



An Chartlann Náisiúnta National Archives

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PANORAMA 19.2.1990 on UDR

Presenter: This was the funeral of a Catholic called Laughlin Maginn, held last August in Co. Down. His wife and young children were at home when he was shot dead by loyalist terrorists. Laughlin Maginn was Northern Ireland's victim number 2,754 but his murder stands, out from many others, first for the savagery that followed it. The hatred for Laughlin Maginn was so intense his grave was even dug up.

Mother the coffin lid was damaged; the name-plate was removed and the crucifix was removed They tried to open the coffin - there were two screw missing out of it and they tried to prise the lid of the coffin open and they damaged it with spades they seemed to be in a frenzy

Presenter: How has that effected you?

Mother: It has devastated me. It broke my heart.

Presenter: The more lasting controversy is that after Laughlin's Maginn's murder loyalist terrorists claimed that they had access to security force intelligence. This file alleging that he was an IRA suspect was leaked to the terrorist group that claimed his murder. It was one of hundreds of intelligence documents that loyalists said they had received from sympathisers within the army and police and newspapers were deluged with copies to prove it. Confidential files were even plastered on walls in Belfast to challenge and embarrass John Stevens, the English police officer sent in to investigate the collusion affair. John Stevens, the Deputy Chief Constable for Cambridgeshire and his team have been in Belfast since September. His report due next month is eagerly awaited by Catholics.

[Voice: Can you tell us how impartial or how thorough this investigation will be?

Stevens: It will be totally impartial, I can assure you.]

Presenter: Catholic suspicions of collusion have had little proof until now.

Fr Faul: These revelations that they were in collusion with the Protestant assassins, of course, is devastating because the Catholic community is saying, "who is going to protect us?" The answer which some people might give to that is the Provisional IRA, which is a total disaster.

Presenter: Fr. Denis Faul, echoes the views of many moderate

Catholics in Northern Ireland today.

[Fr Paul: Let us proclaim the mystery of the faith ...]

Presenter: He has fought hard to persuade his community to support constitutional politics rather than the IRA. The security forces are predominately Protestant. Catholic confidence in these forces is at the heart of the policing problem in Northern Ireland where the Communities are so sharply divided.

Minister: If you don't have confidence in something you have fear, and there is that fear present amongst the Catholic nationalist people in Northern Ireland and where you have fear you have the best and strongest breeding ground for terrorist activities.

SoS Brooke: I agree with you, I agree with you that the confidence of the nationalist community in the security forces is of critical importance and we attack it on a very broad front.

Presenter: Catholics have however heard this kind of assurance from Secretaries of State before and their faith in the impartiality of the security forces is not likely to be restored by next month's report into the leaks affair by John Stevens. That report is expected to show that many of the leaks to loyalist terrorists have come from one branch of the security forces in particular, the Ulster Defence Regiment. Panorama has conducted its own investigation into the UDR and our investigation shows that the Government's claim that the Regiment acts in an evenhanded way is not always borne out.

Londonderry before Christmas: once again the loyalists were on the march, among them a few off-duty UDR men. Almost all UDR soldiers are Protestants, many from the loyalist working-class. The right to march anywhere in Ulster is a sacred tenet of loyalism, but at this all day affair raw sectarian instincts were also on display. This parade reviles the memory of a British Colonel called Lundy who was prepared to do a deal with the Catholic army. Three hundred years on and the loyalists still regard Lundy as a traitor to their cause. From this culture a degree of collusion between UDR soldiers and secret terrorist groups that murder IRA suspects is perhaps inevitable.

While in the UDR this man was convicted of being a member of the most violent of the loyalist terrorist groups, the Ulster Volunteer Force or UVF. He did not want us to reveal his identity for fear of IRA reprisals.

UVF man: By joining the UVF, I just looked on it as enabling me to play a further part in combatting the IRA, or helping those men who were prepared to fight the IRA actively. I didn't feel disloyal in any sense to the UDR, I still felt a sense of pride of being in the UDR and in the UVF too. I think they were, to my anyway, they were two sides of the same coin. As a matter of principle any information I got about Republicans, I made sure I passed it onto the UVF.

Presenter: As a matter of principle?

UVF man: As a matter of principle, yes. I think the Protestant people need to know who their enemies are.

Fr Faul: Well the flaw is their history, over the last twenty years over 100 men, a 120 men or so of the UDR, have been involved in serious crimes and have been imprisoned and a number have been involved in sectarian assassinations of Catholics. Any regiment within the British army with a history like that would probably have been disbanded long ago.

