, the ambivalence of British citizens toward the death of terrorists on the continent was a public litmus test that British security policymaking on covert action had passed.

Finally, the last incident to examine is the attempted assassination of Gerry Adams in Belfast. It poses some key questions in the pre-emptive intelligence issue – particularly, whether the applicability of pre-emptive intelligence falls on both sides of sectarian spectrum – and also weaves into it the role of Brian Nelson once again. On 14 March 1984, Adams –

---

[200] Taylor. *Brits*, 283.
[201] Mervyn Jess. "Enniskillen bombing: 'The injuries were horrific – I knew it would get worse". *BBC News*, 8 November 2017. Accessed 15/09/2020. https://www.bbc.co.uk/news/uk-northern-ireland-20248737.
[202] Taylor. *Brits*, 284.
[203] Bamford. "The Role and Effectiveness", 595.

who by June 1983 had been elected as a member of parliament (MP) for West Belfast, under Sinn Féin,[204] – was being driven from the Belfast Magistrates Court in central Belfast toward City Hall when three UFF gunmen attacked his car.[205] Adams was shot in the neck, back, and arm as a result,[206] and three others were injured.[207] The gunmen – John Gregg, Gerard Welsh, and Colin Gray[208] – were captured immediately on the scene by an allegedly off-duty UDR man and two members of the Royal Military Police, but only *after* the assassination had been attempted as they happened to be driving in an unmarked car as the incident occurred.[209] Adams himself, only six weeks prior to the attack, had publicly stated that he believed that he had a 90% chance of being assassinated by loyalist paramilitaries.[210] As such, it was not surprising that an attempt would be made on Adams' life – indeed, many others would be attempted – but the handling of the incident puts into question just what the security forces knew about the attempt and when.

Urban argues that the men who apprehended the assassins were likely SAS men in plainclothes who had been put into position to await the attack,[211] but no declassified information can confirm this one way or another. Adams, recalling the incident in his memoirs, alleged that the security forces had foreknowledge of the attack but waited until the last moment to act.[212] It seems unlikely, given the improvement in the intelligence picture at this juncture, that plainclothes security force personnel just happened, off-chance, to be walking by an attempted assassination attempt. Moreover, according to an unpublished autobiography written by Nelson,[213] he claims that military intelligence had foreknowledge of the attack through Nelson's own intelligence, and his FRU handlers told him that allowing

---

[204] However, as per historical Sinn Féin rules on abstentionism, Adams did not actually sit in parliament at Westminster.

[205] Ingram, 184.

[206] *Ibid.*

[207] Coogan, 434.

[208] "On This Day – 1984: Sinn Féin leader shot in street attack". *BBC News*, n.d. Accessed 16/09/2020. http://news.bbc.co.uk/onthisday/hi/dates/stories/march/14/newsid_2543000/2543503.stm.

[209] Coogan, 434.

[210] "Gerry Adams has survived several attempts to kill him". *The Irish News*, 16 July 2018. Accessed 16/09/2020. https://www.irishnews.com/news/northernirelandnews/2018/07/16/news/gerry-adams-is-no-stranger-to-assassination-attempts-1383005/.

[211] Urban. *Big Boys' Rules*, 182.

[212] Adams, of course, directly blames Margaret Thatcher for purposefully putting his life in direct harm but instructing the security forces only to intervene once action had already been taken. Gerry Adams. *Before the Dawn*. (London: Heinemann, 1996), 319.

[213] Ingram claims as well that Nelson had provided the information to the security forces about the attempted assassination, including details about who the shooters were and where the weapons cache was. See: Ingram, 177. Similarly, Taylor argues that this foreknowledge allowed the security forces remove the gunpowder from the UFF bullet ahead of time, which was a common practice during this period to prevent a full-scale attack from going though whilst simultaneously protecting the sources from which the foreknowledge came. See: Taylor. *Brits*, 213.

Adams to be killed would be 'totally unproductive'.[214] Nelson's claims cannot be fully discounted here, for keeping Adams alive in his role as Sinn Féin president would undoubtedly have been beneficial not only to the overall security aims of the province,[215] but also in the continuation of republicanism's movement away from violence during the 1980s, of which Adams was spearheading. Additionally, it seems evident that the security forces were posthumously concerned about the potential for such a scenario occurring again. According to *The Report of the Patrick Finucane Review*, a memo sent by a senior MI5 officer after the event had warned that 'British Intelligence and the Government could face accusations of conspiracy to murder if such an attack was to be repeated' and if Nelson's association to the event was made public.[216] As such, there was concern both from the perspective of hampering Adams' role in shifting republicanism toward a political path and from the government's own reputational viewpoint.

As with the examples of Loughgall and Gibraltar, the declassified archive can never be crystalline on what exactly happened in the attempted Adams assassination, who knew what when, and the intention behind any kinetic action taken. As such, more questions are bound to remain than are answered. It seems most likely that the security forces did have foreknowledge about the attempted assassination – this would be in line with the sophistication of the intelligence picture at the time, and the penetration of high-level agents within loyalist paramilitary groups, such as Nelson. But what remains unclear, of course, is what amount of detailed information there was about the attack. Even within these 'known unknown' parameters, some critical questions are worth asking.

The first relates to the application of kinetic force on republican versus loyalist paramilitary violence. While lethal kinetic force was used in threat-to-life scenarios against republicans in the Loughgall and Gibraltar examples, the UFF men involved in the Adams incident were arrested and sent to prison – this is despite the fact that Adams had already been shot, alongside his colleagues in the car. If one is to believe that a shoot-to-kill policy

---

[214] Nelson, as quoted in: Keefe, 475.

[215] While this was discussed more deeply in Chapter 5, it is important to stress here again that agent infiltration of not just PIRA, but also Sinn Féin, was bearing significant fruit during the early 1980s. For example, Sean O'Callaghan – a former PIRA member in East Tyrone who offered his services to the security forces – had become a member of Sinn Féin's National Executive by the time of Adams' attempted assassination. Further, Willie Carlin – a former Army officer recruited by MI5 to collect political intelligence – ended up rising quite high in the Derry chapter of Sinn Féin during this period and was very friendly with Martin McGuinness. For more, see: Willie Carlin. *Thatcher's Spy: My Life as an MI5 Agent Inside Sinn Fein*. (Newbridge: Merrion Press, 2019), 87-156; Sean O'Callaghan. *The Informer*. (London: Corgi Books, 1999), 261.

[216] The Rt. Hon. Sir Desmond da Silva. *The Report of the Patrick Finucane Review*: *Volume I*. (London: The Stationery Office, December 2012), 169-170.

did indeed exist, using the examples discussed above, it is clear that its application was not equal across the sectarian divide. Further, the Adams example also poses difficult questions about who to use foreknowledge on. As mentioned above, Adams had been elected as an MP in the 1983 General Election. Although he stood for a party which seeks to unite Northern Ireland with the Republic, he was still an MP elected under a democratic process. Comparatively, one would assume that if the security forces had any foreknowledge of a threat-to-life plot against an MP from any other British political party, that foreknowledge would be shared. Was this not done in the Adams scenario due to no knowledge of the plot, a desire to protect an agent who passed on the information, or something more nefarious? It is impossible to find an answer to this question, but in the words of Urban, the Adams incident 'raised uncomfortable questions about the difference between the security forces' response to foreknowledge about republican and loyalist attacks'.[217]

It will likely always remain impossible to determine definitively whether a state-sanctioned shoot-to-kill policy was in operation in Northern Ireland. However, from an academic standpoint, there seems to be broad consensus that it likely did not – although the circumstances of engagement are very morally murky. Finegan suggests that shooting to kill was not the 'norm' for the security forces, although concedes that covert units were 'given the opportunity to engage terrorists aggressively', and this sometimes led to their deaths.[218] Bamford too suggests that no formal evidence exists that it ever was proclaimed at a policy level, but that 'the large number of terrorists killed during this period, in circumstances where many believe that an arrest could have been made', suggests that it possibly existed in practice, or that a blind eye was turned to such engagement.[219] Neumann argues that covert units acting as assassination squads 'is at odds with the strategic tradition' of Westminster generally, and that 'it contradicts almost every tactical consideration of the security forces at the time',[220] but equally concedes that fatally kinetic engagement did 'communicate the superiority of British military capabilities'.[221] Although a definitive answer cannot be made, what can be thoroughly examined, however, are examples where terrorists were engaged with kinetically in what were effectively set-piece encounters based on information derived from an increasingly sophisticated intelligence machinery, as well as situations where set-pieces seem to have been set up, but kinetic action of a fatal nature was not engaged. In this way,

---

[217] Urban. *Big Boys' Rules*, 217.
[218] Finegan, 507.
[219] Bamford. "The Role and Effectiveness", 593.
[220] Neumann, 107.
[221] *Ibid.*, 132.

events in Loughgall, Gibraltar, and Belfast provide critical milieus in which to engage with the shoot-to-kill question, as well as other broader-reaching questions such as the moral quandaries that can come with pre-emptive intelligence, how pre-emptive intelligence is used, and who it is used for across the sectarian divide.

Conclusions

Without question, one of the key themes of the latter third of the conflict was the proliferation of covert units and the targeted use of intelligence product through their operations. While the use of covert units throughout the 1980s was not an aberration in policy, as demonstrated by the previous actions of the MRF during the critical juncture period, their deployment during this decade was marked by significant changes in the intelligence machinery, including significant centralisation, alongside more robust security policies under Margaret Thatcher. Thatcher's approach to security was one based in a perceived position of strength, particularly on the Northern Ireland issue, which was undoubtedly influenced by the horrific events of Warrenpoint and the assassination of Lord Mountbatten which immediately proceeded her taking up tenure as prime minister. However, her government's approach over security across the decade was also one which was deeply rooted in positing the Troubles as an intelligence war, stemming from Thatcher's own interest and belief in the craft. Moreover, on the ground, this approach was one which encapsulated the ethos of the Way Ahead Policy, in which police primacy was at the heart of all operations, and the continued use of covert units was also embedded in the Callaghan government's continuation of the covert action thread which had begun in the critical juncture period.

Covert action, too, under Thatcher was one initially conceptualised as an effort to apprehend terrorists in set-piece encounters – a form of criminalisation, another thread of the Way Ahead Policy – but even in the early years of her tenure, it became clear that while the intelligence coming into the machinery was increasingly excellent, the evidence required with which to prosecute terrorists was not sufficient for long-term prison sentences. Ambushes, therefore, became an appealing option for the security forces, for it allowed terrorists to be caught in the act: this increased the likelihood of apprehension for a more serious crime, whereas arresting before being caught in the act would likely lead to a lesser conviction and less time spent in jail. At this time, too, Yellow Card rules were once again changing which saw the permissibility of engagement be expanded to engage when an immediate threat to life

was suspected, alongside conversations at the highest levels of the NIO regarding what further options could be open to the security forces to solve the intelligence-to-evidence issue.

Yet, as evidenced by both Loughgall and Gibraltar, this type of conduct in the intelligence practice space often resulted in morally questionable outcomes, such as fatal engagement with terrorists based on the intelligence product used to set up the operation. But, as seen with Loughgall, the assassination of the East Tyrone Brigade was an overwhelming net positive – one which likely would not have been attained had the Brigade only ended up in prison. This is a kind of truth that is a difficult thing for a liberal democratic state to face, but one which ultimately led to a key outcome in the security space. Engaging kinetically, in this way too, seemed to act as a deterrent over the course of the conflict. Sir John Wheeler, former Security Minister at the NIO under Prime Minister John Major, noted the phenomenon as such: 'if you really want to bring about a change in terrorist behaviour, you have to create a climate whereby they are frightened to commit crime because they fear either apprehension […] or being caught in a cross-fire situation whereby they get killed'.[222] This sentiment was shared with PIRA itself too, as demonstrated in Chapter 5 who – even amongst individual volunteers – began to see effects of the broader intelligence war and the impact that it had on their own calculations of engaging in terrorist action.

Indeed, the impact of set-piece action cannot be divorced from the increasing attrition rate felt by the early 1990s. Between 1981 and 1994, it is estimated that 40% of all lethal force incidents perpetrated on behalf of the security forces occurred in these ambush-like scenarios.[223] And so, it seems that a slightly paradoxical scenario emerges through the proliferation of covert units during the 1980, in which the frequent – and often lethal – kinetic action based on a more sophisticated intelligence product occurs alongside the net result of paramilitary attrition. If analysed from a high level within the moral conduct conversation, it appears that the lesser evils calculation being made here is one of balancing long-term security objectives toward a desired result of the cessation of violence – as the conflict was nearing the end of the its second decade – with the strategic use of covert units in a kinetic space where the potential of lethal engagement was seen as an acceptable moral cost.

However, kinetic action leading to terrorist death was not the only morally problematic thing that was being done with the intelligence product being created during this

---

[222] Sir John Wheeler, as quoted in: Neumann, 132.
[223] Aoláin, 62.

period. As exemplified through the attempted assassination of Adams, it also brought to the fore difficult questions about who pre-emptive intelligence could be used for – and how – across the sectarian divide. If the reader accepts that the security forces did have foreknowledge about the assassination, and that there was likely an operation in play in which plain-clothed operators were laying in wait for the attempt to occur, why were the UFF gunmen not shot dead in the same way as the PIRA men at Loughgall and Gibraltar, and why was action only taken once Adams himself was shot? It seems rather problematic that, if a threat-to-life scenario was known involving the potential assassination of an MP, as was Adams at the time, that intelligence product was not being used equally across the sectarian divide, particularly in an instance where the continue corporeal existence of Adams at the helm of Sinn Féin was ultimately beneficial to Westminster's over-arching security policies. These are uncomfortable questions that, within the declassified world, have no solid answers, but are ones that must ultimately be pondered within the space of understanding how intelligence product was used in this period.

III.   Summation: Impact of Critical Juncture Lessons on Future Engagement

Alongside allegations of collusion, as discussed in Chapter 4, the controversies surrounding whether the British state engaged in a deliberate shoot-to-kill policy remains today, over two decades after the end of the conflict, one of the outstanding unresolved questions from the Troubles. Although this chapter has gone on to demonstrate that the evidence available to date does not concretely support those allegations it is, much like the issue of collusion, a question that cannot definitively be answered without complete declassification of the secret archive – a reality which is very unlikely to occur. What remains a critical exercise, however, is charting how security policy decisions, stemming from the critical juncture period onward, led to an environment in which the question of whether a shoot-to-kill policy was a viable interrogation to make regarding the British state's conduct in Northern Ireland, as well as what decisions were made within the moral conduct in intelligence practice space that may have precipitated the creation of such an environment. Seen from the highest level, this chapter has argued that the experiments in kinetic action

made in the critical juncture period through the employment of the MRF – experiments that were rooted in both a desperate need for intelligence and in previous colonial experiences – went on to inform and influence the terms and engagement of covert operations from the 1980s onward, as such operational types became a hallmark of security force engagement in the latter third of the conflict. It is within this trajectory that allegations around a shoot-to-kill policy were able to flourish.

However, with that initial decision to use kinetic action within the intelligence practice space came moral quandaries that the state needed to face – not only within its calculations to employ covert units, but the actions and intents of those covert units themselves. As argued in the first case study of this chapter, the question of 'assassination squads', or undercover units shooting to kill, did not emerge solely in the latter part of the conflict – as is often assumed – but rather within the critical juncture period. The MRF, and their actions within the intelligence collection space, are a testament to that. But, the MRF were not just collectors alone; rather, they also engaged in kinetic action, and that kinetic action stemmed from the MRF actioning the intelligence they collected, analysed, and turned into usable product, all within their own organisation. This was reflective of the MRF's existence as an 'experimental' body within the intelligence structure, based on Brigadier Frank Kitson's previous colonial experiments in counter-gangs in Kenya, which were brought to life in the Northern Irish context as well. This was yet another example of the Army's colonial experiences going on to dictate engagement in a domestic context – a reliance on which they were near-on forced to do, due to a lack of strategic objectives set out by Westminster during the critical juncture period. And yet, the use of such counter-gangs, for Kitson, was one ultimately rooted *in* moral action in intelligence practice. While he acknowledged that such domestic intelligence tools could be used to infringe upon the rights of the individual when put in the wrong hands, the threat posed by a *lack* of action was a greater indictment of a state's moral failing in upholding its Omandian obligation of national security, in which intelligence was its critical means. The kinetic action of the MRF, therefore, fell within the positive column of this lesser evil formulaic calculation.

Moreover, three realities surrounding the MRF cannot be ignored. The first is that their existence came about as a result of desperation, much like many of the other intelligence-related decisions taken during the critical juncture period: desperation for actionable intelligence; desperation for tools, direction, and insight on how to abate the seemingly unstoppable violence; and desperation to, at the very least, build up a workable intelligence picture on who the enemy *was*, and how they manifested on the ground – a

particular blind spot for the security establishment at the outset of the Troubles and within the context of PIRA's birth. Second, what equally cannot be ignored is that the MRF, by publicly available accounts, was *successful* in attempting to fulfil those three categories of desperation – PIRA's ORBAT was uncovered; the covert nature of the unit allowed them access into parts of Belfast that were untouchable by the Army and the RUC; and they targeted both violent republicanism and loyalism in their collection activities, making them anomalies amongst their peers. Finally, it is also equally true that their kinetic engagement was without boundaries, often lethal – although seemingly legal, based on ever-changing Yellow Card rules – and without any functional oversight. As such, the creation of the MRF was done based on a lesser evil calculation rooted in desperation, using an ethos of experimentation stemming from recent colonial experiences. It was not, however, a calculation which – similarly to the use of internment as discussed in Chapter 5 – took into consideration the validity of using colonial intelligence methods on a domestic population. It was, in sum, a calculated risk based on Rimington's assessment that making the morally correct choice for the entire population came down to 'assessing the risk of doing nothing against that of doing something and possibly getting it wrong'[224] – an assessment that almost directly echoes Kitson's own approach to the moral obligations of the state in the intelligence and security context.