Presenter: When the UDR was formed by a Labour Government in 1970 most applicants were reserve policemen known as the "B Specials" regarded by Catholics as blatantly sectarian. Ever since, Catholics have been encouraged to join.

Roy Hattersly, (MoD 1970): In fact there has been 20% which was a help in the beginning, I want more than 20% particularly in some areas where we have asked the Advisory Committee to do its best to tell us how to get more Catholics. But 20% is not a bad figure to begin with.

Presenter: Of the Regiment's 6,500 soldiers today, less than 3% are Catholics. Catholics were driven out mainly because they were targeted by the IRA, but also by the sectarianism of some Protestant soldiers. The UDR is better trained than it was, it has taken over most the routine security-work from the regular army.

But for most Catholics the vehicle checkpoint provides the main point of contact with the UDR. It is also the main point of friction. There have been well-documented petty acts of sectarian behaviour by UDR soldiers, for example, Catholics held up on their way to Mass and such incidents still happen today.

Fr Faul: I know a Catholic father of fourteen children, and a Catholic father and mother, and every time they go

down to the village where they live they are stopped by the UDR if they happen to be on the road commanded by the same particular officer. They are put out on the road. The girls' stuff is all searched, these men come along with their dirty hands and put it through all the girls' clothes in their suitcases when they are going to their work in the nearby town. The mother, her prayer book is taken out and they go through the prayer book page by page. Her asthma inhaler is taken out and it is broken into its component parts by the dirty hands of this soldier, and it is handed back to her and she is supposed to put that into her mouth, if she gets an asthma attack. And these people would be described as SDLP supporters, and they are not people involved in sectarian crime in any way, or terrorist activities in any way, and would not be.

- Presenter: You are saying that this is the way men in uniform behave. You are saying that most UDR men are like this.
- Fr Paul: No, I am not saying that most UDR men behave like this. I have said that again and again, most UDR men are very decent men, good law-abiding men who are well-disciplined, but there is a minority who do this.
- Presenter: Jim Canning is an independent Catholic Councillor well-respected by moderate loyalists. He says UDR discipline has improved but many Catholics still see it as a local Protestant militia.
- Canning: Certainly the message that is taken is that we are the bosses, we are in charge and we are letting you know that we are in charge and that causes a great deal of offence, particularly among innocent people. A lot of young people get harassment on the roads and really this only leads them, it actually drives them into parliamentary groups. They see that as a form of redress, unfortunately.
- Presenter: Paul Creelman, is a Republican who alleges that he suffered months of UDR harassment. He also claims it was a factor that finally pushed him into the IRA. In 1985 he was released from jail after serving eight years for the attempted murder of a policeman. Nevertheless he says that the local police accept that he has renounced violence and hardly bother him but not the UDR.
- Creelman: It has got very, very sinister now, they shouted at me, " we are going to blow your big fat head off. That big fat head is just ripe for the lifting." I was on my own at the time. They have stopped me six

times in the one day. They have stopped me three times out walking the dog in a space of 500 yards. They have put me through all the motions, asking the same questions three or four times, each time I was stopped. There were times when I would be standing here and these people would be belittling me, degrading me, humiliating me. For a second I would say to myself I know what I would give you boy, and when I would get about a mile up the road, I would just wise up and catch yourself on and get a grip. Like what am I to do? Who am I to turn to? I would say that these people drive quite a few young fellows into, whatever you want to call it, the arms of violence, down the path of violence or down the road of violence.

Presenter: Despite these misgivings the UDR enjoys unequivocal support from the Government.

Mrs Thatcher: ... the UDR have done remarkable work, as you know they have suffered greatly...

Presenter: The Government stresses that the Regiment is a integral part of the British Army. Its senior Officers are predominately English, seconded from other Regiments.

Ritchie: What we say to the Catholic community is that we do not tolerate sectarian behaviour in this Regiment. Where there are cases of sectarian behaviour brought to our attention and a soldier is found guilty, then under normal circumstances he will be dismissed from the Regiment.

Presenter: But Panorama has investigated a number of cases which challenge the Brigadier's claim. Take for example the case of soldier "A" whom we will not name for fear of reprisal against him by the IRA. This Court document shows that in March 1987 he was convicted of assaulting a Catholic. These statements show that he also assaulted Catholics on two further occasions while on duty with his rifle and his boot. But although the Ministry of Defence paid out £1,300 damages, the assaults were not entered on his service record and the soldier is still in the UDR today.

If the Regiment is screening soldiers for sectarian conduct as scrupulously as the Regiment claims, surely this sort of information should be on his record.

Ritchie: That is a matter of opinion, obviously we do screen people but we do not have a Regimental representative sitting in every court in the land

when it sits. So unless somebody formally notifies the Regiment of it we would not know about it.

Presenter: Do you think it might be wise to review whether this solider should remain in the Regiment.

Ritchie: That is not something I feel I should discuss on television. Every case is looked at individually, circumstances are different and we will make the appropriate decision in due course of time.

Presenter: But if you put yourself in the position of a Catholic person living in this area, what is that Catholic person suppose to make of the Regiment when they see this man on a Checkpoint and they know that he has been involved in three separate assaults on Catholics.

Ritchie: I doubt whether everybody in the Catholic population is aware of this particular individual's circumstances. But that is not the point. The point is that we do not accept in the Regiment any form of sectarian behaviour at roadblocks.

Presenter: Panorama has investigated a second incident involving a UDR man we will call solider "B" and his patrol. It happened outside this farmhouse in Pomeroy. Solider B was dismissed from the Regiment after been convicted of punching a young Catholic at a checkpoint here.

But the local Councillor wants to know why shortly before the Court case the UDR patrol harassed the main prosecution witness, a local farmer named Mr. Quinn and damaged his car.

McGonnell: I believe that it was an attempt to intimidate Mr. Quinn. He was obviously an independent and vital witness in the case against the UDR man who had struck Mr. Quinn's neighbour just across the road here.

Presenter: Were there any threats to him?

McGonnell: I do not think that there were any direct threats at that particular time, but on the following Sunday morning, in the early hours of the morning Mr. Quinn got a phonecall and when he answered the phone a voice purporting to be the voice of the UVF told Mr. Quinn he had two days to get out.

Presenter: When the case came to court here in Cookstown, the prosecution suggested that solider B's patrol had covered up for him by lying. Solider B had told

the court that far from hitting the youth, he had neither seen or spoken to anyone at the checkpoint and he said that the checkpoint had been held at a different place and at a different time. Soldier B's colleagues, two privates and a lance corporal, all gave sworn evidence supporting his story. But the judge did not believe them and said that there had been what he described as a sort of conspiracy.

Do you think it might not be sensible for the UDR to institute some sort of inquiry into soldier B's colleagues who as far as the judge was concerned anyway clearly had not been telling the truth when they had taken the oath in the witness box.

Ritchie: The case you are referring to, as I've said, we are reviewing at the moment and no decision has been made. I do not see at the moment any particular reason why we should start some major inquiry into what did or did not happen in the Court.

Presenter: But you surely cannot have soldiers in a Regiment which you claim takes such a tough and disciplined attitude to sectarian behaviour. You clearly cannot have soldiers in the Regiment who are prepared to go into Court and give sworn evidence, untruthful sworn evidence, can you?

Ritchie: You are talking about what happened in the Court, what was and was not said. I do not know what was or was not said and what you are doing, of course, is that you are harping on the fact that in this particular case we have got a soldier who has been found guilty of the case. We will look at that case. I agree with you that our professional conduct should be perfect and I actually genuinely believe that the only day our image will change, is when everybody, nationalist or otherwise, as they approach a roadblock says, "who is running the vehicle checkpoint?" and when they say, "Oh! It's the UDR! Thank goodness for that, because they are now so polite and so professional!" That is when our image will change and we are now concentrating a great deal on making absolutely sure and explaining to our soldiers that communicating with the public is a skill and it has to be taught. The police are very good, very good at it and we are getting better and we still have got room for improvement.

Presenter: Sometimes the police accompany UDR patrols to take the friction out of contact with the nationalist population. Many Catholics say that they have more trust in the police because they have shown that they can be evenhanded. Police accompaniment of UDR patrols is a long overdue reform. For twenty

years British Governments have been telling Dublin the UDR operates only in support of the RUC. In 1985 at the signing of the Anglo-Irish Agreement Britain gave an undertaking to the Irish Government. The actual wording of the Communique is now the subject of differing interpretations. It promised that all operations by the Army should be accompanied by the Police save in the most exceptional circumstances. This would be accomplished "as rapidly as possible". Four years on, Britain has yet to fulfill its promise.