This was the ethos that underpinned decision-making in the intelligence space moving beyond the critical juncture period. Although the MRF were stood down only a couple of years into their existence, the blueprint for their covert activities, and the usefulness of such discreet action, was seen as a critical element to the security approach in the province going forward. The over-arching lesson of the MRF experiment was not, ultimately, one that covert action was bad, or immoral, but rather that it needed to be done within a more confined structure, with more defined engagement boundaries, and within an intelligence machinery that could support precision-based action in which the potential for kinetic engagement based on intelligence product was sound and, as it came to pass, pre-emptive. Under the Thatcher Government's stronger stance on security, and in line with Maurice Oldfield's assessment of the importance of covert operations during his tenure as Security Coordinator, the lesser evil calculation became one that was reflective of both Westminster's strategic need to engage in a long-war scenario and improvements in the intelligence machinery which facilitated more precise, intelligence-led engagement.

---

[224] Rimington, 209.

These improvements also worked to alleviate some of the moral quandaries faced by the MRF in their engagement. The centralisation of the intelligence machinery and the creation of TCG regional nodes, from which intelligence could be actioned, meant that covert units themselves no longer remained their own collectors, assessors and consumers. In this way, when kinetic action was taken, it was done so after the intelligence had gone through an objective cycle, with high-level decisionmakers making the ultimate call in terms of actionability. As such, kinetic engagement as intelligence outcome was only made manifest when the appropriate mechanisms of the intelligence cycle were engaged, within clear boundaries and within defined contexts. Further, and in line with the police primacy strand of the Way Ahead Policy, the RUC were intended to be the leads on intelligence actionability, with covert units such as the SAS and the Det only taking the lead on these operations when RUC engagement was not possible or appropriate. And, as the intelligence picture continued to improve throughout the 1980s and pre-emptive intelligence became a reality, it created an environment, to paraphrase Omand's words, in which the security forces could take precise action without disruption to the wider community. This was an act of exchanging the bludgeon for the rapier, which reduced the potential for lethal engagement with – or even alienation and/or radicalisation of – the civilian/non-combatant population.

In this way, the lessons learned from the MRF experience worked to better improve and concentrate security force engagement, but it is within this changing context and lesser evil calculation that allegations of a shoot-to-kill policy came to the fore. This was particularly true in the context of pre-emptive intelligence use. It is true that SAS and Det-led operations had a greater propensity to end in kinetic – and frequently lethal – engagement, as demonstrated through the Gibraltar and Loughgall examples, but this ultimately came down to the nature of their use in situations where the RUC could not take the lead. But, pre-emptive intelligence meant that the security forces had foreknowledge of attacks which, in theory, should have prevented lethal kinetic engagement from occurring. However, the security establishment, and Westminster more broadly, were facing an additional problem in this phase of the conflict: the failure of Diplock, meaning that although the intelligence picture was outstanding, the evidence that could lead to prosecutions was no longer forthcoming.

As such, waiting until the so-called last minute in set-piece encounters was an attempt to rectify the evidence issue, in which terrorists could be 'caught in the act' – but this pursuit for evidence, broadly speaking, also increased the propensity for lethal kinetic action to occur. The lesser evil calculation, in this sense, was one in which the potential of acquiring

evidence that could lead to the removal of active terrorists from the operational milieu through prosecution and incarceration was more valuable than the negative potential that set-piece encounters had in producing lethal encounters, given that the precision of the intelligence would, in theory, ensure that those lethal encounters only involved combattants. Finally, as the Gerry Adams example demonstrates, allegations of shoot-to-kill were not the only moral quandaries faced by the state in the pre-emptive intelligence context – it was not just of matter of *when* to action that intelligence, but *who* to use it on, which threw up some difficult scenarios to navigate for the security forces. From a high-level, the argument can be made that as the conflict protracted and long-term engagement was established, the murkiness of moral conduct by the security establishment became further complicated, somewhat paradoxically, by the increasing success and improvement of their intelligence capacity in the province.

In sum, although the MRF was created within a desperate context by all accounts, and suffered from a number of issues related to oversight and the self-consumption of intelligence product, the overall lessons learned from this counter-gang experience was that covert operations and units could bring great value to the intelligence picture in Northern Ireland despite the potential for morally ambiguous conduct stemming from their use. Although Kitson's logic in the use of counter-gangs, from a moral conduct standpoint, was one established through his own writings on counterinsurgency before the conflict even began, they seem to be rather deeply indicative of Westminster's ethos and approach in the moral conduct in intelligence practice space, but particularly in the context of kinetic action as an intelligence outcome. And, given Rimington's own sentiments which fall alongside those of Kitson's, it seems likely that this was an attitude which permeated through the security establishment as a whole. It was an ethos which, in practice, believed that doing nothing was more of an indictment of the state's moral failings to provide security using intelligence as a means. The potential cost of dubious action, therefore, could be best mitigated by learning from previous morally murky behaviour and setting those strategic objectives and operational capacities within a framework and within boundaries that were better suited – and better reflective of – the needs of covert action. Shoot-to-kill, in this sense, was not a desired strategic outcome for the state, but rather the calculated – and presumably acceptable – potential cost of engaging kinetically from a pre-emptive intelligence context.

CHAPTER 7:   OVERALL CONCLUSIONS

I.   Summary of Findings

The crux of this thesis was to investigate how the British state and its security establishment navigated moral conduct issues within its intelligence practice and related approaches employed throughout the conflict in Northern Ireland. It used an Omandian argument as its starting point, which outlined national security as the first obligation of good government; its maintenance was therefore an 'end' in which intelligence practice was a 'means' used to achieve it – but one which could present, in its application as a means, some moral quandaries for the state. Moral conduct, therefore, was defined by drawing from concepts presented by David Omand and Michael Ignatieff, in which Ignatieff's navigation of lesser evils, alongside Omand's acknowledgement that, within the *vade mecum* model, intelligence practice requires a level of non-civilian morality to be effectively applied, formed the heart of the investigatory lens through which this thesis' analysis was conducted. The historical method was employed as the framework for its analysis, using the chronology of the conflict as a site of investigation to help inform those analytical conclusions.

In this analytical effort, this thesis started with the premise that the decisions undertaken within the moral conduct space during the critical juncture period, stemming from 1968 to 1972, produced lessons learned from that engagement which went on to dictate future decisions made within the post-critical juncture period of the conflict. Ultimately, it found that the more controversial narratives which continue to form the collective memory of the conflict and remain arguably unaddressed – that is, allegations of collusion, the criminal conduct of touts, and whether a defined shoot-to-kill policy existed in the province – had their direct roots within the decisions undertaken during the critical juncture period. In this way, it can be argued that the more morally ambiguous narratives of the conflict which remain outstanding, as outlined above, are a direct reflection of the lesser evil calculations made by the British state during the critical juncture period and beyond, in which the acceptance that a non-civilian morality was a requirement of its intelligence engagement, and one in which those lesser evil calculations may have seemed necessary, proportionate, and appropriate in the moment but had far-reaching ramifications beyond their application.

However, there were unaddressed-yet-acknowledged issues, wilful ignorance demonstrated in some instances, and high-risk/high-reward decisions invoked within those lesser evil calculations which impacted, too, the overall success of their outcomes and therefore the kind of moral conduct engaged in by the state within the intelligence practice context. It is undeniable that the unabated rising levels of violence and completely insufficient and out-of-date intelligence machinery present during the critical juncture period forced the British political and security establishments to make intelligence-related decisions that had the potential to invoke morally ambiguous practice. However, the driving force behind that decision-making was rooted in a sense of desperation to improve the security situation as quickly as possible using both tested and experimental methods and frameworks from which those methods would be deployed. This ethos of decision-making was indeed rooted in what the British saw as morally sound *aims*, but it is through the *methods* chosen within that lesser evil calculation – to recall back to the John Le Carré quote which opened this thesis – where certain lenses, biases, and issues came to the fore.

One of the frameworks in question was the sectarian composition of the local security forces that, although predating the commencement of the conflict, seeped their way into it and beyond, including in the composition of new security forces during the critical juncture period. This bias, one which refused to acknowledge the proliferation of paramilitary violence on both sides of the sectarian divide, created an environment in which loyalist violence was not included within the direction phase of the intelligence cycle, thereby excluding them from overall intelligence priorities. Such a one-sided view of the threat had three immediate realities during the critical juncture period: it allowed loyalist paramilitary groups to grow and arm themselves unabated; it produced an environment in which overlapping membership between paramilitary groups and security forces was not seen as problematic; and, it facilitated a strategic space were security force cooperation with loyalist paramilitary groups was not discouraged – the long-term ramifications of which, when considered alongside later accusations of collusion, seem rather self-evident. The lesser evil calculation made here was one seeped in wilful ignorance by the British state. Despite evidence demonstrating that there was collusive behaviour happening between members of the security forces and loyalist paramilitary groups as the critical juncture period came to an end, Westminster – armed with that knowledge – did nothing to address the intelligence priority gap that existed in the direction phase of the cycle, nor the issue of overlapping memberships, because it was easier to exist and operate within the pre-existing divisions and assumptions which underpinned Northern Irish society, using this established *vade mecum* as

a site from which to engage in lesser evil calculations. This issue, and calculation, would persist well into the conflict.

This direction and intelligence prioritisation issue, perhaps more than any other analytical finding made in this thesis, presented the greatest moral failing of the British state throughout the conflict in Northern Ireland. Even though the issues were clear in the critical juncture period, the lessons learned here were couched in wilful ignorance and, given the overwhelming propensity for loyalist violence to target Catholic civilians rather than republican paramilitaries, the cost to the civilian population due to this unaddressed failing was visceral and high. As loyalist violence proliferated post-1985 onward, this reality only became more acute – and undeniable. As such, the lesser evil calculations made in this period were done, once again, in a state of desperation for the kind of information that could abate the proliferating violence and address the intelligence gap which was continually permitted to exist. Brian Nelson's questionable activities, and those who leaked him classified information, are a culmination of the failure to include loyalist paramilitary violence in the direction phase of the intelligence cycle. It allowed an environment to bloom in which the potential for collusive behaviour between state forces and loyalist groups was high, and it forced the state into a position where an overreliance on a singular agent in the loyalist camp brewed a permissive space in which illegal or immoral behaviour on his side could be brushed aside in pursuit of the strategic objectives underpinning his recruitment and re-recruitment. Overall, the intelligence prioritisation failure is also reflective of a failure of the Omandian national security argument: by excluding loyalist violence from the direction phase of the intelligence cycle and, therefore, one's lesser evil calculations in the security space, intelligence practice – when stymied by sectarian bias – can never act as an adequate means through which the end of national security can be attained for *all* citizens.

Furthermore, within the collection context, previous practice in the colonial experience was relied upon in a vacuum of other options during the critical juncture period. The *vade mecum* roadmap, in this sense, was one defined by the ethos of the colonial experience without consideration of the applicability of colonial methods in the domestic context. Northern Ireland, and its people, continued to be seen as colonial outliers suffering from problems that were not British per se, but peculiar to Ireland and the Irish, in which those on the receiving end of that colonial intelligence practice were not seen as forming part of the broader British body. Lesser evil calculations, therefore, were hampered by this lens and led to very clear moral conduct issues. Deep interrogation methods and their applicability, therefore, were not seen to be aberrational practice in the intelligence space and

were, as such, a morally sound method of conduct within the collection context in Northern Ireland. Indeed, so strong was the British state's belief in the applicability of their use in a domestic context, and so steadfast were they in their lesser evil calculations in this respect, that the use of deep interrogation continued well into the 1970s. It was only after several government inquiries into their use that deep interrogation stopped being a primary collection method; only at this juncture, in 1980, did the strategic use of touts come to replace that primary collection method, but not before serious allegations of brutality and ill-treatment were made against the British state.

While the informer war played a critical role in the conflict and in bringing about an environment in which potential pathways to peace were possible it, too, was not without its moral conduct issues in the collection context – predominantly in relation to the levels of criminality in which a tout could participate in the maintenance of both their cover and access to information. While deep interrogation methods were codified in directives, the framework guiding the agent/hander relationship was one based on assumption, experimentation, and the British state's wilful negligence in providing and producing handling guidelines when requested by its security establishment. As such, while the strategic use of touts was the lesser evil option between it and the continued employment of deep interrogation, the British state failed – and continued to fail – to provide its security apparatus with the adequate means in which to ensure the continuance of appropriate moral conduct in intelligence collection practice.

The use of kinetic action within the critical juncture period can be analysed through the lens of desperation as well, but one which was undertaken in a spirit of experimentation and acknowledged the high-risk/high-reward element of the lesser evil calculations being made during this period. But, this initial foray into the kinetic action space was also rooted in experiments undertaken during previous colonial campaigns, as evidenced by Brigadier Frank Kitson's movement of his Kenyan counter-gangs experiment to the Northern Irish context in the form of the Military Reaction Force (MRF), from which the mythology of assassination or shoot-to-kill squads was born. Although an experimental ethos was embraced out of necessity, it was still one driven by a colonial *vade mecum*. The MRF, more than any other approach taken during the critical juncture period, is comprehensively emblematic of the high-risk/high-reward concept – the intelligence yield from the MRF, supported by their covert nature which allowed them to penetrate no-go areas in Belfast and their positioning as the only intelligence collectors who also included loyalist paramilitarism in their intelligence priorities, was remarkable. And yet, their actions in the kinetic space – bolstered by the fact

338

that they were collectors, assessors, and consumers of their own intelligence all in one – made them high-risk as well, and their short-lived existence is a testament to the inherent difficulty of balancing that high-risk/high-reward reality. The lesser evil calculation leading to their use was one rooted in a desperate need for intelligence, but the experimental nature of the unit meant that such calculations could never fully take into consideration the potential evils in their use, particularly in the context of their self-sufficient intelligence cycle which lacked any objective analysis or oversight in their decisions to kinetically engage.

However, the lesson learned here was one which saw the immense usefulness of covert units – but one which equally acknowledged that their use required better boundaries, frameworks, and objective analytical direction in the kinetic action aspect of their use. As such, the new lesser evils calculation made in the post-critical juncture phase of the conflict was one which sought to harness the intelligence advantages of covert units, but deployed them in such a way as to address the issues which emerged through the initial MRF experiment. The improvement in and centralisation of the intelligence machinery was a key element in making these acknowledged needs a reality and, as such, the use of covert units continued as the conflict headed into the 1980s. Yet, the mythology of assassination or shoot-to-kill squads followed the use of covert units as the conflict wore on. Although they were only deployed in situations where the police could not take the lead on operations, kinetic action as intelligence outcome did still lead to scenarios in which terrorists were killed. These were situations where, it has been argued, they could have been apprehended due to the strength of the intelligence picture. However, the intelligence-to-evidence issues which permeated the 1980s – coupled with the reality that covert units were only used in more high-risk scenarios – meant that the likelihood of set-piece encounters leading to lethal action was much higher. The lesser evil calculation in this sense was, therefore, rooted in an assessment that the potential lethality of set-piece encounters, in which only active combatants would likely be harmed, was outweighed by the potential of acquiring evidence that could lead to the removal of active terrorists from the operational milieu. But, regardless of the aim of such calculations, shoot-to-kill allegations, stemming from experimentations in the critical juncture period, could not be prevented from proliferating.

Overall, this thesis has sought to be an acknowledgement that the real-world realities facing intelligence operators on the ground, and those who directly guide their purpose and practice, cannot be so easily dictated by simplified ethical frameworks based on philosophical arguments and norms. It is easy to say that one must follow steadfast rules in order to ensure adequate moral conduct in intelligence practice, using a precise ethical code, which exists at

the top of the hierarchy in terms of actionable permissibility. But how applicable is such a framework when, like the Royal Ulster Constabulary officer mentioned in Chapter 3, one is forced to hold a woman's chin onto her face after the Bloody Friday bombings? Does the use of deep interrogation methods such as the Five Techniques truly seem aberrational in terms of the brutality of the threat faced? Or, does the use of kinetic action seem disproportionate when politics is failing and violence is spiralling out of control and the option presents itself to remove known terrorists permanently from the streets of Belfast?

It is the difficulty of navigating the practical needs of intelligence practice within a conflict such as that in Northern Ireland – one in which that action is further problematised by its domestic nature and the application of that action on British citizens – alongside the high-level obligations of the state which make those moral calculations ever-more complex. Admittedly, the act of balancing and defining moral conduct, when discussed in the halls of Westminster, is likely a much more abstract idea than it is for intelligence operators on the ground; and yet, both actors must make the same calculation – one of lesser evils which, at its heart, has the obligation of the state to provide security to *all* its citizens, using intelligence as means in which to fulfil it.

II.   Research Impact, Limitations, and Recommendations for Further Inquiry

Research Impact

In designing the framework for this research project, the methodology had two overarching aims: to contribute positively to the intelligence studies field and to enrich the overall historiography of the Troubles. At this very high-level, the research project has ultimately been successful in meeting these aims. More, specifically, its research impact can be felt in three critical ways:

1. It has expanded the ethics/morality subfield of intelligence studies beyond its current prescription and/or theorisation approach by positing its research questions within a large case study;

2. By using the historical approach, it has enriched the Troubles historiography by using the past as a site of investigation from which to analyse the root causes of some of the outstanding questions of the post-conflict period; and

3. It has worked to bridge the academia-practitioner gap, in which it is the academic's role to provide examples from which practitioners can seek to improve and/or inform their own practice based on relevant analytical examples.

While, at this juncture, it is impossible to quantify how or in which ways others may build upon the findings of this thesis, it is the researcher's hope that this thesis is used as a stepping stone from which the above three areas – the ethics/morality subfield; the Troubles historiography; and, the academia-practitioner gap – can be further enriched as time goes on.

As discussed in the introductory chapter of this thesis, the predominance of the Troubles historiography has been produced through the lens of the peace process, and that which falls under the category of the intelligence war has predominantly been shorter in scope or is less academic in its approach. While intelligence history is often ignored by historians due to the delicate and shadowy source material, ignoring the intelligence history of the Troubles is an approach which propagates an inaccurate historical narrative of the conflict, particularly when it played such a significant role. As such, by presenting that history in such a comprehensive and chronological way, as done so through this thesis, the analytical findings contribute positively to creating a sharper, more textured, and nuanced narrative of the Troubles. This, in particular, is bolstered by this thesis' devotion of one entire analytical chapter to loyalist paramilitarism. Loyalist violence is far less comprehensively analysed than its republican counterpart, and by attempting to chart intelligence approaches to it through the course of the conflict, this thesis has sought to bring increased attention and coverage to an underdeveloped intelligence narrative within the conflict.