When the Anglo-Irish Treaty was signed the RUC's Chief Constable was Sir Jack Hermon. He said he would have needed an extra 1,500 officers for the Government to fulfill its promise to Dublin, but he never got the funds. But where were you then expected to provide the extra manpower in order for the British Government to fulfill its promise to the Irish Government?

Hermon: To the extent that promise was given we could never have fulfilled it nor did we attempt to do it.

Presenter: Where did the British Government expect you to find the extra men?

Hermon: I am not sure where they expected them to be found, but it was made abundantly clear to them that they could not be found within the resources which we had.

Presenter: Do you think that the British Government had any business making these promises to the Irish Government without making quite sure that you as Chief Constable had the manpower to do something.

Hermon: Listening to the wording of the Communiqué to which you referred I see a let-out, if I may use that phrase, by Government and there was a quiet recognition there that would take some considerable time, certainly within their knowledge of the availability, or rather the lack of availability, of resources within the RUC to fulfill it in the foreseeable future.

Minister: Well, obviously, it's a breach of faith, when two Governments sit down and negotiate an agreement, an agreement that has been recognised internationally, an agreement that has been welcomed, and an agreement that for our part is being followed diligently and supported along the way, at very great cost, might I add. But, of course, those solemn assurances were never lived up to, those solemn assurances have never being put into practice

and I say that with very deep regret.

Presenter: Why do you think that is?

Minister: Because the political will was not there to so do.

SoS Brooke: May I remind you that the commitment was qualified in the words that I have used and the Irish Government in conversation with us recognise that there are operational constraints and resources which need to be taken into account in making that decision.

Presenter: There is a slightly different complexion that the Irish Foreign Minister, Mr. Gerry Collins, put on it to us yesterday. He regards Britain's conduct in this matter as a breach of faith.

SoS Brooke: Well, he may say things - I am not in any way suggesting that he says different things to us - but the conversations which I had within the Conference to him while he has put the point firmly and vigourously, has actually acknowledged that there are operational circumstances and constraints which actually have to weigh with the security forces' decisions.

Presenter: Are we ever going to see full police accompaniment save in the most exceptional circumstances?

SoS Brooke: When Mr. Collins and I have got into conversation about this, it is quite clear that he sees a shading of the Agreement. In other words, although the Agreement actually is phrased in the way that it is, he wishes to see a particular application of the Agreement, in particular, a particular application of the wording of the Communiqué in particular ways, and that is something which the two Governments are in fact exploring further.

Presenter: Allegations of sectarian conduct by UDR soldiers must, however, be set against the IRA's sustained campaign to wipe them out.

Newscasts: "IRA gunmen shot the part-time UDR man at point blank range and then left behind a bomb which exploded."

"There have been IRA murders before, but last night's killing of the part-time soldier has horrified and angered them."

"A UDR patrol closing the Royal Avenue security gates caught the full impact of the blast. Two soldiers inside the vehicle stood no chance."

"... they fired several shoots through the windows and body of the car, wounding him in the head, chest and back."

Woman: I will never forget that poor fellow's face, that is the truth, I will never forget his face. There was nothing that I could do; I brought a rug down, a drink of water, but he wasn't able to take the water.

Newscasts: "Mr. Nicholls who was in the Regiment since he was a teenager, leaves a widow and a three year old daughter..."

182 serving and 43 former UDR soldiers have been murdered, most of them off-duty, while at home or at work. 252 have been mentioned in despatches for bravery. 15 soldiers have been decorated for gallantry. The loss of so many men and women explains why loyalists react so vigorously to critical scrutiny of a Regiment they regard as theirs.

W. McCrea: The media wheeled in every political criddle available to keep the ball rolling against the UDR. We here today salute the fortitude, the integrity, the gallantry of this very brave Regiment of the British Army. We are proud of our Ulster Defence Regiment's sons and daughters and brothers.

Presenter: Although IRA terrorism poses the greatest threat, Catholics believe that the UDR focuses on it to the exclusion of loyalist terrorists who killed 600 Catholics. The movements of suspects are logged in UDR checkpoints. Soldiers are briefed on whom to monitor. Panorama found ten soldiers who were prepared to discuss how they are briefed. Between them, they had been on several thousand patrols in areas where both IRA and loyalist terrorists were active. Five soldiers said that they had never been shown a picture of a loyalist suspect. Three said that they had been shown them very rarely. Two said that they had been shown them regularly.