Further, if the purpose of historical study is to provide a four-dimensional view of the world and serves an important role in illuminating the more shadowy part of the present, this thesis has been successful in this regard as well. Although the conflict formally ended in 1998, the legacy of the conflict is one in which many outstanding questions remain, often related the actions and decision-making undertaken in the security and intelligence space. As such, this thesis contributes a deeper understanding of the conflict and the root causes of those outstanding questions, such as collusion and shoot-to-kill; and, while it does not provide definitive answers in that space, it does engage in an important analytical exercise as to how the potential for such activities came to be present in Northern Ireland.

While the contribution to the Troubles historiography is important, it is that made within the intelligence studies field through which this thesis has been most successful, and speaks directly to both the points of Len Scott and Stephen Marrin that were outlined in the introductory chapter. Scott argued that the responsibility of academics who study intelligence is to develop and present a better understanding of the nature and role of intelligence through their work, including both its value and limitations. At its heart, the investigation of the British state's balancing of lesser evils is precisely within Scott's argument, placing the conversation of value and limitations within the moral conduct context. The deep analytical discussion on the use of touts in Chapter 5, for example, presented both the great advantages that such a collection method could produce in helping to inform decision-making on pathways to peace, but in highlighting the issues in its application – such as the lack of oversight mechanisms and guidance issued for its use – it also demonstrated the limitations that intelligence can face when security policymaking decisions do not line up with the identified needs of that intelligence practice. It is precisely within that space, as this thesis has argued, that moral conduct issues can most evidently arise – and identifying such gaps between intelligence practice and policymaking has been a key contribution that this thesis has made within the Scottsian argument.

Further, Stephen Marrin had noted another deficiency within the intelligence studies literature, in which the low number of PhD theses being written in this field – compared to other security and defence-related disciplines – has left a void in which practitioners have not been able to learn from academic research and investigations in the ways in which, for example, military studies have been able to inform practitioner outcomes. Trying to address this identified gap can be difficult in intelligence studies generally, because of the secret nature of the archive and the acknowledgement that many known unknowns remain; and, this is even truer when working within the ethics/morality subfield of it. This is because, as discussed in the introductory chapter of this thesis, the predominance of the literature informing this subfield has taken a prescriptive, theorisation, or framework approach, frequently iterated from a high-level, and without using case studies as sites of investigation from which to posit the kinds of moral conduct questions which could produce helpful lessons and examples for practitioners seeking to bridge Marrin's academic gap. Perhaps the most useful example in this respect are the dangers presented in Chapter 4, which dealt with the direction phase of the intelligence cycle. Investigating the long-term harms that arise from a lack of comprehensive coverage in one's intelligence priorities deeply impact upon a state's obligation to uphold security for *all* its citizens, it has demonstrated the harms which can

arise when the setting of intelligence priorities are marred by bias, sectarian or otherwise. The kind of analysis provided in this chapter provides both a high-level discussion of such issues, but equally provides detailed case study examples that demonstrate the real-life ramifications involved within them.

As such, by positioning its investigation within a long-running and well-defined conflict, this thesis has sought to provide not hard lessons, per se, but examples set within and in consideration of ground-level realities from which practitioners can posit their own applicable experiences and draw forth universal truths they feel are applicable to the real world of espionage. And, although analytically positioned in the past, the high-level findings of this thesis within the intelligence practice space can provide useful lessons learned and guidance on some of the present moral conduct issues facing contemporary intelligence practitioners. Moreover, the use of those practitioner voices themselves, as particularly exemplified in Chapter 6 in the kinetic engagement context, is an attempt to bridge that practitioner-academic gap in itself, making the findings presented in this thesis ones which are rooted not just in the high-level theorisation of academia but, where possible, the experiences of practitioners as well. It is this duality, of using both high-level truths and real-life examples, and examples from the secret archive alongside the voices of practitioners where possible, that is the true strength of this thesis.

Although it is impossible to know what impact, if any, the findings and arguments of this thesis may have on broader British counterterrorism or intelligence approaches, it is important to acknowledge that this thesis has contributed positively to the intelligence studies field not only through its addition to the literature, but its persistence on providing a case study approach to high-level concepts which practitioners may find useful discussions or examples. This case study approach, particularly in relation to the ethics/morality subfield, is one which has sought to posit the real moral conduct issues and questions that practitioners face, place them within a real historical context, and works to enrich that subfield by expanding that moral conduct conversation outside of the realms of philosophers and theorisation.

Research Limitations

Of course, with any research project of this scale come limitations in research design, approach, and conceptualisation of which the researcher may not have anticipated or expected when endeavouring upon the project. To borrow terminology from the methodology

section of this thesis, these phenomena can be defined as Rumsfeldian 'known unknowns' of a research project; that is, the researcher is invariably operating under the assumption that such limitations will occur – the 'known' factor – but that they cannot foresee precisely how those limitations will manifest – the 'unknown' factor. While this can be seen as a general truism for historians reliant on archival evidence, this was a particularly prescient reality for this project. Given the nature of this thesis, and the fact that it exists within the intelligence studies sphere, the act of navigating the secret archive, which the state controls and defines, was inevitably going to present some difficulties and limitations. This was true not only in its navigation, but also in not knowing precisely what one might find within it in terms of how comprehensively declassification standards have been applied. Although the exact issues relating to archive access were presented in greater detail in the methodology chapter, it is important to reiterate here that much of understanding the content of the secret archive was understanding the existence and manifestation of the secret archive itself – one of acknowledging that what exists within it is only a representation of its full form, and that the silences of the archive themselves also form an important part of what researching intelligence is inherently about.

In terms of the limitations of the research findings themselves, the greatest limitation relates to attempting to marry the analytical and scope-related needs of a three-decades-long conflict with the confines of a doctoral thesis. While there was a concerted attempt to cover the key major themes of the conflict within phases of the intelligence cycle – such as collusion and shoot-to-kill – not all phases were able to be covered. As such, the analysis phase of the cycle was not included within the thesis structure, although its investigation – and the moral conduct decisions taken within it – would have provided an incredibly interesting environment from which to glean analysis, particularly given the sectarian biases underpinning some intelligence practice, as outlined in Chapter 4. The limitations of a doctoral thesis' size meant that calculated decisions had to be made which best suited the scope-related needs of the conflict more broadly, but still remained true to the overall methodological effort and intent to discuss moral conduct issues within the different phases of the intelligence cycle.

Also, while the thesis did try to cover the breadth of the conflict, it could not cover every angle of every theme it chose to engage with. For example, while the informer war was an instrumentally important and large part of the strategic approach taken in the province, Chapter 5 only focuses on the question of criminality and boundaries in the moral conduct context. However, what is also integral to that conversation is the moral cost of running

agents at all – to the agents, yes, but to the handlers too. Further, the idea of human cost can be extended to the findings of Chapter 6 as well, in which a discussion of the human cost of being an operator within a covert unit, functioning in a kinetic engagement capacity, would have added a level of depth to the analytical findings underpinning the thesis, particularly when analysed alongside more high-level discussions about the state's obligations to *all* its citizens in the national security space – even those who are part of that security and intelligence machinery.

The topic of humanity, finally, is this thesis' overall limitation: while it has sought to include as many individual voices as possible, it does not do so in the way in which the researcher had intended or had envisioned. While the original research design had included fieldwork in Northern Ireland, with the intent to speak to those both on the receiving and delivering end of intelligence practice, these plans were scuppered due to the global pandemic and the researcher's own encounter with the virus in March 2020, as fieldwork was intended to commence that month. Furthermore, the content and nature of those interviews meant that individuals who had already agreed to meet the researcher in person did not feel comfortable moving to a digital medium. As such, although as many individual voices as possible were presented within the analytical chapters of the thesis, either via oral histories, documentaries or interviews conducted by other academics, it is the researcher's outstanding regret that more could not be done on this point.

Recommendations for Further Inquiry

Despite the intense field of research which exists in relation to the conflict in Northern Ireland, there is always room for future inquiry, particularly in the intelligence studies context, which the introductory chapter of thesis identified as being ripe for further research given its relative infancy. Based on the research findings of this thesis, there are two recommendations made below by the researcher for future inquiry. While both seek to build upon the broader ethics/morality in intelligence practice concept – which continues to be underdeveloped, particularly from a case study rather than prescriptive or framework perspective – one does so by broadening the historiography of the Northern Irish conflict further by continuing to use the intelligence studies lens, while the other seeks to transfer the knowledge of this thesis to another site of investigation.

Most frequently, liberal democratic states outwardly take the position that the state does not negotiate with terrorists; but, in practice, that engagement does indeed take place –

and the Troubles are a fascinating example of the success of such engagement. This is despite the seemingly problematic nature of doing so, when seen exclusively from a high-level. To shake the same hands of those who are killing your security forces and planting bombs on your streets is, as the old saying goes, akin to shaking hands with the devil. And yet, like some of the other, murkier, approaches taken in Northern Ireland, such engagement had effective and positive outcomes. As such, the first recommendation for future inquiry relates to the peace process and negotiations between the British state and the Provisionals – but not solely within the context of the last decade of the conflict. Rather, available secondary research demonstrates that the first attempts at negotiations occurred within the critical juncture period; and, throughout the conflict, such talks actively continued in some way until 1998. Throughout all three decades, both intelligence product and intelligence operators played an integral role in maintaining that dialogue and informing Westminster of its best strategic approach in the space, with operators also physically acting as intermediaries between the state and Provisional representation.

Although politics is what brought the conflict to an end, it was intelligence – its acquisition, use, and analysis – which played a critical role, as it so often does, within the shadows and periphery of that political effort. As such, the recommendation here would be to use the research done in this thesis and to extend it into the peace process negotiations as they presented themselves throughout the breadth of the conflict, and investigate how the intelligence-related moral conduct decisions made during the critical juncture period in relation to those preliminary engagements between the state and Provisional representation went on to inform future decision-making as the conflict wore on. It would be, in this way, an effort to investigate the role that intelligence played throughout the conflict, and the lesser evil calculations that the British state made and continued to re-evaluate as both the intelligence picture improved and levels of violence ebbed and flowed. Although John Bew et al have covered this idea of 'talking to terrorists' extensively and successfully in their book of the same name,[1] this was done almost exclusively from a political perspective. By using intelligence as a lens through which to investigate this concept, it would add an increased depth of understanding to how, specifically, Westminster chose to negotiate with terrorists and, more broadly, the role that intelligence can play in such murky approaches.

---

[1] See: John Bew, Martyn Frampton and Iñigo Gurruchaga. *Talking to Terrorists: Making Peace in Northern Ireland the Basque Country.* (London: Hurst and Company, 2009).

The second recommendation for future inquiry relates to positing the questions of this thesis and transplanting them to another investigatory milieu, which builds upon the findings presented herein within the broader discussion on British state approaches to other iterations of domestic terrorism. While posing the questions of this thesis within the Northern Irish conflict allowed for the reader to understand how attitudes of and approaches to moral conduct in the intelligence practice space changed (or did not) over time, positing them within another experience of British domestic counterterrorism – one that happened after the Northern Irish peace – could further inform these findings and further chart how British conceptualisations of moral conduct in intelligence practice have manifested in the critical post-9/11 period. This, too, could help further delineate Omand's *vade mecum* concept and the British state's approach to navigating moral roadmaps over time. As such, the recommendation here is to use the framework of this thesis for another case study investigation, one which uses the British experience of combating domestic iterations of homegrown terrorism over the last twenty years. The suggestion here is not to focus exclusively on Islamist-inspired terror, although this does form the bulk of terrorism-related violence perpetrated over the last two decades; rather, it should seek to include approaches taken against violent far-right extremism as well, which frequently manifests as pro-state violence, to see how those approaches differ and what, if anything, such an investigation parallels to the approaches taken to loyalist versus republican paramilitary violence during the Troubles.

In sum, both recommendations seek to expand and extrapolate not only the findings and questions presented throughout the course of this thesis, and contribute positively to the ethics/morality in intelligence subsection of intelligence studies, but they both also seek to expand upon the broader British counterterrorism historiography as well. As argued in the literature review chapter of this thesis, one of the current research spaces that exists within the ethics/morality subsection of intelligence studies is examining those moral questions through a case study rather than a prescriptive/framework approach, and both the recommendation directions presented here for future inquiry speak to that analytical need within the intelligence studies discourse.

III.   Postscript: A Return to Derry[2]

'Derry tonight. Absolute madness'. The historical narrative of this story began in Derry, and so it must end there, in a city so viscerally symbolic of the historic divisions in Northern Irish society, and a city which saw the murder of a promising young journalist at the hands of dissident republican violence two decades after the peace was called.

The above quotation cites the last words tweeted out by Belfast-born journalist Lyra McKee, before she was shot in the head by the New Irish Republican Army (New IRA) in Derry, where she had recently moved to be with her partner, Sara Canning. A night of rioting had engulfed the Creggan Estate and McKee – in her role as a journalist and extensive writer on life in Northern Ireland – went to observe. This was, invariably, a kind of rioting that was far from unknown to Derry and its people, and the potential for violence was not unexpected: it was April, a time in which the Easter Rising of 1916 was always marked, and the New IRA – alongside their political wing, Saoradh – had been more vocal on their social media channels leading up to the Good Friday Agreement's anniversary on the 10th. In the week between the latter's anniversary and McKee's murder a week later, local social media posts showed a convoy of police crossing the River Foyle in preparation. The following days saw boys in hoodies, tracksuits, and scarves come together to hurl petrol bombs and the like at the police, and resulted in a van being set alight, followed by a car. By this juncture, a riot such as this – of the police coming in; of local youth responding in kind – had become a kind of orchestrated dance, a playing of parts, so well-versed after more than fifty years of repetition on the same stage.

For McKee, her experiences of the riot would have been so similar to so many others who had come before her: the civil rights marchers who, in October 1968, first encountered violence in their demands for equal treatment; the Bogsiders in 1969, with their rocks,

---

[2] All sourced and cited information used for this section was taken from the following: "Lyra McKee: 'New IRA' admits killing of journalist". *BBC News*, 23 April 2019. Accessed 8/11/2020. https://www.bbc.co.uk/news/uk-48018615; Will Francis. "Lyra McKee: A Statement from Will Francis". *Janklow and Nesbit UK*. Accessed 8/11/2020. http://www.janklowandnesbit.co.uk/lyra-mckee; Life in Belfast (lifeinbelfast_). "Photo of Lyra McKee Mural in Belfast". *Instagram,* 6 May 2019. Accessed 8/11/2020. https://www.instagram.com/p/BxInBJvBcMi/; Freya McClements. "Not in Our Name. RIP Lyra". *The Irish Times*, 23 April 2019. Accessed 08/11/2020. https://www.irishtimes.com/news/social-affairs/not-in-our-name-rip-lyra-new-graffiti-in-derry-signals-change-1.3868485; Susan McKay. "The Incredible Life and Tragic Death of Lyra McKee". *The New Yorker*, 26 July 2019. Accessed 8/11/2020. https://www.newyorker.com/news/postscript/the-incredible-life-and-tragic-death-of-lyra-mckee; Lyra McKee. "Constitutional Question is Holding us Back". *Vixens with Convictions,* 12 February 2014. Accessed 8/11/2020. https://vixenswithconvictions.com/2014/02/12/constitutional-question-is-holding-us-back-lyra-mckee/; Lyra McKee. "Suicide of the Ceasefire Babies". *Mosaic Science*, 19 January 2016. Accessed 8/11/2020. https://mosaicscience.com/story/conflict-suicide-northern-ireland/.

barricades, and petrol bombs; and, the 26 unarmed civilians who, on Bloody Sunday, were met with bullets in 1972. But McKee would meet the same fate as those who were killed on Bloody Sunday, this time silenced by the gun of dissident republicans, intent upon continuing the armed struggle despite the protestations of an exhausted society who overwhelmingly want nothing to do with it, and fear a return to the violence they once knew. In so many ways, although her life was stolen on 18 April 2019 – almost 21 years to the date that the Good Friday Agreement was signed and brought an end to the Troubles – McKee is yet another victim of the conflict in Northern Ireland, one which she was born into in 1990, and one which continues to claim the life of its people.

McKee wrote extensively on the Ceasefire Babies, a generation to whom she belonged – they are, in her words, 'those too young to remember the worst of the terror because we were either in nappies or just out of them when the [ceasefire] was called', but those who continue to bear the burdens of it. Writing in 2016, McKee noted that in the 16 years which proceeded the end of the Troubles, more people had taken their own lives than died during them at the hands of paramilitary or state violence – a staggering reality. While suicide has most strikingly affected those who like Billy McVeigh had lived through the worst period of Troubles-related violence, from 1970-1977, it has disproportionately affected the Ceasefire Babies, too. They were the ones who were supposed to reap the greatest benefits from a newly peaceful Northern Ireland – and yet, nearly one-fifth of suicides recorded since 1998 come from this generation, who had no direct experience of the violence. According to McKee's investigation, 39% of the Northern Irish population suffers from post-traumatic stress related to events experienced during the conflict. But it seems, too, that the generational trauma of that violence has seeped its way into the lives of McKee's generation – either from a mental health perspective or, in McKee's case, in the physical manifestation of that lingering connection to the past. Perhaps most unjustly, however, the Ceasefire Babies have little interest in the baggage of the past which they are invariably forced to carry. Writing in 2014 about the irrelevance to her generation about the old constitutional debate, McKee put plainly: 'I don't want a united Ireland or a stronger Union. I just want a better life'.

It is perhaps McKee's general observations of the conflict and its ongoing memory that bear most repeating:

> Many people have grown to dislike the use of the word 'war' to describe what happened here. The term 'the conflict' became a more acceptable alternative, even if it made a 30-year battle sound like a lover's tiff. It's got the ring of a

euphemism, the kind one might use to refer to a shameful family secret […] I witnessed its last years, as armed campaigns died and gave way to an uneasy tension we natives of Northern Ireland have named 'peace', and I lived with its legacy, watching friends and family members cope with the trauma of what they could not forget.