Ritchie: We do not, as a matter of course, as a matter of course, brief our patrols looking for Protestant terrorists. That is in the domain of the RUC. I must emphasise that the role of the Ulster Defence Regiment is to support the RUC in the defeat of terrorism.

Presenter: No, no I am talking about pre-patrol briefings where the soldiers are given information about "players" I think the term is, suspects active in

that area, whether they are Protestants or Republican. The point that I am making is that the soldiers we had spoken to, five of them say that they had never ever been briefed on a Protestant suspect.

Ritchie: That is true, we do not give our soldiers extensive briefings on Protestant suspects...

Presenter: But you do on Republican suspects?

Ritchie: We do on Republican targets, suspects. That is correct.

Presenter: But why should there be any difference?

Ritchie: The difference being that the RUC are happy to deal with Protestant extremist terrorism. It is not a specific role given to the Ulster Defence Regiment. That having being said, a recent case which you may be aware of, was when in a known nationalist area, two Protestant gunmen machine-gunned a drinking club. The car was rammed and the two suspected terrorists were handed over to the RUC. That is how the soldiers would react when faced with terrorism from the whichever sector of the community it comes.

Presenter: How are the Catholic community to interpret your comments that effectively the UDR seek principally, -and only, I think you are saying - Republican suspects whereas Protestant suspects are left to the police? How are the Catholic community supposed to see your protestations that the Regiment has a non-sectarian and impartial approach to terrorism?

Ritchie: The Regiment is anti-terrorist, that is our role. We do not go out each night with a sort of photograph with the number one guy to get that evening. We are there on the streets and on the highways and byways to defeat terrorism from whichever corner it comes.

Minister: He is obviously confused. He tells you, I gather, that he tries to deal with terrorism from all sides and then immediately follows by saying he only briefs his patrols on the one side of terrorist activity. Obviously that is a recipe for disaster, but then that doesn't surprise me either.

Presenter: Of the ten soldiers we talked to, the two who were briefed on loyalist suspects were both NCOs. They told Panorama that intelligence was not always passed down to patrols because they feared soldiers might tip off their paramilitary friends. It has happened before.

Were you ever shown photographs of Loyalist Paramilitary suspects?

UVF man: I think in all this time in the UDR, I only ever came across one photograph of a loyalist suspect.

Presenter: What did you do with that photograph?

UVF man: I passed it on to the commander of the UVF, who in turn passed it on to the area commander where the loyalist suspect came from.

Presenter: For the purpose of what?

UVF man: I suppose they just wanted the guy to know that he was known to the security forces.

Presenter: While some patrols are not trusted with the names of Protestant suspects, all patrols are trusted with the names of Republicans. We have acquired this copy of a UDR soldier's notebook. Every UDR soldier has a notebook like this. It demonstrates the sheer volume of intelligence held by the average UDR soldier on republicans. In this book are 281 names, many of them with their addresses, the cars they drive and their associates. Not one of them is a Protestant. A tough system of vetting would reduce the risk of these names being leaked to loyalist assassins. But the UDR's own record of direct involvement with terrorist activity suggests that the vetting system has not been tough enough. The Government claims not to have figures for the number of UDR soldiers convicted of terrorist offenses. They say records are not available before 1985. So Panorama combed through newspaper reports for the past twenty years. Our list is not definitive but we found that 197 serving or former soldiers have been convicted for terrorist, sectarian and other serious offences, that includes seventeen soldiers convicted for murder. Eleven UDR soldiers are currently awaiting trial on charges of murder, unlawful possession of ammunition and passing information to loyalist terrorists.

UVF man: Guys who are in the UDR, because of the intelligence that they get, after a while they realise that most of the IRA activists are walking around the country free men. The security forces know them and they know in a lot of instances, they know particular operations that they have been involved in. But through lack of evidence they are never going to be able to convict them in the Courts, and at the end of the day there is only one way to deal with them.