Living with – and dying as a result of – the legacy of the Troubles has unfortunately come to define Lyra McKee's life. And yet, its legacy is not just the burden to bear of the people of Northern Ireland; rather, it is ultimately that of the British state too. At McKee's funeral, British Prime Minister Theresa May and Northern Irish Secretary Karen Bradley – alongside Irish Taoiseach Leo Varadkar and Irish President Michael D. Higgins – were all in attendance as both a sign of solidarity and as a collective condemnation of the violence which had led to McKee's death. After the funeral, Canning – McKee's partner – revealed that when they had come to shake her hand during the service, she 'took each of them to task for failing to take responsibility for Northern Ireland, thus creating a vacuum that Lyra's killers had occupied'. Although in mourning, Canning was not acting in grief. Rather, she took her chance to speak a kind of truth to the powers which had, alongside the actions of the violent paramilitary groups operating during the conflict, left a legacy for which not all questions – like the actions of the agent codenamed Stakeknife; like the outstanding allegations of collusion and shoot-to-kill; like the acceptable levels of violence in which agents of the state were permitted to engage; like the Catholic civilians who died at the hands of loyalist paramilitaries inadequately targeted by the state – felt comprehensively addressed and answered by the people of Northern Ireland, impeding their ability to fully cope with, in McKee's words, 'the trauma of what they could not forget'.

The legacy of the Troubles, however, need not be one that is solely defined by its trauma, injustice, and violence. It is one defined by hope, too, and the potential for change – and the responses to McKee's death are a testament to that hope. A few days after her death, on the famous 'Free Derry' corner that defines the Bogside, someone had spray-painted 'Not in Our Name. RIP Lyra', to reflect the revulsion felt about her killing. Further, dissident slogans spray-painted around the city were graffitied over, including one which removed the 'un' from the infamous phrase 'unfinished revolution'. One Sinn Féin councillor in the city, Kevin Campbell, noted the kind of sea change that such action had marked by unknown activists, in which dissident republican messaging had been previously untouchable: 'it shows they're not afraid of them'. Murals related to the conflict, of which Belfast and Derry are famous, are part of that collective memory of the conflict, most frequently used to honour and

exonerate paramilitary men killed during the Troubles, and many remain untouched today. And yet, slowly things change, and new heroes are defined. Around the corner from where McKee grew up on the Murder Mile in Belfast, another mural has emerged – one of McKee, laughing, posed beside the words she had written to her 14 year old self, now a reminder to all: 'It won't always be like this. It's going to get better'.

BIBLIOGRAPHY

Primary Sources – Archival Documents[3]

Individual Documents Cited in Thesis:

CAB 163/173 – "Interrogation – Northern Ireland", Note for the Record by Brigadier J.M.H. Lewis BGS(Int)DIS, 9 August 1971

CAB 163/173 – Report on Interrogation Methods Used in Northern Ireland, 22 October 1971

CAB 185/4 – JIC(A)(70) – Confidential Annex to Minutes of 26th Meeting Held on Thursday 9 July 1970

CAB 185/4: JIC(A)(70) – "Northern Ireland: Intelligence Planning": Confidential Annex to Minutes of 38th Meeting Held on Thursday, 1 October 1970

CAB 185/6: JIC(A)(71) – "Northern Ireland Intelligence Arrangements: Progress Reports": Confidential Annex to Minutes of 9th Meeting Held on Thursday 4 March 1971

CAB 185/6: JIC(A)(71) – "Northern Ireland: Intelligence Arrangements": Confidential Annex to Minutes of 12th Meeting Held on Thursday 18 March 1971

CAB 185/6: JIC(A)(71) – "Intelligence Arrangements: Northern Ireland": Confidential Annex to Minutes of 13th Meeting Held on Thursday 25 March 1971

CAB 185/6: JIC(A)(71) – "Intelligence Arrangements in Northern Ireland (April 1971)": Confidential Annex to Minutes of 14th Meeting Held on Thursday 1 April 1971

CAB 185/6: JIC(A)(71) – "Northern Ireland Intelligence Arrangements": Confidential Annex to Minutes of 22nd Meeting Held on Thursday 10 June 1971

CAB 185/7: JIC(A)(71) – "Northern Ireland: Contingency Planning": Confidential Annex to Minutes of 43rd Meeting, Held on Thursday 11 November 1971

CAB 185/9: JIC(A)(69) – "Meeting with Sir Andrew Gilchrist": Confidential Annex to Minutes of 38th Meeting Held on Thursday 18 September 1969

CAB 185/9: JIC(A)(69) – Minutes of 40th Meeting Held on Thursday 2 October 1969

CAB 185/9: JIC(A)(69) – Minutes of 42nd Meeting Held on 15 October 1969

CAB 185/9: JIC(A)(69) – Minutes of 44th Meeting Held on 30 October 1969

---

[3] All archival documents, unless otherwise indicated, have been sourced from The National Archives at Kew.

CAB 185/10: JIC(A)(72) – "Further Studies on the Irish Situation": Confidential Annex to Minutes of 21st Meeting, Held on Thursday 8 June 1972

CAB 185/10: JIC(A)(72) – Minutes of 24th Meeting, Held on 29 June 1972

CAB 185/10: JIC(A)(72) – "Northern Ireland": Confidential Annex to Minutes of 25th Meeting, Held on Thursday 6 July 1972

CAB 185/17: JIC(A)(75) – Minutes of 5th Meeting, Held on Thursday 23 January 1975

CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 28th Meeting, Held on Thursday 29 July 1976

CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 33rd Meeting, Held on Thursday 2 September 1976

CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 40th Meeting, Held on 21 Thursday October 1976

CAB 185/19: JIC(76) – "Northern Ireland: General Discussion": Limited Circulation Annex to Minutes of 44th Meeting, Held on Thursday 25 November 1976

CAB 185/27: JIC(80) – Minutes of 9th Meeting, Held on Thursday 29 February 1980 in the presence of the Prime Minister, the Rt. Hon. Margaret Thatcher

CAB 190/8: INT8(70)1 – "Northern Ireland Contingency Planning: Intelligence Organisation", Northern Ireland Intelligence Working Party, Minutes of 1st Meeting Held on Thursday 8 October 1970

CAB 190/8: INT8(70)1 – "Second Draft Report: Northern Ireland Intelligence Organisation", Northern Ireland Intelligence Working Party, 12 October 1970

CAB 190/8: INT8(70)3 – "Intelligence Arrangements in an Emergency in Northern Ireland", Northern Ireland Intelligence Working Party, 4 December 1970

CAB: JIC(65)15 – Joint Directive on Military Interrogation in Internal Security Operations Overseas: Report by the JIC, 17 February 1965

CJ 3/42 – "Newspaper Comment", n.d.

CJ 3/52 – Northern Ireland: Notes for the Home Secretary, April 1969

CJ 3/52 – Northern Ireland Background Notes: Powers of the Military, April 1969

CJ 3/52 – Military Assistance to the Civil Power Northern Ireland: Protection of Civilian VPs, April 1969

CJ 3/52 – Speech by Home Secretary James Callaghan in the House of Commons, Verbatim Service VS 107/69, 22 April 1969

CJ 3/52 – Northern Ireland: Notes for the Home Secretary, April 1969

CJ 3/55 – Report of the Chief of the General Staff on Northern Ireland, 19 May 1969

CJ 3/55 – Letter from the Home Office to Sir Philip Allen, 31 July 1969

CJ 3/56 – Letter from the Rt. Hon/ Denis Healy to the Rt. Hon. James Callaghan, 3 October 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: M. John McKay, H.M. Inspector of Constabulary Attached to NIC, 1 August 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: D.Y. Wright, Military Liaison Officer (Originally Attached Royal Artillery), 1 August 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: County Inspector Johnson, Royal Ulster Constabulary Crime Special Branch, 1 August 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Intelligence – Londonderry, September 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to RUC and USC, County Antrim, 2 September 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Commandant Captain Spence and County Adjutant Mr Moor, 8 September 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: County Commandant Anderson, 9 September 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to Fermanagh Crime Special and Crime Ordinary, 10 September 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to RUC Belfast City Headquarters, 12 September 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Visit to Londonderry – Bogside, September 1969

CJ 3/57 – Notes of Evidence to Hunt Advisory Committee: Suggestions for the Re-Organisation of the RUC from the Down County Consultative Board for Presentation to the Hunt Committee and Central Representative Body, September 1969

CJ 3/58 – Note for the Record: Minister (A)'s Visit to Northern Ireland on 10 November 1969

CJ 3/62 – "Date of Disbandment of the USC", Letter from D.R.E. Hopkins to P. Thomson, Esq., 14 November 1969

CJ 3/62 – Letter from the Rt. Hon. Denis Healy M.B.E. to the Rt. Hon. R.W. Porter, 1

December 1969

CJ 3/62 – UDR Steering Group: Draft Report on the Overlap of UDR and USC, 15 December 1969

CJ 3/62 – Note on the Police Bill (Northern Ireland) by D.R.E. Hopkins, 18 December 1969

CJ 3/62 – UDR: Vesting Date (Draft), 11 February 1970

CJ 3/62 – UDR: Date of Takeover from USC, 19 February 1970

CJ 3/62 – Note of a Conversation Between Minister (A) and the Northern Ireland Minister of Home Affairs (Mr Porter) at 10 a.m. on 3 March 1970

CJ 3/62 – Hansard, "Oral Questions – Ulster Defence Regiment and Special Constabulary, Secretary of State for Defence to Mr McNamara and Mr Stratton Hills", 4 March 1970

CJ 3/62 – "North's 'Immense Debt' to B-Men". Extract from *The Irish Times,* 23 March 1970

CJ 3/85 – Note to Secretary of State on "Law and Order: Relationships", n.d.

CJ 3/85 – Note from Mr Waddell to Sir Philip Allen, 24 April 1970

CJ 3/85 – Note Prepared for the Cabinet Office on the Chain of Command in Northern Ireland, 24 June 1970

CJ 3/85 – Letter from Sir Arthur Young to Sir Philip Allen, Including a Short Appreciation, 5 August 1970

CJ 3/85 – Letter from the Northern Ireland Prime Minister James Chichester-Clark to the Secretary of State for Home Affairs Reginald Maudling, 22 October 1970

CJ 3/85 – "Note on a Visit to Northern Ireland on 7th and 8th December", Letter from D.R.E. Hopkins to P. Woodfield, 9 December 1970

CJ 3/86 – Note of a Meeting Held at the Home Office on 9 September 1970

CJ 3/86 – Contingency Planning to Cover the Possibility of Direct Rule in Northern Ireland, 9 February 1971)

CJ 3/98 – "Future Developments in Belfast: By Commander 39 Airportable Brigade", Report by Frank Kitson, 4 December 1971

CJ 3/112 – Letter from Lord Diplock to the Rt. Hon. William Whitelaw, 4 December 1972

CJ 3/118 – "Sabotage of E.B.N.I. Sub Station at Castlereagh", Report from MI5 Director Martin Furnival-Jones to the Inspector General of the RUC, 8 April 1969

CJ 3/118 – Letter from MI5 Deputy Director General Anthony Simkins to J.H. Waddell, 15 October 1969

CJ 4/46 – Note of a Meeting at the Home Office on Friday, 8 August 1969

CJ 4/46 – Note of a Meeting Held at 10 Downing Street on Tuesday 19 August 1969

CJ 4/46 – Downing Street Declaration (Confidential Version), 19 August 1969

CJ 4/46 – Note of the Prime Minister's Meeting with the Prime Minister of Northern Ireland at 10 Downing Street on Friday 17 July 1970

CJ 4/46 – Luncheon Discussion with the Prime Minister of Northern Ireland on Friday 17 July 1970

CJ 4/50 – Letter from Sir Philip Allen to the Prime Minister, 4 May 1971

CJ 4/82 – Telex from the UK Representative to the Home Office, 16 August 1971

CJ 4/95 – Telex from GOC Northern Ireland to the Vice Chief of the General Staff, 23 August 1971

CJ 4/95 – Draft Letter from General Sir Michael Carver (CGS) to Lt. Gen. Harry Tuzo, 16 October 1971

CJ 4/95 – "Annex B – Intelligence Support for Detention Centre", Letter from B.T.W. Stewart to A.P. Hockaday, 10 November 1971

CJ 4/96 – Memo from the Director Management and Support of Intelligence to the Secretary of the JIC, 19 October 1971

CJ 4/96 – Note of a Meeting Held at the Home Office on 21 October 1971

CJ 4/96 – "Northern Ireland: Alleged Ill-Treatment of Internees", Confirmatory Note to Sir Philip Allen, 29 October 1971

CJ 4/99 – Report of the enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out the events on 9th August 1971 (Compton Inquiry), November 1971

CJ 4/101 – Internal Security Instruction, HQ Northern Ireland, 6 August 1971

CJ 4/101 – Regional Detention Centres: Administration (Internment), 6 August 1971

CJ 4/128 – Note of a Meeting at the Royal Ulster Constabulary Headquarters on Thursday, 5 October 1971

CJ 4/135 – Northern Ireland Office: Note of a Meeting Held on 19 May 1972

CJ 4/146 – Note of a Meeting Between the Permanent Under Secretary, Mr Roy Bradford,

and Representatives of the Ulster Defence Association Held on Tuesday 17 October 1972

CJ 4/119 – "Interogatees", Note from Sir Edmund Compton to Sir Philip Allen, 15 November 1971

CJ 4/153 – Narrative Extracts from Personal Diary of Sir Arthur Young, 26 September 1969

CJ 4/185 – Letter from W.K.K. White (FCO) to J. Howard Drake (Home Office), 12 August 1971

CJ 4/188 – Note of Home Secretary's Discussion with GOC and Senior Officers at Lisburn on Tuesday, 14 December 1971

CJ 4/216 – Telex from J.T.A. Howard-Drake to Mr H.F.T. Smith, 7 August 1971

CJ 4/241 – Collection of Statements from Civilians Regarding Allegations of Brutality Against the Army and the RUC in the Post-Compton Period, February 1972

CJ 4/266 – Draft Statement Regarding "Murder Squads", Prepared by the Office of the Parliamentary Under-Secretary of State for Defence for the Army, 18 May 1972

CJ 4/266 – Tuzo Paper to the Secretary of State for Nothern Ireland, 9 July 1972

CJ 4/266 – Intelligence in an Urban Guerrilla Warfare Context, Report Prepared by HQNI for the Secretary of State, 24 July 1972

CJ 4/319 – Paper: Illegal Broadcasting Stations in Northern Ireland, 4 September 1969

CJ 4/436 – Directive: Interrogation by the Security Forces in Northern Ireland (Draft), 28 July 1972

CJ 4/655 – JIC(A)(72)21: Directive on Interrogation by the Armed Forces in Internal Security Operations, Report by Joint Intelligence Committee (A), 29 June 1972

CJ 4/669 – Letter from Antony Stephens (MOD) to G.W. Watson (NIO), 17 January 1974

CJ 4/669 – "Intelligence in the UDR", Annex to a Letter from Anthony Stephens (MOD) to G.W. Watson (NIO), 17 January 1974

CJ 4/1160 – Letter from J.B. Bourn (PUS NIO) to RUC Chief Constable K. Newman, 12 November 1976

CJ 4/1229 – Personal Minute from the Secretary of State of Northern Ireland to the Prime Minister, 22 April 1976

CJ 4/1291 – Letter to the Rt. Hon. Roy Mason from the GOC NI, 11 November 1976

CJ 4/1291 – Letter from the Rt. Hon. Roy Mason to the Rt. Hon. Fred Mulley, 18 November 1976

CJ 4/1291 – Note from J.B. Bourn to Permanent Under Secretary B.C. Cubbon, 24 November 1976

CJ 4/1291 – Defensive Brief for sue when SAS Operations are Extended, December 1976

CJ 4/1656 – "Annex C: Secretary of State's Intensification Package – Progress Report", The Way Ahead for Security Policy, September 1977

CJ 4/1668 – Commander Land Forces' Directive for Future Operations, January 1977

CJ 4/2164 – The Future Role and Organisation of the Ulster Defence Regiment, Document Prepared by HQNI, 15 February 1978

CJ 4/2276 – "Politics and Security: Round Two", Annex to a Note from Redacted Individual at Stormont Castle to the Permanent Secretary and the Permanent Under Secretary to the Northern Ireland Office, 29 December 1977

CJ 4/2276 – Note of a Meeting in Belfast to Discuss Security Prospects and Policy, 9 January 1978

CJ 4/2276 – "The Current Security Picture", Note from A.A. Pritchard to the Permanent Under Secretary to the Northern Ireland Office, 20 January 1978

CJ 4/2276 – Security in Northern Ireland: Statistical Background, Document Prepared by Division 1(B), 31 January 1978

CJ 4/2505 – "QUB Attitude Survey", Note for the Record Prepared by A.E. Huckle (Division 3B), 2 March 1979

CJ 4/2518 – Note of a Meeting Held at HQNI on Wednesday 26 January 1977

CJ 4/2519 – Directive: Royal Ulster Constabulary/Army Co-operation – The Way Ahead, 17 August 1976

CJ 4/2519 – Note of a Meeting Held at HQNI on Wednesday 26 January 1977

CJ 4/2527 – Letter from the Defence Secretary to the Rt. Hon. Fred Mulley to Attorney General the Rt./ Hon. Samuel Silkin, 19 December 1978

CJ 4/2527 – Letter from the Permanent Under Secretary for the Northern Ireland Office Sir Brian Cubbon to the Permanent Under Secretary to the Home Office Sir Robert Armstrong, 21 December 1978

CJ 4/2844 – "Visit of Sir Robert Armstrong", Note from J.A. Daniell to the Permanent Under Secretary to the Northern Ireland Office, 9 May 1979

CJ 4/2900 – "Security Coordination in Northern Ireland", Telex with General Distribution from the Foreign and Commonwealth Office, 2 October 1979

CJ 4/2900 – Joint Directive by General Officer Commanding Northern Ireland and Chief Constable Royal Ulster Constabulary, 12 January 1977

CJ 4/2900 – "Formalisation of Committee Structures", Note for the Record by Lt. Col. M.H. McLarney on behalf of CLF, 17 February 1977

CJ 4/2944 – "Active Covert Operations", Annex to a Letter from I.M. Burns to J.A. Daniell, 11 May 1979

CJ 4/3301 – "Security Co-ordinator – New Appointment": Northern Ireland Information Service Brief, 12 June 1980

CJ 4/3301 – Review of the Security Situation in Northern Ireland: Report by the Security Co-ordinator to the Secretary of State for Northern Ireland, November 1981

CJ 4/4614 – "Draft Background Note: Converted Terrorists", Annex to a Letter from R.J. Davies (Law and Order Division, NIO) to Mr Fergusson (SIL Division), 10 October 1983

CJ 4/4871 – "Action by the Loyalists", Annex to a Note from B.M. Webster to Mr Barker, 25 May 1976

CJ 4/4871 – "FCO Enquiry Regarding Protestant Extremists Charged with Terrorist Offences", Briefing Note from M.W. Hopkins (Division 2B – Stormont) to Mr P.A. Crowther (Division 3 – NIO London), 10 November 1976

CJ 4/4871 – "Protestant Paramilitary Violence", Briefing Note Prepared for Mr Stephens, 6 December 1976

CJ 4/5158 – "The Yellow Card: Instructions by the Director of Operations for Opening Fire in Northern Ireland (Code 70771)", Annex to a Letter from Brigadier B.W. Davis to I.M. Burns (NIO), 6 September 1979

CJ 4/5158 – "Rules for Opening Fire", Letter from C. Davenport (NIO) to ACC David Cushley (RUC), 13 October 1980

CJ 4/6535 – Supergrasses and the Legal System in Britain and Northern Ireland, n.d.