- Maginnis: I do not believe that people go into the UDR with the intention of victimising one section of the community. I think that after years of stress, stress which goes unabated that people actually become damaged by their experiences. As far as I am concerned the average member of the UDR is not some latent criminal. He is a decent person who wants to serve the community and feels that he has an obligation to the community.
- Presenter: However the record of UDR soldiers can be compared with RUC police officers. The RUC has suffered even more, 267 officers have been murdered compared with 182 UDR soldiers, but in the last five years, six police officers have been convicted of terrorist offences. There have been 21 UDR convictions. At the resort of Newcastle, Co. Down, last November the UDR's vetting record was discussed at a Conference of the main nationalist party, the SDLP. Once again the British Government was accused of breaking a promise.
- V. Currie: When the UDR was first proposed, Mr. Chairman, as a replacement for the infamous B Specials, we were assured that no bigots, criminal elements or undesirables would get through this vetting procedure. Obviously Mr. Chairman this vetting procedure has broken down.
- Presenter: Until he became an MP in 1983 Ken Maginnis was a major in the UDR. He concedes that vetting loopholes may have allowed in unsuitable recruits.
- Maginnis: Again and again, I am asked if my name can be used as a referee. Sometime I agree, sometimes I refuse. But it doesn't really matter whether I do or not, because I am seldom approached and asked for my opinion yet I am much more likely to know the background of any person wishing to join the Regiment, whether there is stability or instability, temperamental stability or instability within the family that may manifest itself when that person comes under pressure. So I criticise, and have done so quite openly, the vetting procedure, not insofar as it goes but because I do not believe it goes far enough.
- Presenter: This man is a former UDR soldier who was convicted of a terrorist offence carried out on behalf of the paramilitary UDA. Even the most cursory check into his background would have revealed his body was tattooed with a UDA gunman but this slipped through the vetting system.

Did you give referees, were you asked to provide references?

UDR/UDA man: Yes, I was asked to provide three references.

Presenter: Did the UDR ever come and question those people about you to your knowledge?

UDR/UDA man: Not to my knowledge, no.

Presenter: Were they relatives, I mean, neighbours or schoolteacher or what?

UDR/UDA man: One was a reverend and one was a policeman.

Presenter: While in the UDR the man helped plan a weapons raid from his UDR base. More than 600 weapons have been stolen from different UDR bases by soldiers and passed to loyalist terrorists. This is the home of A company of the UDR's 19 Battalion in Ballymena. Just how lax vetting and screening in the UDR has been is shown by a case investigated by Panorama. For two years a UVF terrorist cell operated here undetected, seven members of one platoon, about a third of its strength were involved. Panorama has learned that security was so slack, the area UVF Commander had frequent access to a bar inside this base. This picture shows the UVF man with two UDR soldiers whom he recruited as terrorists. He visited the Army bar for several months before the alarm was raised even though he had known terrorist connections and a firearms conviction. This UVF man gives one reason why loyalists paramilitaries try to recruit UDR soldiers.

Presenter: In what way did membership of the UDR assist your membership of the UVF?

UVF man: One of the main ways it helped was the fact that we could move weapons. With the UDR man driving the car, he would get through the checkpoint, a police checkpoint, if he showed his pass - he was not as likely to be stopped and searched.

Presenter: The seven members of the Ballymena platoon were convicted of a range of terrorist offences in 1987 including manslaughter, robbery, illegal possession of firearms and passing information to the UVF. The rest of the platoon said that they had never suspected anything was going on even though they had been on duty together regularly. But Panorama has learned that one officer in the Regiment said after the arrests, "Ulster will one day be grateful to these men". We have confirmed the remark with the

soldier to whom it was made. The soldier was so appalled by what he heard that he reported the officer to his superiors but no action was taken and the officer remains in the Regiment today.

Ritchie: May I say that is pure hearsay of a remark which was allegedly made seven years ago. Whoever said that to you must have a remarkable memory, and I certainly hope that it is not true.

Presenter: The army claims vetting of soldiers joining and serving in the Regiment has been increasingly tightened but as late as 1973 it was possible to be a joint member of the UDR and the paramilitary group, the UDA. The army won't say exactly when this stopped. In 1977 an army press statement said that it was confident that it was "as fair and effective as it could be". In 1980 the Army dismissed allegations of paramilitary infiltration as "insidious propaganda". In 1988 the UDR announced every serving soldier would be screened every six months. But an investigation of the circumstances of Laughlin Maginn's murder last August, which sparked off the Stevens Inquiry, suggests the vetting system was still seriously flawed.

Laughlin Maginn lived in a small farming town called Rathfriland. The police believed that he gathered intelligence for the IRA. In this divided community the symbols of loyalism are everywhere. Laughlin Maginn was a Catholic. He worked in his father's poultry business delivering chickens to shops and restaurants across Northern Ireland. In 1981 when Laughlin Maginn was twenty, the police took him in for questioning. On his release he went to see his mother.

Mother: He was very pale and very quiet and I asked him what was the matter. He told me that the police had blackmailed him - what they called blackmailed, offered him money, for him to infiltrate to get into the IRA and become an informer. He was very very frightened, very frightened, scared, very scared.

Presenter: Panorama has learned that Laughlin Maginn dictated an account of his interrogation to his wife immediately after he was released. In it he claims that the police threatened he would be harassed and perhaps shot if he did not become an informer.

Statement: "If I did not do it they said that the UDR and police would harass me all the time. They said that they would put the word around that I was in the IRA. They said that there are plenty of good

loyalist Protestants who would like to take a shot at me if they thought I was involved in the IRA."

Presenter: Laughlinn Maginn's family say that he did not become an informer and both police predictions that he would be harassed and shot came true. The family say that the security forces sometimes scattered the contents of their car boot on the road. Mrs. Maginn was stopped so often she gave up driving. On occasions Laughlin Maginn was stopped several times within a few hundred yards. In the last twenty months of his life he was prosecuted twelve times for traffic offences. On the 9th of November 1988 Laughlin Maginn claimed that his life was threatened when he was stopped outside Newry by a UDR patrol.

McShane:
(Solr) He was a very nervous, very agitated and very concerned man and he asked us to write in specific terms and to outline the exact threat that had been made to his life. If I might quote from the letter that we wrote at time, quote the words which were used by the UDR soldier to Mr. Maginn, he said "I have a wee word of warning, I will stiff you when I get the chance". Now in Northern Ireland parlance "stiff" means "kill" you when I get the chance.

Presenter: This confidential security force document shows special branch intelligence from several sources that Laughlin Maginn had been heavily traced as a provisional IRA suspect. He was never charged but at some stage the document was leaked to loyalist terrorists. Some weeks before Laughlin Maginn was shot, a stranger on a motorbike was seen near his Council estate asking neighbours about his movements. In the early hours of August 25th Laughlin Maginn and his wife were watching television. Their four children were asleep upstairs. A car carrying a gunman pulled into the Maginns' estate, the time was a few minutes before one o'clock. The gunman ran to the front window, smashed the glass and began firing. Neighbours were woken by the commotion, as this woman's account recalls.

Neighbour: My husband jumped up and said, "they are shooting, there is somebody shooting someone". I opened the window and I could smell all the gun-smoke. Little Jenny came, Maureen and Laughie's daughter. She was screaming, "please help my daddy, he is bleeding everywhere, help my daddy!" and when I got there, I just followed the trail of blood and he was at the top of the stairs.

Mother: I expected it. From 1981, it is as if someone was

sitting there with their finger on the trigger from 1981, September 1981, till August 1989.

Presenter: Terrorists connected with the paramilitary UDA claimed the killing. In the hunt that followed two members of the UDR were arrested for colluding with terrorists. In our investigation into the circumstances of this killing, we have looked into the background of one of the soldiers charged. We wish to state unequivocally his guilt or innocence is not the subject of this programme. Our sole purpose is to highlight how the UDR's vetting and screening procedures continue to be flawed despite all the Regiment's previous reassurances. At a Court hearing Crown Council said the soldier had admitted to the police that he had named Maginn to the UDA as an IRA suspect and that he had conducted surveillance on him but the soldier's lawyer's disputed the Crown's account. He said his client had made it clear to the police he had been an unwilling helper.

Like many UDR men, the soldier lived with loyalist paramilitaries in the neighbourhood. The Court heard that the soldier's windows had been smashed more than once. It is well known that on such estates paramilitaries sometimes try to pressurise UDR men to collaborate with them. The soldier's lawyer told the Court the UDA had threatened if he did not cooperate he would be "sorted out". The soldier reported the attacks on his flat to his battalion headquarters here in Belfast. We have also learned that the Battalion had been told by his mother and an army doctor that he was suffering from severe stress. Knowing that the soldier was venerable the UDR could have swiftly rehoused him, but this was not done. The question is why didn't the UDR heed these warnings? At the time there was no special Regimental screening unit dedicated to checking the paramilitary links of serving soldiers. Despite the record of collusion by some soldiers with loyalist terrorists going back twenty years, no such special screening unit was established until last Autumn. Why has again such a fundamental, elementary step taken twenty years to introduce?

SoS Brooke: Well, that is, if I may say so, a question which is quite difficult for somebody to answer, who has only actually arrived in the province within the last six months. What we have is the unit which you described, it has a role in terms of looking at people who are recruited or seeking to be recruited into the Regiment and it has a role in looking at people who are nominated from within the command as

to who might require further screening, but that is a decision, in my view, of a thoroughly practical and constructive kind and I am delighted that the unit is in place.