CJ 4/6535 – "Combatting Terrorism: Supergrass Trials in Northern Ireland", by David Bonner Esq., 21 July 1986

CJ 4/6931 – "Measures to Assist the Security Forces", Mr D.J.R. Hill's Minute to PS/Secretary of State, 11 March 1987

CJ 4/7419 – "Paper: Establishment of a Border Zone", Annex to a Letter from S.G. Hewitt (Law and Order Division) to Mr Innes and the Private Secretary to the Secretary of State for Northern Ireland, 8 January 1988

CJ 4/7419 – Combatting Terrorism in border Areas: Joint Directive by the Chief Constable and the General Officer Commanding, 20 May 1988

DEFE 13/736 – Note from R.T. Armstrong (10 Downing Street) to D.E.R. Faulkner (Home Office), 7 July 1970

DEFE 24/210 – Ministry of Defence Northern Ireland Policy Group, Note of a Meeting Held in the Secretary of State's Office on Monday 13 December 1971

DEFE 24/746 – "Attitude Towards Vigilante Groups", Telex from GOC HQNI to AUS MOD, 19 October 1971

DEFE 24/835 – "Subversion in the UDR", Draft Report Prepared by HQNI, August 1973

DEFE 24/835 – "Intelligence in the UDR", Annex to a Note for the Record by Brigadier M.S. Mayley BGS(Int)DIS, 6 December 1973

DEFE 24/835 – "UDR and Intelligence", Note for the Record by Lt. Col. P.C. Bowser, 20 December 1973

DEFE 24/875 – Draft Minute from the Vice Chair of the General Staff (VCGS) to the Under Secretary of State (Army), January 1974

DEFE 24/875 – "UDR and Intelligence", Note for the Record by C.V. Balmer (Civil Adviser to GOC Northern Ireland), 15 January 1974

DEFE 24/875 – Letter from A.W. Stephens (Head of Defence Secretariat) to G.W. Watson (NIO), 17 January 1974

DEFE 24/875 – "Draft Report: The Ulster Defence Regiment", Annex to a Memo from A.P. Cumming-Bruce (DS7), 12 March 1974

DEFE 25/532 – Northern Ireland: Monthly Intelligence Summary, 6 December 1982

DEFE 25/532 – Headquarters Northern Ireland Operational Summary for the Period 14 December to 28 December 1981

DEFE 25/532 – Operational Summary: 1 January to 28 February 1983

DEFE 31/28 – Visit by CGS to Northern Ireland, 17 April 1970

FCO 33/1486 – Telegram from Frank Steele, MI6 to the Foreign and Commonwealth Office, October 1971

FCO 87/582 – Speaking Notes for the Prime Minister on Deployment of Elements of the SAS to Northern Ireland, 8 January 1976

FCO 87/582 – "SAS Weapons", Letter from the Ministry of Defence to Julian Hartland-Swann (Republic of Ireland Department, FCO), 19 January 1976

PREM 15/482 – Military Appreciation of the Security Situation in Northern Ireland at 4 October 1971

PREM 15/485 – Summary of Background Leading up to Interrogation in Depth in Northern Ireland, August 1971

PREM 15/485 – Note for the Record on the Terms of Reference for Sir Edmund Compton's Inquiry, 18 October 1971

PREM 15/1035 – "Northern Ireland: Report of Lord Parker's Committee on Interrogation Procedures". Report Prepared by Sir Burke Trend for the Prime Minister, 8 February 1972

Whole Files Consulted at The National Archives

Cabinet Papers (includ. JIC files):

CAB 163/173	Supporting Documentation for Co-ordinator's Brief
CAB 185/7	July to December 1971
CAB 185/10	January to December 1972
CAB 185/12	January to July 1973
CAB 185/13	July to December 1973
CAB 185/15	January to December 1974
CAB 185/17	January to December 1975
CAB 185/19	January to December 1976
CAB 185/21	January to December 1977
CAB 185/23	January to December 1978
CAB 185/25	January to December 1979
CAB 185/27	January to December 1980
CAB 185/29	January to December 1981
CAB 185/29	June to December 1982
CAB 190/8	October 1970 to April 1972
CAB 190/101	April 1976 to December 1978 (Memoranda)

Northern Ireland Office files:

CJ 3/52	Northern Ireland Political Situation: Parliamentary Matters – Emergency Debate in the House of Commons on 22 April 1969
CJ 3/55 Papers	Northern Ireland Political Situation: RUC and USC Correspondence and
CJ 3/56	Northern Ireland Political Situation: RUC and USC, Military Force to Replace the USC
CJ 3/57	Northern Ireland Political Situation: RUC and USC Hunt Advisory Committee, Notes of Evidence
CJ 3/58	Northern Ireland Political Situation: Ulster Defence Regiment Bill
CJ 3/62	Northern Ireland Political Situation: Public Order, RUC and USC; The Disbandment of USC and Overlap of UDR and USC (NI 5/6/01)
CJ 3/76	Northern Ireland Legislation: Civil Authorities (Special Powers) Act –

CJ 4/95	Allegations of Brutality Towards Detainees
CJ 4/96	Compton Enquiry: Medical Examination Reports
CJ 4/99	Compton Enquiry: Northern Ireland Detainees Enquiry Report Correspondence and Typescript of Report
CJ 4/101	Headquarters N.I. Operation Order: Situation Report
CJ 4/128	Meetings Between Secretary of State (W. Whitelaw) and Sir Ian Fraser
CJ 4/135	Interdepartmental Meeting on Intelligence, Security, and Information Policy in Northern Ireland (NIOM): Correspondence and Administrative Papers (NI 4/118/26)
CJ 4/146	Meeting Between Parliamentary Under-Secretary Mr Roy Bradford and Representatives of UDA
CJ 4/149	Assistance to RUC for Interrogation Purposes (NI 5/50/07)
CJ 4/153	Narrative Extracts from Personal Diary of Sir Arthur Young, 26 September 1969 to 14 October 1970
CJ 4/185	Proposed Visit by a Member of the International Committee of the Red Cross to Northern Ireland to Visit Internees
CJ 4/188	Home Secretary (Maudling): Visit to Northern Ireland, December 1971
CJ 4/214	Assessment of the Situation in Londonderry, 1972
CJ 4/216	Home Office Telex to Northern Ireland (1971/1972)
CJ 4/237	Assessment of Northern Ireland in 1972
CJ 4/241	Complaints of Brutality Against Troops and the RUC
CJ 4/261	Possible Use of FCO Information Research Department in Northern Ireland
CJ 4/266	Private Office Papers: Conduct of Military Operations in Northern Ireland and Related Matters
CJ 4/280	Probable Effect of Direct Ryle in Northern Ireland: JIC Assessment
CJ 4/319	Illegal Radio Stations
CJ 4/424	Border Security
CJ 4/436	RUC Interrogation Procedures
CJ 4/442	Matters Concerning Security Forces and Ministry of Defence
CJ 4/440	RUC Inspection by HM Chief Inspector of Constabulary Sir John McKay
CJ 4/512	Meeting with Secretary of State and the Northern Ireland Administration
CJ 4/650	Vehicle Licensing; National Computer Database
CJ 4/648	The Joint Security Review Northern Ireland, May 1974
CJ 4/655	RUC Interrogation Procedures
CJ 4/669	Intelligence in the UDR
CJ 4/720	Information Policy Coordinating Committee
CJ 4/826	Northern Ireland Security Review 1974
CJ 4/827	Use of Computers by MoD for Security Records of Suspects and Persons of Interest
CJ 4/828	Computer Information on Suspects: MoD Proposal to Use Computers to Record Information About Suspected Persons
CJ 4/832	Security Policy
CJ 4/834	Intelligence Reports Army and RUC : Liaison : Role of the Army in Intelligence Records
CJ 4/876	Evidence of the GOC to the Gardiner Committee
CJ 4/966	Working Party on Security Policy in Security Operations
CJ 4/1160	RUC / Police / General
CJ 4/1229	Security Policy: Army
CJ 4/1291	The Army (includ. GOC)
CJ 4/1656	Security Policy

CJ 4/1668	The Army (includ. GOC)
CJ 4/2164	Future Organisation of the UDR
CJ 4/2276	Security Activity Plans and Operations
CJ 4/2505	Public Opinion Polls on the Northern Ireland Situation
CJ 4/2519	Monthly Security Briefings with HQNI
CJ 4/2524	Army Project 3702 [Formerly Project EQUINOX]
CJ 4/2527	Investigation into Shooting of John Boyle by SAS
CJ 4/2844	Security Operations
CJ 4/2900	Security Policy
CJ 4/2925	Security Policy, Army
CJ 4/3099	Deputy Under Secretary Fortnightly Security Meetings
CJ 4/3113	Security Coordinator Meetings; Intelligence Assessments on Terrorist Groups in Northern Ireland
CJ 4/3133	"Bloody Monday", Death of Lord Mountbatten and Warrenpoint Massacre
CJ 4/3301	Security Coordinator's Meetings
CJ 4/4444	NI Security Forces Activity
CJ 4/4614	Custody on Remand Courts: Procedures (Diplock Courts)
CJ 4/4871	Loyalist Paramilitaries
CJ 4/4912	Death of Captain Nairac
CJ 4/5008	Opinion Polls on Northern Ireland/Irish Republic
CJ 4/5156	Shooting Incidents Involving the Security Forces
CJ 4/5157	Ulster Defence Regiment General File
CJ 4/5158	Rules for Opening Fire
CJ 4/5166	Review of Security Policy 1984
CJ 4/5293	Human Rights: United Kingdom Derogation from Human Rights
CJ 4/5646	Security Policy Review
CJ 4/6318	Operation INTERSTELLAR
CJ 4/6535	Converted Terrorists
CJ 4/6931	Measures to Assist the Security Forces
CJ 4/6938	Security Policy Review
CJ 4/7083	Ulster Defence Association (UDA): Loyalist Paramilitaries
CJ 4/7289	Information Strategy 1998
CJ 4/7419	Combating Terrorism in Northern Ireland: Border Brigade 1987-1988
CJ 4/7473	RUC Code of Conduct
CJ 4/7518	Combatting Terrorism
CJ 4/7531	Security Statistics
CJ 4/7577	General Security

Ministry of Defence:

DEFE 13/736	Northern Ireland Intelligence Reports
DEFE 23/384	Northern Ireland: Intelligence
DEFE 24/210	Northern Ireland General
DEFE 24/835	Northern Ireland: Ulster Defence Regiment
DEFE 24/875	Ulster Defence Regiment
DEFE 25/532	Northern Ireland Ops and Intelligence
DEFE 31/28	Intelligence Committee Northern Ireland

Foreign and Commonwealth Office:

FCO 87/582   Deployment of SAS to Northern Ireland

Prime Minister's Office:

PREM 15/481
PREM 15/482
PREM 15/485
PREM 15/1035
PREM 16/959

Primary Sources – Governmental: Hansard, Inquiries, Reports, and Other Publications

Amnesty International. *Northern Ireland: Report of an Amnesty International Mission to Northern Ireland, 28 November 1977 – 6 December 1977*. Conflict Archive on the Internet (CAIN). Accessed 17/10/2020. https://cain.ulster.ac.uk/issues/police/docs/amnesty78.htm

Barron, Justice Henry. *Interim Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings*. Dublin: Joint Committee on Justice, Equality, Defence and Women's Rights, December 2003

Beesley, Ian B. and Michael S. Goodman. "Margaret Thatcher and the Joint Intelligence Committee". *HM Government*, 1 October 2012. Accessed 9/9/2020. https://history.blog.gov.uk/2012/10/01/margaret-thatcher-and-the-joint-intelligence-committee/

Bennett, H.G. *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland*. London: Her Majesty's Stationery Office, March 1979. *Conflict Archive on the Internet (CAIN).* Accessed 5/5/2020. https://cain.ulster.ac.uk/hmso/bennett.htm

Cameron, Lord. [Cameron Report]. *Disturbances in Northern Ireland: Report of the Commission Appointed by the Governor of Northern Ireland*. Belfast: Her Majesty's Stationery Office, September 1969. Accessed 5/5/2020. https://cain.ulster.ac.uk/hmso/cameron.htm

Cassel, Douglass. *Report of the Independent International Panel on Alleged Collusion in Sectarian Killings in Northern Ireland*. Notre Dame: Center for Civil and Human Rights, October 2006

Cory, Peter. *Cory Collusion Report: Patrick Finucane*. London: The Stationery Office, 1 April 2004

da Silva, The Rt. Hon. Sir Desmond. *The Report of the Patrick Finucane Review: Volume I*. London: The Stationery Office, December 2012

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. *Report to the Government of the United Kingdom on the visit to Northern Ireland carried outby the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 to 29 July 1993*. Strasbourg: Council of Europe, 17 November 1994

Gardiner, Lord. *Interrogation Procedures*. London: Her Majesty's Stationery Office, March 1972. https://www.icj.org/interrogation-procedures-lord-gardiners-report/

Her Majesty's Government. [Downing Street Declaration] *Northern Ireland – Text of a Communique and Declaration issued after a meeting held at 10 Downing Street*. London: Her Majesty's Stationery Office, August 1969

Home Office. *Proscribed Terrorist Organisations*. Her Majesty's Government, 17 July 2020. Accessed 21/09/2020. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901434/20200717_Proscription.pdf

Hunt, Baron. *Report of the Advisory Committee on Police in Northern Ireland*. Belfast: Her Majesty's Stationery Office, October 1969. Accessed 5/5/2020. https://cain.ulster.ac.uk/hmso/hunt.htm

Ireland v United Kingdom – 5310/71. European Court of Human Rights 1, 18 January 1978. http://www.worldlii.org/eu/cases/ECHR/1978/1.html

KENOVA. "Operation KENOVA: An investigation into the alleged activities of the person known as Stakeknife". Accessed 25/10/2020. https://www.opkenova.co.uk/

Ministry of Defence (MOD). *Operation BANNER: An Analysis of Military Operations in Northern Ireland*. London: Her Majesty's Stationery Office, July 2006

The National Archives. "20-year Rule". Accessed 19 March 2019. http://www.nationalarchives.gov.uk/about/our-role/plans-policies-performance-and-projects/our-projects/20-year-rule/

The National Archives. "How to look for records of…Intelligence and security services". Accessed 19 March 2019. http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/intelligence-and-security-services/

Parades Commission for Northern Ireland. *Annual Report and Financial Statements for the year ended 31 March 2019*. Belfast: Her Majesty's Stationery Office, 2019. https://www.paradescommission.org/getmedia/70962581-d187-4ab4-bacc-039c9f67c59c/NorthernIrelandParadesCommission.aspx

Police Service of Northern Ireland (PSNI). "Freedom of Information Request, Re: Historical

Enquiries Team", 2009. Accessed 22/09/2020.
https://www.psni.police.uk/globalassets/advice--information/our-publications/disclosure-logs/2009/crime/historical_enquiries_team.pdf

Saville, Lord (of Newgate). *Report of the Bloody Sunday Inquiry – Volume 1*. London: The Stationery Office, 15 June 2010.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/279133/0029_i.pdf

Saville, Lord (of Newgate). *Report of the Bloody Sunday Inquiry*. "Intelligence Witness – Officer A (Oral Testimony, Day 326). Accessed 11/06/2020.
https://webarchive.nationalarchives.gov.uk/20101017063048/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts326.htm

Saville, Lord (of Newgate). *Report of the Bloody Sunday Inquiry*. "Intelligence Witnesses – David (Oral Testimony, Day 330)". Accessed 10/06/2020.
https://webarchive.nationalarchives.gov.uk/20101017062831/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts330.htm

Saville, Lord (of Newgate). *Report of the Bloody Sunday Inquiry*. "Intelligence Witnesses – David, KD2 (Written Testimony)". Accessed 10/06/2020.
https://webarchive.nationalarchives.gov.uk/20101017060841/http://report.bloody-sunday-inquiry.org/evidence/K/KD_0002.pdf

Saville, Lord (of Newgate). *Report of the Bloody Sunday Inquiry*. "Intelligence Witness – Martin Ingram (Oral Testimony, Day 329)". Accessed 11/06/2020.
https://webarchive.nationalarchives.gov.uk/20101017063949tf_/http://report.bloody-sunday-inquiry.org/transcripts/Archive/Ts329.htm

Saville, Lord (of Newgate). *Report of the Bloody Sunday Inquiry*. "Intelligence Witness – Martin Ingram (Written Testimony, KI2)". Accessed 11/06/2020.
https://webarchive.nationalarchives.gov.uk/20101017060841/http://report.bloody-sunday-inquiry.org/evidence/K/KI_0002.pdf

Scarman, The Hon. Mr Justice. *Government of Northern Ireland: Violence and Civil Disturbances in Northern Ireland in 1969: Report of Tribunal of Inquiry*. Belfast: Her Majesty's Stationery Office, 1969. Accessed 5/5/2020.
https://cain.ulster.ac.uk/hmso/scarman.htm

Security Service (MI5). "Jonathan Evans, Baron Evans of Weardale (Director General, 2007-13)". Accessed 20/10/2020. https://www.mi5.gov.uk/sir-jonathan-evans

Stevens, Sir John. *Stevens Enquiry 3: Overview and Recommendations*. London: Her Majesty's Stationery Office, 17 April 2003

United Kingdom. *House of Commons Debate*, vol 738 cc 1005-8 [online[, 19 December 1966. Accessed 24/08/2020. https://api.parliament.uk/historic-hansard/commons/1966/dec/19/south-arabia-bowen-report-1

United Kingdom. *House of Commons Debate*, vol 926 cc1491-548 [online], 23 February

1977. Accessed 29/09/2020. https://api.parliament.uk/historic-hansard/commons/1977/feb/23/northern-ireland-security-forces#S5CV0926P0_19770223_HOC_292

United Kingdom. *House of Commons Debate*, vol 832 cc 743-9 [online], 2 March 1972. Accessed 05/09/2020. https://api.parliament.uk/historic-hansard/commons/1972/mar/02/interrogation-techniques-parker

Walker, Patrick. *Report of the Interchange of Intelligence Between Special Branch and CID and on the RUC Units Involved, Including those in Crime Branch*. Committee on the Administration of Justice. Accessed 17/10/2020. https://caj.org.uk/2018/07/02/ruc-walker-report-1980/

Primary Sources – Memoirs and Reflections

Adams, Gerry. *Before the Dawn*. London: Heinemann, 1996

Bloomfield, Kenneth. *A Tragedy of Errors: The Government and Misgovernment of Northern Ireland*. Liverpool: Liverpool University Press, 2007

Breen, Colin. *A Force Like No Other: The Real Stories of the RUC Men and Women Who Policed the Troubles*. Newtownards: Blackstaff Press, 2017

Carlin, Willie. *Thatcher's Spy: My Life as an MI5 Agent Inside Sinn Fein*. Newbridge: Merrion Press, 2019

Collins, Eamon and Mike McGovern. *Killing Rage*. London: Granta Books, 1997

Cursey, Simon. *MRF Shadow Troop*. London: Thistle Publishing, 2013

Dulles, Allen. *The Craft of Intelligence*. New York: Harper and Row Publishers, 1963

Faulkner, Brian. *Memoirs of a Statesman*. John Houston, ed. London: George Weidenfeld and Nicolson Ltd., 1978

Ford, Sarah. *One Up: A Woman in Action with the SAS*. London: HarperCollins Publishers, 1997

Fulton, Kevin. *Double Agent: My Secret Life Undercover in the IRA*. London: John Blake Books, 2019

George, Jackie and Susan Ottaway. *She Who Dared: Covert Operations in Northern Ireland with the SAS*. Barnsley: Leo Cooper, 1999

Heath, Edward. *The Course of my Life*. London: Hodder and Stoughton, 1998

Hermon, Sir John. *Holding the Line*. Dublin: Gill and Macmillan Ltd., 1997

Lindsay, Kennedy. *The British Intelligence Service in Action.* Newtownabbey: The Dunrod Press, 1980

Manningham-Buller, Eliza. *Securing Freedom*. London: Profile Books, 2012

McGartland, Martin. *Fifty Dead Men Walking*. London: John Blake Publishing Ltd., 2009

O'Callaghan, Sean. *The Informer*. London: Corgi Books, 1999

Olson, James M. *Fair Play: The Moral Dilemmas of Spying*. Washington, DC: Potomac Books Inc, 2006

Holland, Jack and Susan Phoenix. *Phoenix: Policing the Shadows*. London: Hodder and Stoughton, 1996

Ramsay, Robert. *Ringside Seats: An Insider's View of the Crisis in Northern Ireland*. Dublin: Irish Academic Press, 2009

Rees, Merlyn. *Northern Ireland: A Personal Perspective*. London: Methuen London Ltd., 1985

Rennie, James. *The Operators: Inside 14 Intelligence Company – The Army's Top Secret Elite.* London: Century, 1996

Rimington, Stella. *Open Secret*. London: Arrow Books, 2002

Stalker, John. *Stalker*. London: Penguin Books, 1988

Stevens, John. *Not for the Faint-Hearted: My Life Fighting Crime*. London: Phoenix, 2005

Stewart, Brian T.W. and Samantha Newbery. *Why Spy? The Art of Intelligence*. London: Hurst and Company, 2015

Thatcher, Margaret. *The Downing Street Years*. London: HarperCollins Publishers, 1995

Turner, Admiral Stansfield. *Secrecy and Democracy*. London: Sidgwick and Jackson, 1986

Whitelaw, William. *The Whitelaw Memoirs*. London: Aurum Press Ltd., 1989

Primary Sources – Oral Histories

Anonymous (11141). Oral History with the Imperial War Museum. London: Imperial War Museum, 8 February 1990. Accessed at the Imperial War Museum Archives.

Boswell, Rod. Oral History with the Imperial War Museum. London: Imperial War Museum,

3 November 1992. Accessed 13/01/2020.
https://www.iwm.org.uk/collections/item/object/80018119

Burt, Godfrey Gordon Rowland. Oral History with the Imperial War Museum. London:
Imperial War Museum, 18 April 1994. Accessed at the Imperial War Museum
Archives

Candlish, Eddy. Oral History with the Imperial War Museum. London: Imperial
War Museum, 22 June 2007. Accessed 13/01/2020.
https://www.iwm.org.uk/collections/item/object/80029009

Coleman. Roger William. Oral History with the Imperial War Museum. London: Imperial
War Museum, 14 March 1994. Accessed at the Imperial War Museum Archives

Draycott, Kenneth Francis. Oral History with the Imperial War Museum. London: Imperial
War Museum, May 2011. Accessed 09/25/2019.
https://www.iwm.org.uk/collections/item/object/80032310

Dumphie, Christopher Campbell. Oral History with the Imperial War Museum. London:
Imperial War Museum, 19 October 1992. Accessed at the Imperial War Museum
Archives

Glaze, John. Oral History with the Imperial War Museum. London: Imperial War
Museum, 22 June 2007. Accessed 25/11/2019.
https://www.iwm.org.uk/collections/item/object/80029008

Lawton, Christopher. Oral History with the Imperial War Museum. London: Imperial War
Museum, n.d. Accessed 25/11/2019.
https://www.iwm.org.uk/collections/item/object/80026382

Mason, Jeffrey Sinclair. Oral History with the Imperial War Museum. London: Imperial War
Museum, March 2008. Accessed at the Imperial War Museum Archives

Mather, Brian. Oral History with the Imperial War Museum. London: Imperial War Museum,
17 April 2000. Accessed 25/11/2019.
https://www.iwm.org.uk/collections/item/object/80018811

Pollitt, Stuart Anthony. Oral History with the Imperial War Museum. London: Imperial War
Museum, 23 October 1992. Accessed at the Imperial War Museum Archives

Scullion, David John. Oral History with the Imperial War Museum. London: Imperial War
Museum, 21 January 2011. Accessed at the Imperial War Museum Archives

Storrie, David Robert Bruce. Oral History with the Imperial War Museum. London: Imperial
War Museum, 23 October 1992. Accessed 25/11/2019.
https://www.iwm.org.uk/collections/item/object/80010897

Southwood, Angus. Oral History with the Imperial War Museum. London: Imperial
War Museum, 12 May 2013. Accessed 25/11/2020.
https://www.iwm.org.uk/collections/item/object/80033057

Vaux, Nicolas Francis. Oral History with the Imperial War Museum. London: Imperial War Museum, n.d. Accessed at the Imperial War Museum Archives

Webster, Bryan Courtney. Oral History with the Imperial War Museum. London: Imperial War Museum, 29 November 1993. Accessed at the Imperial War Museum Archives

Williams, Peter Gage. Oral History with the Imperial War Museum. London: Imperial War Museum, 29 January 2015. Accessed at the Imperial War Museum Archives.

Secondary Sources – Monographs, Journal Articles, and Reports

Adams, James, Robin Morgan and Anthony Bambridge. *Ambush: The War Between the SAS and the IRA*. London: Pan Books, 1988

Aldrich, Richard J. "'A Skeleton in our Cupboard?' British Interrogation Procedures in Northern Ireland". In: *Learning from the Secret Past*, edited by Robert Dover and Michael S. Goodman, 161-184. Washington, DC: Georgetown University Press, 2011

Aldrich, Richard J. *The Hidden Hand: Britain, America and Cold War Secret Intelligence*. London: John Murray (Publishers) Ltd, 2001

Aldrich, Richard J. *Intelligence and the War Against Japan: Britain, America and the Politics of Secret Service*. Cambridge: Cambridge University Press, 2000

Aldrich, Richard J ed. *Espionage, Security and Intelligence in Britain 1945-1970.* Manchester: Manchester University Press, 1998

Aldrich, Richard J. and Rory Cormac. *The Black Door: Spies, Secret Intelligence and British Prime Ministers*. London: William Collins, 2016

Aldrich, Richard J., Rory Cormac and Michael S. Goodman. *Spying on the World: The Declassified Documents of the Joint Intelligence Committee, 1936-2013*. Edinburgh: Edinburgh University Press, 2014

Andregg, Michael. "Do Intelligence Bureaucracies Fear Ethics, and if so, Why?" *International Journal of Intelligence Ethics* 3 (2012): 100-120

Andregg, Michael. "Intelligence ethics: Laying a foundation for the second oldest profession". In: *Handbook of Intelligence Studies*, edited by Loch K. Johnson, 52-63. London: Routledge, 2007

Andregg, Michael ed. "A Symposium on Intelligence Ethics". *Intelligence and National Security* 24 (2009): 366-386

Andrew, Christopher. *The Defence of the Realm*. Toronto: Viking Canada, 2009

Andrew, Christopher. *Secret Service: The Making of the British Intelligence Community*. London: William Heinemann Ltd, 1985

Andrew, Christopher and David Dilks. *The Missing Dimension: Governments and Intelligence Communities in the Twentieth Century*. London: Macmillan, 1984

Aoláin, Fionnuala Ní. *The Politics of Force: Conflict Management and State Violence in Northern Ireland*. Belfast: The Blackstaff Press, 2000

Bamford, Bradley. "Intelligence and Northern Ireland". In: *Secret Intelligence: A Reader*, edited by Christopher Andrew, Richard J. Aldrich and Wesley K. Wark, 259-280. London: Routledge, 2009

Bamford, Bradley. "The Role and Effectiveness of Intelligence in Northern Ireland". *Intelligence and National Security* 20 (2005): 581-607

Bellaby, Ross. *The Ethics of Intelligence*. London: Routledge, 2014

Bellaby, Ross. "What's the Harm? The Ethics of Intelligence Collection". *Intelligence and National Security* 27 (2012): 93-117

Bennett, Gill. "Declassification and release policies of the UK's intelligence agencies". *Intelligence and National Security* 17 (2002): 2132

Bennett, Huw. "From Direct Rule to Motorman: Adjusting British Military Strategy for Northern Ireland in 1972". *Studies in Conflict and Terrorism* 33 (2010): 511-532

Betts, Richard K. "Politicisation of Intelligence Costs and Benefits". In: *Paradoxes of Strategic Intelligence: Essays in Honour of Michael I. Handel*, edited by Richard K. Betts and Thomas G. Mahnken, 58-76. London: Frank Cass, 2005

Betts, Richard K., and Thomas G. Mahnken, eds. *Paradoxes of Strategic Intelligence: Essays in Honour of Michael I. Handel*. London: Frank Cass, 2005

Bew, John, Martyn Frampton and Iñigo Gurruchaga. *Talking to Terrorists: Making Peace in Northern Ireland and the Basque Country*. London: Hurst and Company, 2009

Bew, Paul, Peter Gibbon and Henry Patterson. *Northern Ireland 1921-2001: Political Forces and Social Classes*. London: Serif, 2002

Bishop, Patrick and Eamon Mallie. *The Provisional IRA*. London: William Heinemann Ltd, 1987

Bishop, Patrick and Eamon Mallie. *The Provisional IRA*. London: Corgi Books, 1989

Bonner, David. "Combatting Terrorism: Supergrass Trials in Northern Ireland". *The Modern Law Review* 51 (1988): 23-53

Born, Hans and Thorsten Wetzling. "Intelligence accountability: Challenges for parliaments

and intelligence services". In: *Handbook of Intelligence Studies*, edited by Loch K. Johnson, 315-328. London: Routledge, 2007

Born, Hans and Aidan Wills. "Beyond the Oxymoron: Exploring Ethics through the Intelligence Cycle". In: *Ethics of Spying Vol. 2*, edited by Jan Goldman, 34-56. Plymouth: Scarecrow Press, Inc., 2010

Bowyer-Bell, J. *A Time of Terror.* New York: Basic Books Inc. Publishers, 1978

Brands, Hal and Jeremi Suri eds. *The Power of the Past: History and Statecraft.* Washington, DC: Brookings Institution Press, 2016

Burcher, Morgan and Chad Whelan. "Intelligence-Led Policing in Practice: Reflections from Intelligence Analysts". *Police Quarterly* 22 (2019): 139-160

Burke, Edward. *An Army of Tribes: British Army Cohesion, Deviancy ad Murder in Northern Ireland.* Liverpool: Liverpool University Press, 2018

Burleigh, Michael. *Blood and Rage: A Cultural History of Terrorism.* London: Harper Perennial, 2009

Cadwallader, Anne. *Lethal Allies: British Collusion in Ireland.* Cork: Mercier Press, 2013

Carr, E.H. *What is History?* London: Penguin Books, 1990

Charters, David A. "'Have A Go': British Army/MI5 Agent-Running Operations in Northern Ireland, 1970-72". *Intelligence and National Security* 29 (2013): 202-229

Charters, David A. *Whose Mission, Whose Orders? British Civil-Military Command and Control in Northern Ireland, 1968-1974.* Montreal and Kingston: McGill-Queen's University Press, 2017

Clark, Colin. "Evolution of British Intelligence and Counter-Insurgency Policy: Northern Ireland 1969-1998". *Pitt Political Review* 1 (2009): 8-13

Clayton, Pamela. *Enemies and Passing Friends: Settler Ideologies in Twentieth Century Britain.* London: Pluto Press, 1996

Clayton, Pamela. "Religion, Ethnicity and Colonialism as Explanations of the Northern Ireland Conflict". In: *Rethinking Northern Ireland: Culture, Ideology and Colonialism*, edited by David Miller, 40-54. London: Longman, 1998

Cobain, Ian. *Cruel Britannia: A Secret History of Torture.* London: Portobello Books, 2013

Cobain, Ian. *The History Thieves: Secrets, Lies and the Shaping of a Modern Nation.* London: Portobello Books, 2016

Cochrane, Mark. "Security Force Collusion in Northern Ireland 1969-1999: Substance of Symbolism?" *Studies in Conflict and Terrorism* 36 (2013): 77-97

Collingwood, R.G. *The Idea of History*. Oxford: Clarendon Press, 1993

Coogan, Tim Pat. *The Troubles: Ireland's Ordeal 1966-1996 and the Search for Peace*. London: Arrow Books, 1996

Cormac, Rory. *Confronting the Colonies: British Intelligence and Counterinsurgency*. London: Hurst and Company, 2013

Coyne, John, Peter Bell, and Shannon Merrington. "Exploring Ethics in Intelligence and the Role of Leadership". *International Journal of Business and Commerce* 2 (2013): 27-37

Croce, Benedetto. *History as the Story of Liberty*. London: George Allen and Unwin Limited, 1941

Cronin, Audrey Kurth. "When Should We Talk to Terrorists?" *United States Institute of Peace* 240 (2010): 1-6

Cronin, Audrey Kurth and James M. Ludes, eds. *Attacking Terrorism: Elements of a Grand Strategy*. Washington, DC: Georgetown University Press, 2004

Davies, Philip H.J., Kristian Gustafson and Lt. Col. Ian Rigden. "The Intelligence Cycle is Dead, Long Live the Intelligence Cycle: Rethinking Intelligence Fundamentals for a New Intelligence Doctrine". London: Brunel Centre for Intelligence and Security Studies, 2013

Devlin, Paddy. *The Fall of the NI Executive*. Belfast: Paddy Devlin, 1975

Dewar, Colonel Michael. *The British Army in Northern Ireland*. London: Arms and Armour Press, 1996

Diderichsen, Adam and Kira Vrist Rønn. "Intelligence by consent: on the inadequacy of Just War Theory as a framework for intelligence ethics". *Intelligence and National Security* 32 (2017): 479-493

Dillon, Martin. *The Dirty War*. London: Arrow Books, 1991

Dixon, Paul ed. *The British Approach to Counterinsurgency: From Malaya and Northern Ireland to Iraq and Afghanistan*. Basingstoke: Palgrave Macmillan, 2012

Dixon, Paul. "The British Approach to Counterinsurgency: 'Hearts and Minds' from Malaya to Afghanistan?". In: *The British Approach to Counterinsurgency: From Malaya and Northern Ireland to Iraq and Afghanistan*, edited by Paul Dixon, 1-48. Basingstoke: Palgrave Macmillan, 2012

Dorril, Stephen. *The Silent Conspiracy: Inside the Intelligence Services in the 1990s*. London: Mandarin Paperbacks, 1994

Dover, Robert and Michael S. Goodman eds. *Learning from the Secret Past*. Washington, DC: Georgetown University Press, 2011

Ellison, Graham and Jim Smyth. *The Crowned Harp: Policing Northern Ireland*. Dublin: Pluto Press, 2000

Elton, G.R. *The Practice of History*. Oxford: Blackwell Publishers Limited, 2002

English, Richard. *Armed Struggle: The History of the IRA*. London: Dan Macmillan, 2004

Erskine, Toni. "As Rays of Light to the Human Soul'? Moral Agents and Intelligence Gathering". *Intelligence and National Security* 19 (2004): 259-381