Presenter: But do you think that it should have been a decision taken many years ago in hindsight?

SoS Brooke: I have never been a man for looking over my shoulder at things that I have done myself and I am certainly not going to start doing it in the case of the decisions of others.

Presenter: Sir John Hermon has worked side by side with the UDR. But tonight he makes a radical proposal: the police he says should have the last word on whom the Regiment recruits.

So you want the police to have a veto on who is taken into the UDR.

Hermon: Within the context in which I have now described, leaving the professional matters to the soldiers but in terms of integrity, I believe that that should rest more squarely with the Royal Ulster Constabulary who are better qualified to do in-depth assessments as we do for our own members. I think looking at it maturely and responsibly it would receive serious consideration and should only be avoided for the most valid of reasons. I believe that it would help the UDR and the RUC who are carrying the brunt of the security pressure here.

Presenter: Since there have been quite a number of disasters while vetting has been in the hands of Army, might it not be sensible to hand it over to the police?

SoS Brooke: No, forgive me, there is an RUC input into that process and it is likely that that RUC input will in fact be sharpened as a result of the setting up of the special unit.

Presenter: That is not what Sir Jack is saying, he is saying give the RUC a veto.

SoS Brooke: Yes, I heard it and the decision as to who enters a regiment of the British Army should actually be taken by the British Army.

Presenter: But why when there record up to date has not been that glorious.

SoS Brooke: But forgive me, you are commenting on a number of cases, and it is a small number of cases, of people who have let down the standards of the Regiment. It

is in response to the events of last summer that the special screening unit was in fact set up.

Presenter: In their Anglo-Irish talks Peter Brooke and Gerry Collins have developed a good working relationship but the UDR is now a fraught issue between them.

Dublin has told Mr. Brooke that they do not see how it is possible that soldiers drawn almost exclusively from one section of Northern Ireland's divided community to act as impartial peace keepers. They would prefer to see the Regiment gradually replaced by a expanded RUC.

Presenter: So you would like to see the UDR phased out?

Minister: I certainly must say it like this to you, that they have no role to play as they are constituted at the present time and the way that they are operating.

Presenter: Do you think that there can ever be peace in Northern Ireland with the UDR constituted in its present form.

Minister: I am afraid that I could not see it happening.

Presenter: Why not?

Minister: Because as I say the people do not regard them as a force that they can depend on, as a force that they can have respect for, a force whose credibility is highly questioned, more so now than ever before.

Presenter: If the UDR is regarded, as it is by very many Catholic people and politicians and certainly the Dublin Government as a kind of Protestant militia, and an impediment to reconciliation, why hang on to it?

SoS Brooke: You are, if I may say so, branding a force of 6,500 men and women of extreme courage who put in, to take a single statistic, 11 million man-hours spent out of bed every year on behalf of the Community. That very brave body of men and women constitute some kind of obstacle to the overall issue of confidence. The role they fulfill is key, where there is behaviour that falls below the highest standards of the Regiment then it should quite clearly be punished immediately.

Presenter: In its 20 year history, the UDR has trained nearly 40,000 Protestants in how to use a gun. The UDR's staunch defenders in Northern Ireland remind London and Dublin that without the Regiment, Protestants

will find other ways of defending themselves.

Maginnis: It would be the signal for the increase in loyalist paramilitary activity, and indeed perhaps for the setting up of other paramilitary organisations, because a people have the right to defend themselves against terrorism.

Presenter: Isn't one of the reasons, perhaps even the main reason, that the British Government will not give ground to Catholics on the UDR is because twenty years on, something like 40,000 men have been trained, officially trained in the use of weapons. And if you were to disband the UDR, it is inevitable that some of these men would go with their expertise into Protestant terrorist groups.

Sos. Brooke: If I may say so, that's a hypothesis that we are not going to pursue. The UDR is an integral part of the British Army and will continue to be so, so the idea that it is in fact going to be disbanded, for which the Irish Government have not themselves asked, is not actually a working part of anybody's scenario.

Presenter: To loyalists the UDR fulfills a crucial historical role, the right of the Protestant people to defend themselves. To nationalists its mere existence fuels the IRA it is there to defeat, but unless this Regiment of Protestants can earn the trust of Catholics, it will remain forever part of the problems it was intended to solve.

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