Erskine, Toni. "Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States". *Ethics and International Affairs* 15 (2001): 67-85

Evans, Richard J. *In Defence of History*. London: Granta Books, 1997

Evans, Rob and Paul Lewis. *Undercover: The True Story of Britain's Secret Police*. London: Faber and Faber, 2013

Evelegh, Robin, *Peace Keeping in a Democratic Society: The Lessons of Northern Ireland*. London: C. Hurst and Company, 1978

Finegan, Rory. "Shadowboxing in the Dark: Intelligence and Counter-Terrorism in Northern Ireland". *Terrorism and Political Violence* 28 (2016): 497-519

Frampton, Martin. "Agents and Ambushes: Britain's 'Dirty War' in Northern Ireland". In *Democracies at War Against Terrorism*, edited by Samy Cohen, 77-100. New York: Palgrave Macmillan, 2008

Freeman, Michael. *Freedom or Security: The Consequences for Democracies Using Emergency Powers to Fight Terrorism*. London: Praeger, 2003

Furet, Francois. "Quantitative methods in history". In: *Constructing the Past: Essays in Historical Methodology*, edited by Jacques LeGoff and Pierre Nora, 12-27. Cambridge: Cambridge University Press, 1985

Garland, David. *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press, 2001

Gill, Peter. *Policing Politics: Security Intelligence and the Liberal Democratic State*. London: Frank Cass, 1994

Gill, Peter. "Reasserting control: Recent changes in the oversight of the UK intelligence community". *Intelligence and National Security* 11 (1996): 313-331

Gill, Peter. "Theories of Intelligence: where we are, where we should go and how might we proceed?" In: *Intelligence Theory: Key Questions and Debates*, edited by Peter Gill, Stephen Marrin and Mark Phythian, 208-226. London: Routledge, 2009

Gill, Peter, Stephen Marrin and Mark Phythian eds. *Intelligence Theory: Key Questions and*

Debates. London: Routledge, 2009

Godfrey, E. Drexel Jr. "Ethics and Intelligence". *Foreign Affairs* 56 (1978): 624-642

Goldman, Jan. "The Ethics of Research in Intelligence Studies: Scholarship in an Emerging Discipline". *International Journal of Intelligence and Counterintelligence* 31 (2018): 342-356

Goldman, Jan ed. *Ethics of Spying*. Plymouth: Scarecrow Press, Inc., 2006

Goldman, Jan ed. *Ethics of Spying Vol. 2*. Plymouth: Scarecrow Press, Inc., 2010

Goodman, Michael S. *The Official History of the Joint Intelligence Committee, Volume I*. London: Routledge, 2014

Grey, Stephen. *The New Spymasters: Inside Espionage from the Cold War to Global Terror*. Great Britain: Penguin Books, 2016

Hamill, Desmond. *Pig in the Middle: The Army in Northern Ireland 1969-1984*. London: Methuen London Ltd, 1985

Handel, Michael I. "Intelligence and the Problem of Strategic Surprise". In: *Paradoxes of Strategic Intelligence: Essays in Honour of Michael I. Handel*, edited by Richard K. Betts and Thomas G. Mahnken, 1-54. London: Frank Cass, 2005

Handel, Michael I. *War, Strategy and Intelligence*. London: Frank Cass and Company Limited, 1989

Harmon, Christopher C. "What history suggests about terrorism and its future". In: *The Past as Prologue: The Importance of History to the Military Profession*, edited by Williamson Murray and Richard Hart Sinnreich, 217-246. Cambridge: Cambridge University Press, 2006

Herman, Michael. *Intelligence Power in Peace and War.* Cambridge: Cambridge University Press, 1996

Herman, Michael. *Intelligence Services in the Information Age*. London: Frank Cass, 2001

Hewitt, Christopher. *The Effectiveness of Anti-Terrorist Policies*. London: University Press of America, Inc.: 1984

Hollingsworth, Mark and Nick Fielding. *Defending the Realm: MI5 and the Shayler Affair*. London: Andrew Deutsch Limited, 1999

Howard, Michael. *The Lessons of History*. Oxford: Clarendon Press, 1991

Hughes, R. Gerald, Peter Jackson, and Len Scott, eds. *Exploring Intelligence Archives: Enquiries into the Secret State*. London: Routledge, 2008

Hughes, R. Gerald and Len Scott. "'Knowledge is never too dear': Exploring intelligence

archives". In: *Exploring Intelligence Archives: Enquiries into the Secret State*, edited by R. Gerald Hughes, Peter Jackson and Len Scott, 13-39. London: Routledge, 2008

Ignatieff, Michael. *The Lesser Evil: Political Ethics in an Age of Terror*. Edinburgh: Edinburgh University Press, 2015

Ingram, Martin and Greg Harkin. *Stakeknife: Britain's Secret Agents in Ireland*. Dublin: The O'Brien Press, 2006

Jackson, John. "Many years on in Northern Ireland: The Diplock Legacy". *Northern Ireland Legal Quarterly* 60 (2009): 213-229

Jackson, Peter. "Introduction: enquiries into the 'secret state'". In: *Exploring Intelligence Archives: Enquiries into the Secret State*, edited by R. Gerald Hughes, Peter Jackson and Len Scott, 1-11. London: Routledge, 2008

Jeffreys-Jones, Rhodri. *We Know All About You: The Story of Surveillance in Britain and America*. Oxford: Oxford University Press, 2017

Johnson, Loch K. *America's Secret Power*. Oxford: Oxford University Press, 1989

Johnson, Loch K. "Ethics of Covert Operations". In: *Ethics of Spying*, edited by Jan Goldman, 266-299. Plymouth: Scarecrow Press, Inc., 2006

Johnson, Loch K ed. *Handbook of Intelligence Studies*. London: Routledge, 2007

Johnson, Loch K. "Sketches for a Theory of Strategic Intelligence". In: *Intelligence Theory: Key Questions and Debates*, edited by Peter Gill, Stephen Marrin and Mark Phythian, 33-52. London: Routledge, 2009

Jones, Jennifer Morgan. "Is Ethical Intelligence a Contradiction in Terms?" In: *Ethics of Spying Vol. 2*, edited by Jan Goldman, 21-33. Plymouth: Scarecrow Press, Inc., 2010

Jones, R.V. "Intelligence Ethics". In: *Ethics of Spying*, edited by Jan Goldman, 18-38. Plymouth: Scarecrow Press, Inc., 2006

Kahn, David. "An Historical Theory of Intelligence". In: *Intelligence Theory: Key Questions and Debates*, edited by Peter Gill, Stephen Marrin and Mark Phythian, 4-15. London: Routledge, 2009

Keefe, Patrick Radden. *Say Nothing: A True Story of Murder and Memory in Northern Ireland*. London: William Collins, 2018

Kirk-Smith, Michael and James Dingley. "Countering terrorism in Northern Ireland: The role of intelligence". *Small Wars and Insurgencies* 20 (2009): 551-573

Kiszley, John P. "The relevance of history to the military profession: a British view". In: *The Past as Prologue: The Importance of History to the Military Profession*, edited by Williamson Murray and Richard Hart Sinnreich, 23-33. Cambridge: Cambridge University Press, 2006

Kitson, Frank. *Gangs and Counter-Gangs.* London: Barrie and Rockliff, 1960

Kitson, Frank. *Low Intensity Operations.* London: Faber and Faber, 1971

Kleinig, John. "The Ethical Perils of Knowledge Acquisition". *Criminal Justice Ethics* 28
    (2009): 201-222

Kuhns, Woodrow J. "Intelligence Failures: Forecasting and the Lessons of Epistomology".
    In: *Paradoxes of Strategic Intelligence: Essays in Honour of Michael I. Handel*,
    edited by Richard K. Betts and Thomas G. Mahnken, 77-96. London: Frank Cass,
    2005

Langan, John P. "Moral Damage and the Justification of Intelligence Collection from Human
    Sources". In: *Ethics of Spying*, edited by Jan Goldman, 104-113. Plymouth:
    Scarecrow Press, Inc., 2006

Laqueur, Walter. *A World of Secrets: The Uses and Limits of Intelligence*. New York: Basic
    Books, 1985

Lathrop, Charles E. *The Literary Spy*. New Haven: Yale University Press, 2004

Le Carré, John. *Tinker, Tailor, Soldier, Spy*. New York: Pocket Books, 2002

LeGoff, Jacques and Pierre Nora, eds. *Constructing the Past: Essays in Historical
    Methodology*. Cambridge: Cambridge University Press, 1985

Leigh, Ian. "The accountability of security and intelligence agencies". In: *Handbook of
    Intelligence Studies*, edited by Loch K. Johnson, 67-81. London: Routledge, 2007

Lowenthal, Mark M. *Intelligence: From Secrets to Policy*. London: Sage Publications, 2012

Lukes, Steven. "Liberal Democratic Torture". *British Journal of Political Science* 36 (2006):
    1-16

Lyon, David. "The Search for Surveillance Theories". In: *Theorizing Surveillance: The
    Panopticon and Beyond*, edited by David Lyon, 3-20. Devon; Willan Publishing,
    2006

Lyon, David ed. *Theorizing Surveillance: The Panopticon and Beyond*. Devon: Willan
    Publishing, 2006

MacAirt, Ciarán. "Britain's Military Reaction Force and Operation Everson". *Paper Trail*, 26
    February 2020. Accessed 19/08/2020. http://www.papertrail.pro/military-reaction-
    force-operation-everson/

MacAirt, Ciarán. *Shooters: Britain's Military Reaction Force and Operation Everson, Part
    1/2*. Belfast: Paper Trail, 2020

Maguire, Keith. "The Intelligence War in Northern Ireland". *International Journal of Intelligence and Counter Intelligence* 4 (1990): 145-165

Manjikian, Mary. "But My Hands Are Clean: The Ethics of Intelligence Sharing and the Problem of Complicity". *International Journal of Intelligence and Counterintelligence* 28 (2015): 692-709

Marrin, Stephen. "Adding value to the intelligence product". In: *Handbook of Intelligence Studies*, edited by Loch K. Johnson, 199-210. London: Routledge, 2007

Marrin, Stephen. *Improving Intelligence Analysis: Bridging the Gap Between Scholarship and Practice*. London: Routledge, 2011

Martin, Kate. "Domestic Intelligence and Civil Liberties". In: *Secret Intelligence: A Reader*, edited by Christopher Andrew, Richard J. Aldrich, and Wesley K Wark, 358-370. London: Routledge, 2009

Matchett, William. *Secret Victory: The Intelligence War that Beat the IRA*. Lisburn: Hiskey Press, 2016

McGuffin, John. *The Guineapigs*. London: Penguin Books, 1974

Miller, David. "Colonialism and Academic Representations of the Troubles". In: *Rethinking Northern Ireland: Culture, Ideology and Colonialism*, edited by David Miller, 3-39. London: Longman, 1998

Misztal, Barbara A. *Trust in Modern Societies*. Cambridge: Polity Press, 1996

Moores, Chris. *Civil Liberties and Human Rights in Twentieth-Century Britain*. Cambridge: Cambridge University Press, 2017

Moran, Jon, "Evaluating Special Branch and the Use of Informant Intelligence in Northern Ireland". *Intelligence and National Security* 25 (2010): 1-23

Moran, Jon. *From Northern Ireland to Afghanistan: British Military Intelligence Operations, Ethics and Human Rights*. Farnham: Ashgate Publishing Limited, 2013

Moses, Jonathon W. and Torbjørn L. Knutsen. *Ways of Knowing: Competing Methodologies in Social and Political Research.* Basingstoke: Palgrave Macmillan, 2012

Mulcahy, Aogán. *Policing Northern Ireland: Conflict, Legitimacy, and Reform*. London: Routledge, 2005

Mumford, Andrew. *The Counter-Insurgency Myth: The British Experience of Irregular Warfare*. London: Routledge, 2012

Murray, Williamson and Richard Hart Sinnreich, eds. *The Past as Prologue: The Importance of History to the Military Profession*. Cambridge; Cambridge University Press, 2006

Neumann, Peter R. *Britain's Long War: British Strategy in the Northern Ireland Conflict, 1969-98*. Basingstoke: Palgrave Macmillan, 2003

Newbery, Samantha. *Interrogation, Intelligence and Security: Controversial British Techniques*. Manchester: Manchester University Press, 2015

Newsinger, John. *British Counterinsurgency: From Palestine to Northern Ireland*. Basingstoke: Palgrave, 2002

O Dochartaigh, Niall. *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles.* Cork: Cork University Press, 1997

O'Brien, Mark. *The Irish Times*. Dublin: Four Court Press Ltd, 2008

O'Halpin, Eunan. "'A poor thing but our own': The Joint Intelligence Committee and Ireland, 1965-72". *Intelligence and National Security* 25 (2008): 658-680

O'Halpin, Eunan. "The Value and Limits of Experience in the Early Years of the Northern Ireland Troubles, 1969-72". In: *Learning from the Secret Past*, edited by Robert Dover and Michael S. Goodman, 189-205. Washington, DC: Georgetown University Press, 2011

Oakeshott, Michael. *What is History? And Other Essays.* Luke O'Sullivan ed. United Kingdom: Imprint Academic, 2004

Omand, David. "The Dilemmas of Using Secret Intelligence for Public Security". In: *The New Protective State,* edited by Peter Hennessy, 142-169. London: Continuum, 2007

Omand, David. "Reflections on Secret Intelligence". In: *The New Protective State*, edited by Peter Hennessy, 47-122. London: Continuum, 2007

Omand, David. *Securing the State*. London: Hurst and Company, 2010

Omand, David and Mark Phythian. *Principled Spying: The Ethics of Secret Intelligence*. Washington, DC: Georgetown University Press, 2018

Perry, David L. *Partly Cloudy: Ethics in War, Espionage, Covert Action, and Interrogation*. London: Rowman and Littlefield, 2016

Petkus, Donald A. "Ethics of Human Intelligence Operations: Of MICE and Men". *International Journal of Intelligence Ethics* 1 (2010): 97-121

Pfaff, Tony. "Bungee Jumping off the Moral High-Ground: Ethics of Espionage in the Modern Age". In: *Ethics of Spying*, edited by Jan Goldman, 66-103. Plymouth: Scarecrow Press, Inc., 2006

Pfaff, Tony and Jeffrey R. Tiel. "The ethics of espionage". *Journal of Military Ethics* 3 (2001): 10-15

Phythian, Mark. "The British Experience with Intelligence Accountability". In: *Secret*

Intelligence: A Reader, edited by Christopher Andrew, Richard J. Aldrich and Wesley K. Wark, 337-357. London: Routledge, 2009

Phythian, Mark. "The Ethics-Intelligence Tension: Sources and Bypassing Strategies". *International Journal of Intelligence Ethics* 3 (2012): 12-36

Phythian, Mark. "Intelligence Theory and Theories of International Relations". In: *Intelligence Theory: Key Questions and Debates*, edited by Peter Gill, Stephen Marrin and Mark Phythian, 54-72. London: Routledge, 2009

Pillar, Paul R. "Intelligence". In: *Attacking Terrorism: Elements of a Grand Strategy*, edited by Audrey Kurth Cronin and James M. Ludes, 115-139. Washington, DC: Georgetown University Press, 2004

Plouffe Jr., William C. "Just War Theory as a Basis for Just Intelligence Theory: Necessary Evil or Sub-Rosa Colored Self-Deception?" *International Journal of Intelligence Ethics* 2 (2011): 77-116

Prunckun, Hank. *Handbook of Scientific Methods of Inquiry for Intelligence Analysis*. London: The Scarecrow Press Inc., 2010

Quinlan, Michael. "Just Intelligence: Prolegomena to an Ethical Theory". In: *The New Protective State*, edited by Peter Hennessy, 123-141. London: Continuum, 2007

Ramsay, Maureen. "Can the Torture of Terrorist Suspects be Justified?" In: *Secret Intelligence: A Reader*, edited by Christopher Andrew, Richard J. Aldrich and Wesley K. Wark. London: Routledge, 2009

Ramsay, Maureen. "Dirty hands or dirty decisions? Investigating, prosecuting and punishing those responsible for abuses of detainees in counter terrorism operations". *The International Journal of Human Rights* 15 (2011): 627-643

Ransom, Harry Howe. "Being Intelligent About Secret Intelligence Archives". American Political *Science Review* 74 (1980): 141-148

Rønn, Kira Vrist. "The professional ethics of intelligence: On the feasibility of ethics as internal self-regulation of intelligence activities". In: *Moral Issues in Intelligence-Led Policing*. Edited by Nicholas R. Fyfe, Helene O.I. Gundhus and Kira Vrist Rønn. New York: Routledge, 2018. EPUB, DOI: BNB GBB7147371

Ross, W.D. *The Right and the Good*. Oxford: Clarendon Press, 1930

Rowthorn, Bob. "Northern Ireland: An economy in crisis". *Cambridge Journal of Economics* 5 (1981): 1-31

Royal United Services Institute (RUSI). *A Democratic Licence to Operate: Report of the Independent Surveillance Review*. London: RUSI, 2015

Ruane, Joseph and Jennifer Todd. *The Dynamics of Conflict in Northern Ireland*. Cambridge: Cambridge University Press, 1996

Rule, James B. *Private Lives and Public Surveillance*. London: Allen Lane, 1973

Sanders, Andrew. "Northern Ireland: The Intelligence War, 1969-1975". *The British Journal of Politics and International Relations* (2011): 1-19

Scott, Len. "Sources and methods in the study of intelligence: A British view". *Intelligence and National Security* 22 (2007): 185-205

Scott, Len and Peter Jackson. "The Study of Intelligence in Theory and Practice". *Intelligence and National Security* 19 (2004); 139-169

Shelton, Allison M. "Framing the Oxymoron: A New Paradigm for Intelligence Ethics". *Intelligence and National Security* 26 (2011): 23-45

Shulsky, Abram N. *Silent Warfare: Understanding the World of Intelligence*. New York: Brassey's (US) Inc, 1991

Skerker, Michael. "Interrogation Ethics in the Context of Intelligence Collection". In: *Ethics of Spying*, edited by Jan Goldman, 141-170. Plymouth: Scarecrow Press, Inc., 2006

Soule, John W. "Problems in applying counter-terrorism to prevent terrorism: Two decades of violence in Northern Ireland reconsidered". *Studies in Conflict Terrorism* 12 (1989): 31-46

Taylor, Isaac. *The Ethics of Counterterrorism*. New York: Routledge, 2018. EPUB, DOI: BNB GBB872910

Taylor, Peter. *Beating the Terrorists? Interrogation in Omagh, Gough and Castlereagh*. London: Penguin Books, 1980

Taylor, Peter. *Brits: The War Against the IRA*. London: Bloomsbury, 2001

Taylor, Peter. *Provos: The IRA and Sinn Fein*. London: Bloomsbury, 1998

Tebbit, Kevin. "Ethics and Intelligence". In: *The New Protective State*, edited by Peter Hennessy, 170-175. London: Continuum, 2007

Thornton, Rod. "Getting it Wrong: The Crucial Mistakes Made in the Early Stages of the British Army's Deployment to Northern Ireland (August 1969 to March 1972)". *Journal of Strategic Studies* 30 (2007): 73-107

Tomlinson, Mike. "Walking Backwards into the Sunset: British Policy and the Insecurity of Northern Ireland". In: *Rethinking Northern Ireland: Culture, Ideology and Colonialism*, edited by David Miller, 94-122. London: Longman, 1998

Tuchman, Barbara W. *Practicing History*. London: Macmillan London Limited, 1982

Twigge, Stephen, Edward Hampshire and Graham Macklin. *British Intelligence: Secrets,*

Spies and Sources. Richmond: The National Archives, 2008

Urban, Mark. *Big Boys' Rules: The Secret Struggle Against the IRA*. London: Faber and Faber, 1992

Urban, Mark. *UK Eyes Alpha*. London: Faber and Faber Limited, 1996

Urwin, Margaret. *State of Denial: British Collaboration with Loyalist Paramilitaries*. Cork: Mercier Press, 2016

Walzer, Michael. *Obligations: Essays on Disobedience, War, and Citizenship*. Cambridge: Harvard University Press, 1971

Warner, Michael. "Intelligence as Risk Shifting". In: *Intelligence Theory: Key Questions and Debates*, edited by Peter Gill, Stephen Marrin and Mark Phythian, 16-32. London: Routledge, 2009

Warner, Michael. "Sources and methods for the study of intelligence". In: *Handbook of Intelligence Studies*, edited by Loch K. Johnson, 17-27. London: Routledge, 2007

Warner, Michael. "Wanted: A Definition of Intelligence". In: *Secret Intelligence: A Reader*. edited by Christopher Andrew, Richard J. Aldrich and Wesley K. Wark, 3-11. London: Routledge, 2009

Wharton, Ken. *Torn Apart: Fifty Years of the Troubles, 1969-2019*. Stroud: The History Press, 2019

Wilkinson, Paul. *Terrorism and the Liberal State*. London: The Macmillan Press Ltd, 1977

Wilkinson, Paul. *Terrorism versus Democracy: The Liberal State Response*. London: Routledge, 2006

Wood, Gordon S. *The Purpose of the Past: Reflections on the Uses of History*. New York: The Penguin Press, 2008

Young, J.W. "The Wilson's Government's Reform of Intelligence Co-ordination, 1967-68". *Intelligence and National Security* 16 (2001): 133-151

Zelikow, Philip. "The Nature of History's Lessons". In: *The Power of the Past: History and Statecraft*, edited by Hal Brands and Jeremi Suri, 281-309

Newspaper Articles

"Gerry Adams has survived several attempts to kill him". *The Irish News*, 16 July 2018. Accessed 16/09/2020. https://www.irishnews.com/news/northernirelandnews/2018/07/16/news/gerry-adams-is-no-stranger-to-assassination-attempts-1383005/

"Lyra McKee: 'New IRA' admits killing of journalist". *BBC News*, 23 April 2019. Accessed 8/11/2020. https://www.bbc.co.uk/news/uk-48018615

"Military Reaction Force: Breakthrough in PSNI Investigation". *BBC News*, 2 December 2015. Accessed 22/09/2020. https://www.bbc.co.uk/news/uk-northern-ireland-34980462

"New PSNI unit to investigate Northern Ireland's past". *BBC News*, 4 December 2014. Accessed 22/09/2020. https://www.bbc.co.uk/news/uk-northern-ireland-30330751

"Obituaries: Denis Donaldson". *The Telegraph*, 6 April 2006. Accessed 18/10/2020. https://www.telegraph.co.uk/news/obituaries/1514926/Denis-Donaldson.html

"On This Day – 1984: Sinn Fein leader shot in street attack". *BBC News*, n.d. Accessed 16/09/2020. http://news.bbc.co.uk/onthisday/hi/dates/stories/march/14/newsid_2543000/2543503.stm

"Police investigate Military Reaction Force allegations". *BBC News*, 10 June 2014. Accessed 19/08/2020. https://www.bbc.co.uk/news/uk-northern-ireland-27785433

"Stakeknife: Top British spy 'helped SAS kill IRA men'. *BBC News*, 1 October 2019. Accessed 25/10/2020. https://www.bbc.co.uk/news/uk-northern-ireland-49895529

British Broadcasting Corporation. "BBC News Style Guide". 14 August 2020. Accessed 27/10/2020. https://www.bbc.co.uk/newsstyleguide/d

Bennetto, Jason. "Will Ulster's dirty war claim one of Britain's most senior soldiers?". *The Independent,* 17 April 2003. Accessed 10/10/2020. https://www.independent.co.uk/news/uk/home-news/will-ulsters-dirty-war-claim-one-of-britains-most-senior-soldiers-115512.html

Born, Matt. "What is the truth behind the story of Stakeknife?". *The Telegraph*, 16 May 2003. Accessed 22/10/2020. https://www.telegraph.co.uk/news/uknews/1430204/What-is-the-truth-behind-the-story-of-Stakeknife.html

Byrne, Ciar. "How Stakeknife was unmasked". *The Guardian,* 12 May 2003. Accessed 22/10/2020. https://www.theguardian.com/media/2003/may/12/pressandpublishing.northernireland2

Bowcott, Owen. "Northern Ireland's Diplock courts to be abolished soon". The Guardian, 16 August 2006. Accessed 30/09/2020. https://www.theguardian.com/politics/2006/aug/12/uk.northernireland

Clarke, Liam. "Freddie Scappaticci was our most valuable spy in IRA during the Troubles: British Army chief". *Belfast Telegraph*, 20 April 2012. Accessed 22/10/2020. https://www.belfasttelegraph.co.uk/news/northern-ireland/article28739868.ece

Cowan, Rosie. "He did the IRA's dirty work for 25 years – and was paid £80,000 a year by the government". *The Guardian*, 12 May 2003. Accessed 22/10/2020. https://www.theguardian.com/uk/2003/may/12/northernireland.northernireland1

Cowan, Rosie, Stuart Millar, and Richard Norton-Taylor. "This man says he isn't Stakeknife, and has never left Ulster. Just what is going on?". *The Guardian*, 15 May 2003. Accessed 22/10/2020. https://www.theguardian.com/uk/2003/may/15/politics.pressandpublishing

Coyne, Ellen. "Stakeknife's links to 18 murders". *The Sunday Times*, 11 April 2017. Accessed 25/10/2020. https://www.thetimes.co.uk/article/stakeknifes-links-to-18-murders-exposed-m6779mw5n

Doward, Jamie. "MI5 chief told agents: call me 'Bob'". *The Guardian*, 11 March 2007. Accessed 20/10/2020. https://www.theguardian.com/politics/2007/mar/11/northernireland.immigrationpolicy

Dowling, Kevin. "Day of 'The Jackal' has finally drawn to a close". *The Independent,* 4 June 1998. Accessed 03/10/2020. https://www.independent.ie/irish-news/day-of-the-jackal-has-finally-drawn-to-a-close-26182704.html

Hogan, Caelainn. "The Miami Showband Massacre: a brutal attack during the Troubles resurfaces on Netflix". *The New Statesman*, 21 March 2019. Accessed 03/10/2020. https://www.newstatesman.com/miami-showband-massacre-netflix-brutal-attack-during-troubles-resurfaces

Jess, Mervyn. "Enniskillen bombing: 'The injuries were horrific – I knew it would get worse". *BBC News*, 8 November 2017. Accessed 15/09/2020. https://www.bbc.co.uk/news/uk-northern-ireland-20248737

Kelsey, Tim. "Loyalists claim more victims than IRA". *The Independent,* 2 January 1993. Accessed 01/10/2020. https://www.independent.co.uk/news/uk/loyalists-claim-more-victims-than-ira-1476005.html

McClements, Freya. "Not in Our Name. RIP Lyra". *The Irish Times*, 23 April 2019. Accessed 08/11/2020. https://www.irishtimes.com/news/social-affairs/not-in-our-name-rip-lyra-new-graffiti-in-derry-signals-change-1.3868485

McClements, Freya. "Battle of the Bogside 'like a conveyor belt system making petrol

bombs'". *The Irish Times*, 13 August 2019.
https://www.irishtimes.com/news/politics/battle-of-the-bogside-like-a-conveyor-belt-system-making-petrol-bombs-1.3984064

McDonald, Henry. "Head of 'Stakeknife' inquiry says major prosecutions unlikely". *The Guardian*, 9 July 2020. Accessed 25/10/2020. https://www.theguardian.com/uk-news/2020/jul/09/head-stakeknife-inquiry-says-major-prosecutions-unlikely-ira

McDonald, Henry and Owen Bowcott. "David Cameron admits 'shocking levels of collusion' in Pat Finucane murder". *The Guardian,* 12 December 2012. Accessed 13/10/2020. https://www.theguardian.com/uk/2012/dec/12/david-cameron-pat-finucane-murder

McKay, Susan. "The Incredible Life and Tragic Death of Lyra McKee". *The New Yorker,* 26 July 2019. Accessed 8/11/2020. https://www.newyorker.com/news/postscript/the-incredible-life-and-tragic-death-of-lyra-mckee

McKee, Lyra. "Constitutional Question is Holding us Back". V*ixens with Convictions*, 12 February 2014. Accessed 8/11/2020. https://vixenswithconvictions.com/2014/02/12/constitutional-question-is-holding-us-back-lyra-mckee/

McKee, Lyra. "Suicide of the Ceasefire Babies". *Mosaic Science*, 19 January 2016. Accessed 8/11/2020. https://mosaicscience.com/story/conflict-suicide-northern-ireland/

McKittrick, David. "Obituary: Brian Nelson". *The Independent,* 14 April 2003. Accessed 12/10/2020. https://www.independent.co.uk/news/obituaries/brian-nelson-115033.html

Raidió Teilifís Éireann (RTÉ) Archives. "Civil Rights in Northern Ireland: 04 – Derry, 5 October 1968". *Raidió Teilifís Éireann (RTÉ).* Accessed 15 July 2020. https://www.rte.ie/archives/exhibitions/1031-civil-rights-movement-1968-9/1034-derry-5-october-1968/

Simpson, Mark. "Loyalists on the Troubles: 'Better to die on your feet'". *BBC News*, 15 August 2019. Accessed 01/10/2020. https://www.independent.co.uk/news/uk/loyalists-claim-more-victims-than-ira-1476005.html

Ware, John. "A sinister crime". *The Guardian*, 20 April 2000. Accessed 12/10/2020. https://www.theguardian.com/uk/2000/apr/20/northernireland.comment

Ware, John. "How, and why, did Scappaticci survive the IRA's wrath?". *The Irish Times*, 15 April 2017. Accessed 22/10/2020. https://www.irishtimes.com/news/ireland/irish-news/how-and-why-did-scappaticci-survive-the-ira-s-wrath-1.3049139

Wheatcroft, Geoffrey. "A happy 80th birthday to the IRA's most deadly foe". *The Telegraph*, 18 April 2004. Accessed 30/09/2020. https://www.telegraph.co.uk/comment/personal-view/3604965/A-happy-80th-birthday-to-the-IRAs-most-deadly-foe.html

Claire Williamson. "Families sue over 1972 shooting by Army". *Belfast Telegraph,* 25 August 2017. Accessed 19/08/2020. https://www.belfasttelegraph.co.uk/news/northern-ireland/families-sue-over-1972-shooting-by-army-36066457.html

Young, Connla. "Treatment of Hooded Men Shocked Nationalists". *The Irish News*, 28 October 2017. http://www.irishnews.com/news/northernirelandnews/2017/10/28/news/treatment-of-hooded-men-shocked-nationalists-1173694/

Young, Connla. "Family of Francisco Notarantonio ask for Stakeknife probe to be widened". *The Irish News*, 8 January 2019. Accessed 25/10/2020. https://www.irishnews.com/news/northernirelandnews/2019/01/08/news/family-of-fransisco-notarantonio-ask-for-stakeknife-probe-to-be-widened-1523113/

Young, Connla. "Operation Kenova chief says no link between Stakeknife and Francisco Notarantonio murder". *The Irish News*, 8 February 2019. Accessed 25/10/2020. https://www.irishnews.com/news/northernirelandnews/2019/02/08/news/operation-kenova-chiefs-says-no-link-between-stakeknife-and-francisco-notarantonio-murder-1546960/

Radio and Film Documentaries

BBC. "Enemies Within". BBC Radio 4, 14 November 2008. Accessed at the Imperial War Museum Archive

BBC Panorama. "Britain's Secret Terror Force". *British Broadcasting Corporation*, 21 November 2013

BBC Panorama. "The Spy in the IRA". *British Broadcasting Corporation*, 11 April 2017

BBC Spotlight. "Spotlight on the Troubles: Episode 2 – Evolution of the IRA from 1972 Forward". *British Broadcasting Corporation*, 17 September 2019

BBC Spotlight. "Spotlight on the Troubles: Episode 3 – The Armalite and the Ballot Box". *British Broadcasting Corporation*, 24 September 2019

BBC Spotlight. "Spotlight on the Troubles: Episode 4 – Secret Intelligence War Against the IRA". *British Broadcasting Corporation*, 1 October 2019.

BBC Spotlight. "Spotlight on the Troubles: Episode 5 – Loyalist Anger and Retaliation". *British Broadcasting Corporation*, 8 October 2019.

BBC Spotlight. "Spotlight on the Troubles: Episode 6 – Escalation of Loyalist Violence During the 1990s". *British Broadcasting Corporation*, 15 October 2019.

BBC Spotlight. "Spotlight on the Troubles: Episode 7 – The End Game". *British Broadcasting Corporation*, 22 October 2019

Ireland: Behind the Wire. Film Reel. London: Berwick Street Film Collective, 1974. Held by the Imperial War Museum.

Unquiet Graves. Directed by Sean A. Murray. 15 July 2018. United Kingdom: Relapse Pictures, 2018

Other Online Sources

Bruce, Steve. "The Red Hand: Protestant Paramilitaries in Northern Ireland". *Conflict Archive on the Internet (CAIN)*. Accessed 28 April 2020. https://cain.ulster.ac.uk/issues/violence/bruce

Francis, Will. "Lyra McKee: A Statement from Will Francis". *Janklow and Nesbit UK*. Accessed 8/11/2020. http://www.janklowandnesbit.co.uk/lyra-mckee

"Gen. John Wilsey confirms: Stakeknife is Freddie Scappaticci". YouTube video, 36:10. 18 April 2012. Accessed 22/10/2020. https://www.youtube.com/watch?v=j1ua6l-qbxE

Kelly, William. "The Sieges of Derry". *Conflict Archive on the Internet (CAIN)*. Accessed 15 July 2020. https://cain.ulster.ac.uk/issues/commemoration/walker/walker01a.htm

Life in Belfast (lifeinbelfast_). "Photo of Lyra McKee Mural in Belfast". *Instagram*, 6 May 2019. Accessed 8/11/2020. https://www.instagram.com/p/BxInBJvBcMi/

Pat Finucane Centre. "Press Release: Families win legal challenge over failure to investigate Glennane Gang murders". *Pat Finucane Centre*, 28 July 2017. Accessed 03/10/2020. https://www.patfinucanecentre.org/human-rights-dublinmonaghan/press-release-families-win-legal-challenge-over-failure-investigate

McKenna, Fionnuala and Martin Melaugh. "List of Significant Violent Incidents". *Conflict Archive on the Internet (CAIN)*. Accessed 28/10/2020. https://cain.ulster.ac.uk/issues/violence/majinc.htm

Melaugh, Martin. "A Chronology of the Conflict – 1979". *Conflict Archive on the Internet (CAIN)*. Accessed 17/10/2020. https://cain.ulster.ac.uk/othelem/chron/ch79.htm

Melaugh, Martin. "Abstracts on Organisations". *Conflict Archive on the Internet (CAIN)*. Accessed 18/09/2020. https://cain.ulster.ac.uk/othelem/organ/uorgan.htm

Melaugh, Martin. "Bloody Friday – Summary of Main Events". *Conflict Archive on the*

Internet (CAIN). Accessed 28/10/2020.
https://cain.ulster.ac.uk/events/bfriday/sum.htm

Melaugh, Martin. "Dublin and Monaghan Bombings – Chronology of Events". *Conflict Archive on the Internet (CAIN).* Accessed 03/10/2020.
https://cain.ulster.ac.uk/events/dublin/chron.htm

Morton, Alan. "Anglo-Irish Agreement – Summary of Events". *Conflict Archive on the Internet (CAIN).* Accessed 06/10/2020. https://cain.ulster.ac.uk/events/aia/sum.htm

Provisional Irish Republican Army (PIRA). "Irish Republican Army (IRA) Ceasefire Statement, 31 August 1994". *Conflict Archive on the Internet (CAIN).* Accessed 02/10/2020. https://cain.ulster.ac.uk/events/peace/docs/ira31894.htm

"Scappaticci: The Wilsey Tape". *The Broken Elbow*, 7 April 2017. Accessed 22/10/2020.
https://thebrokenelbow.com/2017/04/07/scappaticci-the-wilsey-tape/

Sutton, Malcolm. "Sutton Index of Deaths from the Conflict in Ireland". *Conflict Archive on the Internet (CAIN).* Accessed 20 July 20202.
https://cain.ulster.ac.uk/sutton/tables/Status_Summary.html